the killing of all species of whale, porpoise, and dolphin (comprising the order of cetaceans); to the Committee on Foreign Affairs.

By Mr. CARTER:

H. Con. Res. 388. Concurrent resolution relative to control of the production and traffic in illegal drugs; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania:

H. Con. Res. 389. Concurrent resolution expressing the sense of the Congress with respect to the adoption in the United States of the metric system of weights and measures; to the Committee on Science and Astronautics.

By Mr. McCORMACK:

H. Res. 580. Resolution to provide for free Federal telecommunications system service to patients in veterans' hospitals; to the Committee on Veterans' Affairs.

By Mr. RYAN (for himself, Mr. BUCHANAN, and Mr. BEGICH):

H. Res. 581. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to th Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 10471. A bill for the relief of Filippo Ardizzone; to the Committee on the Judiciary.

H.R.. 10472. A bill for the relief of Santa Ardizzone; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 10473. A bill for the relief of Capt. George J. Forster; to the Committee on the Judiciary.

By Mr. HALEY:

H.R. 10474. A bill to direct the Secretary of the Interior to convey to Julian A. Johnston phosphate interests of the United States in certain real property located in the State of Florida; to the Committee on Interior and Insular Affairs.

By Mr. MIKVA:

H.R. 10475. A bill for the relief of Mercedes Manuel; to the Committee on the Judiciary.

H.R. 10476. A bill for the relief of Diego Zanfei; to the Committee on the Judiciary.

By Mr. VEYSEY:

H.R. 10477. A bill to clear and settle title of certain claimants to certain real property located in the vicinity of the Colorado River in Riverside County, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. CHARLES H. WILSON:

H.R. 10478. A bill to clear and settle title to certain real property located in the vicinity of the Colorado River in Imperial County, Calif.; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

122. Mr. BINGHAM presented a petition of Bernadette Abbott and 5,000 others, for the restoration of peace in East Bengal, which was referred to the Committee on Foreign Affairs.

SENATE—*Thursday, August 5, 1971*

(Legislative day of Tuesday, August 3, 1971)

The Senate met at 8:45 a.m., on the expiration of the recess, 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:

Eternal Father, we lift our busy minds and burdened hearts and for this moment implore Thy light and Thy wisdom for our journey through the day. In these strenuous and dangerous days may we find inner quiet in the midst of outer tension, and cleansing from anything that would shut Thee out of our lives. Sober us with a fresh sense of personal responsibility that in our age we may contribute to the world's betterment our own lives clean, strong, honest, trustworthy, pure, and serviceable. Help us to light up the world with that beauty, mercy, and goodness which will enfold all men in the radiant kingdom Thou hast promised. May we remain constant in the convictions that come through the revelation of Thy spirit.

O God, our strength and our redeemer, mightily move our Nation that we may choose Thy will as our will, Thy way as our way, Thy peace as our peace.

In the Redeemer's name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 5, 1971.

To the Senate:

Being temporarily absent from the Senate, 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.

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 a joint resolution (H.J. Res. 833) making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 833) making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, August 4, 1971, be approved.

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 334 to 339, inclusive.

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

PROPOSED ASSISTANT SECRETARY OF THE INTERIOR FOR INDIAN AFFAIRS

The Senate proceeded to consider the bill (S. 291) to establish within the Department of the Interior the position of Assistant Secretary of the Interior for Indian Affairs, which had been reported from the Committee on Interior and Insular Affairs with an amendment, to strike out all after the enacting clause and insert:

That there shall be hereafter in the Department of the Interior, in addition to the Assistant Secretaries now provided for by law, one additional Assistant Secretary of the Interior, who shall be appointed by the President by and with the advice and consent of the Senate, who shall be responsible for such duties as the Secretary of the Interior shall prescribe, and who shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of the Interior

SEC. 2. Section 5315, title 5, United States Code, is amended by striking the figure "(6)" at the end of item (18) and by inserting in lieu thereof the figure "(7)".

The amendment was agreed to.

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

The title was amended, so as to read: "A bill to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, and for other purposes."

FEASIBILITY INVESTIGATIONS OF CERTAIN WATER RESOURCE DEVELOPMENTS

The Senate proceeded to consider the bill (S. 2248) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, after line 8, to insert:

3. North Side Pumping Division Extension, Minidoka Project in Jerome and Minidoka Counties, Idaho.

After line 10, to insert:

4. Rogue River Basin project, Grants Pass division, in Josephine County, southwestern Oregon, adjacent to the city of Grants Pass.

On page 2, after line 2, to insert:

5. Dickinson unit, municipal and indus-

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trial water facilities, of the Pick-Sloan Missouri River Basin programs, North Dakota.

And, after line 5, to insert:

6. Seminoe Dam, a feature of the Kendrick project, Pick-Sloan Missouri River Basin project, Wyoming.

So as to make the bill read:

S. 2248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to engage in feasibility studies of the following proposals:

1. Central Valley Project, Delta Division, Montezuma Hills Unit in southern Solano County, California.

2. Gallup Project in McKinley, Valenica, and San Juan Counties in northwest and west-central New Mexico.

3. North Side Pumping Division Extension, Minidoka Project in Jerome and Minidoka Counties, Idaho.

4. Rogue River Basin project, Grants Pass division, in Josephine County, southwestern Oregon, adjacent to the city of Grants Pass.

5. Dickinson unit, municipal and industrial water facilities, of the Pick-Sloan Missouri River Basin program, North Dakota.

6. Seminoe Dam, a feature of the Kendrick project. Pick-Cloan Missouri River Basin project, Wyoming.

The amendments were agreed to.

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

PRESERVATION OF HISTORICAL AND ARCHEOLOGICAL DATA

The Senate proceeded to consider the bill (S. 1245) to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 2, line 3, after the word "other", to strike out "purposes", and insert "purposes',"; on page 5, line 8, after the word "considered", to insert "nonreimbursable"; and, in the same line, after the word "project", to strike out "costs allocated to the several project purposes. An appropriate share, as determined by the responsible Federal agency, of the costs of survey, recovery, analysis, and publication shall be borne by the grantee in the case of projects, activities, or programs funded under Federal grant-in-aid programs" and insert "costs"; 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 the Act entitled "An Act to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam", approved June 27, 1960 (74 Stat. 220), is amended to read as follows: "That it is the purpose of this Act to further the policy set forth in the Act entitled 'An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes', approved August 21, 1935 (16 U.S.C. 461–467), and the Act entitled 'An Act to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes,', approved October 15, 1966 (80 Stat. 915), by specifically providing for the preservation of scientific, prehistorical, historical, and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the location of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency; or (2) any alteration of the terrain caused as a result of any Federal, federally assisted, or federally licensed activity or program.

"SEC. 2. Before any agency of the United States shall undertake the construction of a dam, or issue a license to any private individual or corporation for the construction of a dam it shall give written notice to the Secretary of the Interior (hereinafter referred to as the 'Secretary') setting forth the site of the proposed dam and the approximate area to be flooded and otherwise changed if such construction is undertaken: *Provided,* That with respect to any floodwater retarding dam which provides less than five thousand acre-feet of detention capacity and with respect to any other type of dam which creates a reservoir of less than forty surface acres the provisions of this section shall apply only when the constructing agency, in its preliminary surveys, finds, or is presented with evidence that scientific, prehistorical, historical, or archeological data exist or may be present in the proposed reservoir area.

"SEC. 3. (a) Whenever any Federal agency finds, or is made aware by an appropriate historical or archeological authority, that its operation in connection with any Federal, federally assisted, or federally licensed project, activity, or program adversely affects or may adversely affect significant scientific, prehistorical, historical, or archeological data, such agency shall notify the Secretary, in writing, and shall provide the Secretary with appropriate information concerning the project, program, or activity. Such agency (1) may request the Secretary to undertake the recovery, protection, and preservation of such data (including preliminary survey, or other investigation as needed, and analysis and publication of the reports resulting from such investigation), or (2) may, with funds appropriated for such project, program, or activity, undertake the activities referred to in clause (1). Copies of reports of any investigations made pursuant to clause (2) shall be made available to the Secretary.

"(b) The Secretary, upon notification by any such agency or by any other Federal or State agency or appropriate historical or archeological authority that scientific, prehistorical, historical, or archeological data is or may be adversely affected by any Federal federally assisted, or federally licensed project, activity, or program, shall, if he determines that such data is being or may be adversely affected, and after reasonable notice to the agency responsible for such project, activity, or program, conduct or cause to be conducted a survey and other investigation of the areas which are or may be affected and recover and preserve such data (including analysis and publication) which, in his opinion, are not being but should be recovered and preserved in the public interest. The Secretary shall initiate action within sixty days of notification to him by an agency pursuant to subsection (a), and within such time as may be agreed upon with the head of the responsible agency in all other cases. The responsible agency upon request of the Secertary is hereby authorized to assist the Secretary and to transfer to the Secretary such funds as may be necessary, in an amount not to exceed one per centum of the total amount appropriated for such project, activity, or program, to enable the Secretary to conduct such survey or other investigation and recover and preserve such data (including analysis and publication) or, in the case of small projects which cause extensive scientific, prehistorical, historical, or archeological damage, such larger amount as may be mutually agreed upon by the secretary and the responsible Federal agency as being necessary to effect adequate protection and recovery: *Provided,* That the costs of such survey, recovery, analysis, and publication shall be considered *nonreimbursable* project costs.

"(c) The Secretary shall keep the responsible agency notified at all times of the progress of any survey or other investigation made under this Act, or of any work undertaken as a result of such survey, in order that there will be as little disruption or delay as possible in the carrying out of the functions of such agency.

"(d) A survey or other investigation similar to that provided for by subsection (b) of this section and the work required to be performed as a result thereof shall so far as practicable also be undertaken in connection with any dam, project, activity, or program which has been heretofore authorized by any agency of the United States, by any private person or corporation holding a license issued by any such agency, or by Federal law.

"(c) The Secretary shall consult with any interested Federal and State agencies, educational and scientific organizations, and private institutions and qualified individuals, with a view to determining the ownership of and the most appropriate repository for any relics and specimens recovered as a result of any work performed as provided for in this section.

"SEC. 4. In the administration of this Act, the Secretary may—

"(1) accept and utilize funds transferred to him by any Federal agency pursuant to this Act;

"(2) enter into contracts or make cooperative agreements with any Federal or State agency, any educational or scientific organization, or any institution, corporation, association, or qualified individual;

"(3) obtain the services of experts and consultants or organizations thereof in accordance with section 3109 of title 5, United States Code; and

"(4) accept and utilize funds made available for salvage archeological purposes by any private person or corporation.

"SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act."

The amendments were agreed to.

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

RENEWAL OF CERTAIN STAR ROUTE CONTRACTS

The Senate proceeded to consider the bill (S. 1989) to amend title 39, United States Code, to provide for the renewal of certain star route contracts, which had been reported from the Committee on Post Office and Civil Service with an amendment, to strike out all after the enacting clause and insert:

That section 5005(b)(2) of title 39, United States Code, is amended by inserting immediately after the word "holder" the words "or an individual performing the mail transportation services under such a contract."

The amendment was agreed to.

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

RELIEF OF CERTAIN AIR TAXI MAIL TRANSPORTATION OPERATORS

The Senate proceeded to consider the bill (S. 996) for the relief of certain air taxi mail transportation operators which had been reported from the Committee on Post Office and Civil Service with amendments on page 1, line 3, after the word "the", strike out "Postmaster General" and insert "United States Postal Service (hereinafter referred to as the Postal Service)"; in line 5, after the word "of", strike out "current appropriations to the Post Offie Department (hereafter referred to in this Act as the 'Department')," and insert "the Postal Service Fund"; at the beginning of line 10, strike out "entitled, as determined by the Postmaster General," and insert "entitled"; on page 2, line 5, after the word "the", where it appears the first time, strike out "Department" and insert "Postal Service"; in line 16, after the word "Act", strike out "of (1)" and insert "if"; in line 17, after the word "the", strike out "Postmaster General" and insert "Postal Service"; in line 18, after the word "within", strike out "such time as shall be specified by the Postmaster General, and (2) such individual had made appropriate application during the reimbursement period to the Postmaster General for a rate increase to cover the expenses referred to in the first section" and insert "180 days following the date of enactment"; in line 24, after the word "The", strike out "Postmaster General" and insert "Postal Service"; on page 3, line 2, after the word "expenses", strike out "determined by the Postmaster General to have been"; and in line 5, after the word "the", where it appears the first time, strike out "Department" and insert "Postal Service"; 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 the United States Postal Service (hereinafter referred to as the Postal Service), is authorized and directed to pay, out of the Postal Service Fund to each individual eligible for reimbursement under section 2 of this Act the amount of money to which each such individual is entitled under section 3 of this Act. Any payment made to any individual pursuant to this Act shall be in full settlement of all claims by such individual against the United States arising out of—

(1) the expenses which resulted from the application by the Postal Service and the Federal Aviation Agency of certain requirements, and

(2) certain other expenses incurred (described in section 3 of this Act) with respect to such individuals transportation of mail by air at any time during the period commencing July 1, 1967, and ending December 31, 1968 (hereafter referred to in this Act as the "reimbursement period").

SEC. 2. Any individual who transported mail as a noncertified air common carrier at any time during the reimbursement period is eligible to apply for reimbursement under this Act if application therefor, in such form as shall be prescribed by the Postal Service, is made by the individual within 180 days following the date of enactment of this Act.

SEC. 3. The Postal Service shall pay to any individual eligible to apply for reimbursement under section 2 of this Act an amount equal to the total amount of expenses incurred by the individual during the reimbursement period in order to meet (1) the requirements established by the Postal Service or the Federal Aviation Agency, or both, with respect to necessary aircraft equipment, continuing aircraft crew training, and operational procedures, and (2) newly imposed or increased landing and ramp fees, or both, charged by airports as a result of increased air taxi mail transportation operations.

SEC. 4. No part of any amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with any claim made under this Act, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

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

The title was amended, so as to read: "A bill relating to the transportation of mail by the U.S. Postal Service."

PERIODIC DISTRIBUTION OF UNCLAIMED POSTAL SAVINGS SYSTEM DEPOSITS

The bill (H.R. 135) to provide for periodic pro rata distribution among the States and other jurisdictions of deposit of available amounts of unclaimed postal savings system deposits, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar, beginning with "National Labor Relations Board."

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

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated, as requested by the Senator from Montana.

NATIONAL LABOR RELATIONS BOARD

The legislative clerk read the nomination of Peter G. Nash, of New York, to be General Counsel of the National Labor Relations Board.

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

U.S. AIR FORCE

The legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

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

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—AIR FORCE

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

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

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

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

LEGISLATIVE SESSION

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

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

Mr. MANSFIELD. Mr. President, I do not seek recognition.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the distinguished Senator from Maryland is recognized for not to exceed 15 minutes.

(The remarks of Mr. MATHIAS when he introduced a joint resolution and a concurrent resolution are printed in the RECORD under Submission of Concurrent Resolutions.)

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

Mr. MOSS. Mr. President, the Senate Interior Committee has just concluded 2 days of hearings on S. 1846—introduced by Senator JACKSON and myself to establish a coal gasification corporation.

From that testimony I have been struck by the reoccurrence of one theme over and over again and that is our dwindling resources and the emergency nature of our need to intensify our efforts to meet the energy demands of this country.

Time and time again witnesses testified of the demands for energy and of the urgency of the situation.

In the statement of Joseph C. Swidler, chairman, New York State Public Service Commission, the commissioner presented estimates of the future demand for gas and the related volumes of gas resources and said:

Thus, by 1980 we must find the equivalent of all our probable new gas reserves; by about the mid 1980's or earlier we must find the equivalent of all probable and promising natural gas reserves; and before the end of this century we would have exhausted the full probable, promising, and speculative domestic natural gas reserves which the Potential Gas Committee thinks may exist. Even the most generous estimate of potential gas reserves does not take us much beyond this century, assuming that we proceed to find all of the reserves as fast as we need them according to conservative estimates of need (demand). Obviously, we will not proceed directly to find all the estimated gas reserves,

and accordingly domestic natural gas discoveries will fail to meet the demand for gas in the United States well before the end of this century.

Mr. Swidler outlined the problems of New York City, and said that their experience in New York has demonstrated—

The urgent need to reach out as quickly as possible to coal gasification and the other promising ways to augment natural gas supplies.

Distributors in New York State and some of their pipeline suppliers have turned to alternatives such as importing liquefied natural gas from abroad and converting naphtha to gas. According to Mr. Swidler:

There is general agreement that regardless of steps which may be taken to increase production or find new sources of natural gas, supplements will be necessary from synthetic gas by 1980.

The American Gas Association, a nonprofit trade association serving the gas requirements of some 92 percent of the ultimate gas consumers in this country began coal gasification research in 1946. Hubert D. Clay, Chairman of the Government Relations Committee of the American Gas Association advised us that during the early 1960's AGA funded specific engineering feasibility studies which investigated the generation of pipeline gas from bituminous coal among others and as a result of these and other investigations, the Office of Coal Research, Department of the Interior, and the Institute of Gas Technology under the sponsorship of the AGA entered into a contract for the operation of a small laboratory size pilot plant which would utilize the HYGAS process for coal gasification. AGA participated with Interior in funding this program on a 50–50 basis.

Since that time there have been numerous discussions between industry representatives and officials of the Interior Department and other offices of the executive branch which led to the general agreement on a modified version of the AGA proposal to seek appropriation of funds by the Government and commitments by industry to apply $30 million per year—$20 million by Government and $10 million by industry—for 4 years to conduct the pilot plant stage evaluations of six known processes and leave the details of the demonstration plant phase to later determination as more information became available. As Mr. Clay stated:

This procedure recognized the immediate urgency and the prerequisite nature of performing the pilot plan evaluations as the next step in following up the extensive laboratory research to date on the processes which offered the most encouragement in confirming commercial feasibility.

Processes for the conversion of coal to synthetic gas have been known for many years and research work to improve the processes has been underway in the country. What is needed now is the incentive and assistance for industry to take the expensive steps toward development of full size, commercial plants.

With this background of research and cooperation with the Department of Interior, Chairman Clay supported the concept of a coal gasification development corporation as outlined by S. 1846 and endorsed the bill with these words:

While A.G.A. is most desirous of proceeding with the joint Interior Department—A.G.A. program of pilot plant evaluations, we view the Coal Gasification Development Corporation as a suitable organization to perform the next logical step. We view S. 1846 as a proposal entirely compatible with the presently contemplated Interior Department—A.G.A. joint research effort. It is our hope that this Committee and the Congress will also acknowledge the compatibility of these two specific steps in a logical and necessary sequence. *The two steps complement each other.* The goals of S. 1846 will be accomplished more efficiently upon utilizing the results of the pilot plant valuations after about four years. The Interior—A.G.A. pilot research findings will be translated into commercial demonstration in a more timely and orderly manner by proceeding to establish the necessary corporate entity and organization.

A.G.A. is pleased to endorse S. 1846 to establish a Coal Gasification Development Corporation as a vehicle to perform the essential, final step in the long and rigorous research efforts which will result in a vital new coal gasification industry.

This endorsement was delivered before the Senate Interior and Insular Affairs Committee in testimony of Mr. Clay of the American Gas Association on July 28.

In the Washington Post of August 4 announcement was made of a contract between his association and the Interior Department. According to the newspaper report the first 4 years of the agreement will cover operation of three pilot plants. The second 4 years will be a demonstration program. This contract was obviously being negotiated at the time Mr. Clay was preparing his statement to the Senate committee. While I have not yet seen the actual contract I can only presume that Mr. Clay meant what he said in endorsing the corporation envisioned by S. 1846.

The statement of Russell J. MacMullan of Pullman, Inc., also endorsed S. 1846.

Mr. MacMullen said:

The Coal Gasification Development Corporation appears to have certain key characteristics that make it ideally suited for intensifying the necessary program. It will focus responsibility for advancing this important project on a Corporation which would have this sole objective. Because the project involves technology at the limits of today's frontiers, it is important that he responsibility for advancing this project not be diluted by competing demands in organizations having other tasks in addition to coal gasification development. Furthermore, because the risks involved in the new technology are substantial with respect to technology and size, organization of a government-industry corporation to assume the risks and responsibility is most likely to make the shared risk more acceptable to the financial backers of the corporation. This should serve to expedite effective undertaking of the development.

S. 1846 contemplates the establishment of a single purpose "Coal Gasification Development Corporation" for the purpose of selecting the most promising process for coal gasification and expediting the development of a prototype commercial size plant. The major provisions of the bill are as follows:

First. The Corporation will have a board of nine directors, five of whom will be appointed by the President with the advise and consent of the Senate and four appointed by the President based upon the recommendations of non-Federal participants.

Second. The employees and officers will not be civil service personnel.

Third. The Administrator of GSA will represent the Federal Government in contractual arrangements to organize the Corporation.

Fourth. The function of the Corporation will be to select the two most promising processes for manufacturing natural gas from coal; design, construct, operate, and maintain a demonstration facility for each process; and based upon the results of the demonstration plants, design, construct, operate, and maintain a full-scale commercial plant.

Fifth. The Corporation will hold patents but make them available on a nonexclusive, royalty free basis. The Administrator of GSA will handle them after dissolution of the Corporation.

Sixth. The corporation shall be dissolved after 6 years. Proceeds from the disposition of facilities will be returned to the U.S. Treasury.

Seventh. Appropriations of $5 million are authorized for fiscal year 1971. Federal participation is limited to 60 percent of the total costs of the corporation.

My State of Utah and the West have abundant low sulfur content coal. Indeed, as Mr. James R. Garvey, executive vice president of the Nation Coal Association, told us in his testimony:

The United States is fortunate to be blessed with an abundance of fuel resources in the form of coal. The 1,605 billion tons of recoverable coal estimated by the U.S. Geological Survey constitute 74 percent of the total ultimately recoverable fuels of our nation; and, unlike atomic fuel, coal can be converted to meet our energy needs in all forms . . . it is not limited to the production of electricity. Coal cannot only be used directly to produce electricity but can also, with further improvements in existing technology, be converted to synthetic liquids and gases, the nonelectric energy forms so much needed by our nation.

A synthetic gas plant would have to produce a minimum of 250 million feet of gas per day. A 25-year coal reserve would have to be assured. Depending upon the quality of the coal, mines capable of producing from 5 to 10 million tons per year would be required to serve each plant. Commercial development of coal gasification technology is essential to meet our future energy demands and substantial coal resources are available to us.

To achieve this goal, the National Coal Association endorsed S. 1846 and recommended a major effort in two areas. Mr. Garvey said:

1. The coal-to-gas research projects currently underway by several organizations, with sponsorship by Department of the Interior, must be expedited. These projects, each of which embodies a different approach to the development of a commercial process, are all now either in or ready for the pilot-scale research stage.

2. Planning should be done now for incorporating the most promising results from this pilot-stage research in full-scale demonstration plants to finalize commercial feasibility.

Such a procedure now would be comparable to the effective procedures followed in the developing of commercial atomic power plants. Such a procedure could also be used in the commercial development of oil shale.

There were environmental questions by conservationists at the hearing on the use of coal in the gasification process.

These are legitimate questions about the effect upon our environment with which we are all concerned. I am advised sulfur is converted to gaseous hydrogen sulfide in the gasification process and as such, through known technology, the sulfur can be removed, producing a "sweet" gas.

Problems having to do with the strip mining of coal will have the attention of the Congress this fall when the Interior Committee holds hearings on proposals related to controls for strip mining. Adequate and responsive control of practices which have despoiled portions of our beautiful country must be a part of any large scale operation. I am confident we can solve this problem by the time we are ready for commercial coal gasification development.

The National Coal Association spokesman emphasized that the rate of effort in coal gasification processes are at least 2 and perhaps as much as 5 years away from a demonstration plant.

The Department of the Interior has recommended against S. 1846, and Mr. David Freeman of the Office of Science and Technology stated that his Office did not believe that the formation of a special coal gasification development corporation is necessary or warranted at this time.

With all due respect to Mr. Freeman, I cannot agree with his position or that of the Department of the Interior. I do agree with those witnesses to whom I have already referred and with Mr. Walter E. Rogers, president of the Independent Natural Gas Association of America, who said it is necessary at this time to intensify our efforts in the development of a coal gasification process. Like Mr. Rogers, I am appreciative of the efforts already put forth by the Department of the Interior in the pilot plant evaluations. But I believe that we should push for a demonstration plant at this time and that S. 1846 is a proper and vital vehicle with which to make the final move from the pilot plant stage to the demonstration plant stage.

I address the Senate at this time and before the bill has been reported because of the sense of urgency which permeated the hearings. We must look to our energy resources. We must increase our gas supplies. We cannot wait for a hope for an unheralded breakthrough in methods of coal gasification. We must take some risks, spend some money, and take action now to hasten the demonstration phase.

If we can shorten the time, as I believe we can, from pilot plant to commercial demonstration with the development corporation, we should do so at once.

We are in the same position we were with synthetic rubber during World War II. We took risks there and were successful. There is the same urgency now. This is the usual American approach to the problem of our energy needs and coal gasification. We can work it out promptly and successfully with the application of Yankee ingenuity. I urge thoughtful consideration of S. 1846.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the distinguished senior Senator from Arkansas (Mr. McCLELLAN) is recognized for not to exceed 15 minutes.

(The remarks of Mr. McCLELLAN when he introduced S. 2432 and the ensuing debate are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. According to the previous order, the Senate will proceed to the transaction of routine morning business with speeches by Senators limited to 3 minutes and the period to extend not more than 10 minutes.

Is there morning business to be transacted at this time?

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

DOLLAR GROWS WEAKER BY THE DAY

Mr. BYRD of Virginia. Mr. President, the Washington Post today published an article by Joseph R. Slevin entitled "Dollar Grows Weaker by the Day."

Mr. Slevin, who is a syndicated writer on economics, points out that inflation is the main cause of the weakness of the dollar. He points out that the world standing of the once proud U.S. dollar is going from bad to worse.

I regret to say I feel that Mr. Slevin is correct in his statements in this regard. It goes back, Mr. President, to the Government's financial situation.

I have prepared tables showing U.S. gold holdings, total reserve assets, and liquid liabilities to foreigners. This table shows that at the end of World War II, the United States had total assets of $20 billion and liquid liabilities of less than $7 billion.

Today the United States has total assets of only $13.5 billion, but total liquid liabilities to foreigners of $48 billion.

I have prepared another table, "Deficits in Federal Funds and Interest on the National Debt, 1961–72, Inclusive."

This table from official records of the Government shows that this past fiscal year the Government had the largest Federal funds deficit since World War II. It set a record, a $30 billion deficit, and the estimate is for another $30 billion deficit in the current fiscal year. Thus the Government will have a back-to-back deficit of $60 billion—an astounding figure.

At this point I ask unanimous consent that these fiscal tables, table 1 and table 2, be printed in the RECORD at this point.

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

FISCAL TABLES

TABLE 1.—U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS, AND LIQUID LIABILITIES TO FOREIGNERS. (SELECTED PERIODS)

[In billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
1957	22.8	24.8	15.8
1965	13.7	15.5	29.1
1970	10.7	14.5	43.3
June 1971	10.5	13.5	[1] 48.0

[1] Estimated figure.

Source: U.S. Treasury Department.

TABLE 2.—DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1961–72 INCLUSIVE

[Billions of dollars]

	Receipts	Outlays	Deficit (−)	Debt interest
1961	75.2	79.3	4.1	9.0
1962	79.7	86.6	6.9	9.2
1963	83.6	90.1	6.5	10.0
1964	87.2	95.8	8.6	10.7
1965	90.9	94.8	3.9	11.4
1966	101.4	106.5	5.1	12.1
1967	111.8	126.8	15.0	13.5
1968	114.7	143.1	28.4	14.6
1969	143.3	148.8	5.5	16.6
1970	143.2	156.3	13.1	19.3
1971	133.6	163.8	30.2	20.8
1972 [1]	150.0	180.0	30.0	21.2
12-year total	1,314.6	1,471.9	157.3	168.4

[1] Estimated figures.

Source: Office of Management and Budget, except 1972 estimates.

Mr. BYRD of Virginia. And I ask unanimous consent that the article by Joseph R. Slevin, captioned "Dollar Grows Weaker by the Day," published today in the Washington Post and in other newspapers throughout the United States, be printed at this point in the RECORD.

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

DOLLAR GROWS WEAKER BY THE DAY

(By Joseph Slevin)

The world standing of the once proud U.S. dollar is going from bad to worse.

President Nixon and his aides hoped that last May's wracking dollar crisis would cool things off for a while but it didn't. The dollar is in deep trouble and every unfavorable development sets off a fresh spasm of concern around the world.

Some weeks are grimmer than others. The past fortnight has been a chamber of horrors for the officials whose job it is to keep

an hour-to-hour watch on this country's floundering currency.

The biggest jolt came last week when the Commerce Department disclosed that unexpectedly large trade deficits in April and May had been followed by an even bigger one in June. U.S. imports of foreign goods outpaced exports of American products by $803 million.

The sudden slump sent shock waves through the major financial centers. The United States has to chalk up big foreign trade earnings to pay for its heavy military foreign aid and private investment outlays. If we cannot sell billions of dollars more to foreign countries than they sell to us, there will have to be a sharp cutback in American overseas spending.

Jittery businessmen and speculators are continuing to unload dollars in favor of buying strong foreign currencies and gold. The sales are causing a damaging dollar outflow and the movement would be even larger if other countries hadn't acted to keep unwanted dollars from crossing their borders. West Germany and Canada are floating their currencies. Japan and France have elaborated foreign exchange controls.

Foreign bankers and financial officials look on Federal Reserve Board Chairman Arthur Burns as a rare rock of stability, but the White House blindly added to the overseas nervousness a week ago Wednesday with a clumsy attack on both the Federal Reserve and its respected chairman. At a time when the administration should be doing everything it can to strengthen foreign confidence in the dollar, it went perversely out of its way to reduce the stature of the dollar-defending central bank.

Last week's announcement of a near-record $23 billion budget deficit was another body-blow to the dollar. Much as the administration may argue that the red ink is helping to stimulate business activity, conservative overseas financial men fear that big deficits are highly inflationary.

Inflation is the main cause of the dollar's weakness and the big steel-worker settlement reinforced a foreign conviction that the administration is doing little or nothing to check the steamy wage-price spiral.

Nixon has refused to adopt the wage-price restraints that Burns repeatedly has recommended. Foreign experts see no other way he can stop inflation.

Foreign officials charge that Nixon is failing to take the essential steps that he should take to defend the dollar. They are gloomily certain he does not understand that the dollar is a shaky, threatened currency.

Nixon's "benign neglect" policy of passive indifference is all the more baffling because of his overriding interest in foreign policy. No country can have a strong foreign policy without a strong economy and sturdy currency. Yet the same President who is so anxiously reaching for a rapprochement with Communist China is neglecting to take the basic steps to stop inflation and to bolster the dollar that both the Federal Reserve and his own Treasury Department reportedly have urged.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF PROCUREMENT FOR MEDICAL STOCKPILE

A letter from the Secretary of Health, Education, and Welfare in the nature of a report, pursuant to law, of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes to the Committee on Armed Services.

REPORTS ON OFFICERS ON DUTY WITH DEPARTMENT OF THE ARMY

A letter from the Acting Secretary of the Army, transmitting, pursuant to law, reports on the number of officers on duty with Headquarters, Department of the Army, and detailed to the Army General Staff, as of June 30, 1971 (with accompanying reports); to the Committee on Armed Services.

REPORT BY SECRETARY OF TRANSPORTATION

A letter from the Secretary of Transportation submitting, pursuant of the Central Railroad Co. of New Jersey as of May 31, 1971 (with accompanying report); to the Committee on Commerce.

REPORT OF THE DEPARTMENT OF COMMERCE

A letter from the Secretary of Commerce transmitting, pursuant to law, a report covering activities during the calendar year 1970 (with accompanying report); to the Committee on Commerce.

PROPOSED LEGISLATION RELATING TO PROTECTION OF PUBLIC AND FOREIGN OFFICIALS

A letter from the Attorney General and Secretary of State, transmitting a draft of proposed legislation to amend title 18, United States Code, to provide for expanded protection of public officials and foreign officials, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

REPORTS RELATING TO THIRD AND SIXTH PREFERENCE FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, transmitting, pursuant to law, reports on visa petitions according third and sixth preference classification to certain aliens (with acompanying papers); to the Committee on the Judiciary.

ORDERS SUSPENDING DEPORTATION

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, a report of orders suspending deportation, as well as a list of the persons involved (with accompanying papers) to the Committee on the Judiciary.

SUPPLEMENTAL REPORT ON COST ESTIMATES FOR A STUDY OF NATIONAL HEALTH INSURANCE PROPOSALS

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a supplemental report on cost estimates for a "Study of National Health Insurance Proposals" (with an accompanying report); to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION PROVIDING FOR REVIEW OF CERTAIN VETERANS' BENEFIT CASES

A letter from the Administrator of Veterans' Affairs submitting proposed legislation to provide for the review of certain veterans' benefit cases forfeited for fraud on or before September 1, 1959, and for remission of forfeitures (with accompanying papers); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Appropriations, without amendment:

H.J. Res. 833. A joint resolution making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes (Rept. No. 92-355).

By Mr. ELLENDER, from the Committee on Appropriations, without amendment:

H.J. Res. 829. A joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes (Rept. No. 92-354).

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

S.J. Res. 72. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas (Rept. No. 92-356).

By Mr. McCLELLAN, from the Committee on Government Operations, with amendments:

H.R. 4713. An act to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of committees of the House of Representatives to the use of certain currencies (Rept. No. 92-357).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

James R. Schlesinger, of Virginia, to be a member of the Atomic Energy Commission; and

William Offutt Doub, of Maryland, to be a member of the Atomic Energy Commission.

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

Nils A. Boe, of South Dakota, to be judge of the U.S. Customs Court.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Edwin W. Martin, of Maryland, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to the Union of Burma; and

James F. Campbell, of Maryland, to be an Assistant Administrator of the Agency for International Development.

Mr. MAGNUSON. Mr. President, as in executive session, I report favorably sundry nominations in the U.S. Coast Guard which have previously appeared in the CONGRESSIONAL RECORD. I ask unanimous consent that, to save the expense of printing them on the Executive Calendar, they lie on the Secretary's desk for the information of Senators.

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

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

Timothy C. Hess, and sundry other officers, for promotion in the Coast Guard.

CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT—EXECUTIVE REPORT OF A COMMITTEE—(EXECUTIVE REPORT NO. 92-8)

Mr. FULBRIGHT. Mr. President, as in executive session, I ask unanimous consent to file a report from the Committee on Foreign Relations on the Convention for the Suppression of Unlawful Seizure of Aircraft—Executive A, 92-1—together with individual views.

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

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The ACTING PRESIDENT pro tempore (Mr. ALLEN) announced that on today, August 5, 1971, the President pro

tempore signed the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

S. 485. An act to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations;

S. 751. An act to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile;

S. 752. An act to authorize the disposal of vegetable tannin extracts from the national stockpile;

S. 753. An act to authorize the disposal of thorium from the supplemental stockpile;

S. 755. An act to authorize the disposal of shellac from the national stockpile;

S. 756. An act to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile;

S. 757. An act to authorize the disposal of iridium from the national stockpile;

S. 758. An act to authorize the disposal of mica from the national stockpile and the supplemental stockpile;

S. 759. An act to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile;

S. 760. An act to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile;

S. 761. An act to authorize the disposal of diamond tools from the national stockpile;

S. 762. An act to authorize the disposal of chromium from the national stockpile and the supplemental stockpile;

S. 763. An act to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile;

S. 765. An act to authorize the disposal of antimony from the national stockpile and the supplemental stockpile;

S. 767. An act to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile;

S. 768. An act to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile;

S. 769. An act to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile;

S. 770. An act to authorize the disposal of columbium from the national stockpile and the supplemental stockpile;

S. 771. An act to authorize the disposal of selenium from the national stockpile and the supplemental stockpile;

S. 772. An act to authorize the disposal of celestite from the national stockpile and the supplemental stockpile;

S. 774. An act to authorize the disposal of vanadium from the national stockpile;

S. 775. An act to authorize the disposal of magnesium from the national stockpile;

S. 776. An act to authorize the disposal of abaca from the national stockpile;

S. 777. An act to authorize the disposal of sisal from the national stockpile;

S. 778. An act to authorize the disposal of kyanite-mullite from the national stockpile;

H.R. 7586. An act to amend the act of December 30, 1969, establishing the Cabinet Committee on Opportunities for Spanish-Speaking People, to authorize appropriations for 2 additional years;

H.R. 7931. An act to amend the District of Columbia Code with respect to the administration of small estates, and for other purposes;

H.R. 9272. An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes; and

S.J. Res. 105. Joint resolution authorizing the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups."

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. McCLELLAN (for himself, Mr. HRUSKA, Mr. ERVIN, Mr. BYRD of West Virginia, Mr. ALLEN, Mr. SCOTT, and Mr. THURMOND):

S. 2432. A bill relating to the amendment of the grant of rulemaking power for the Federal courts sitting in criminal proceedings, and for various other purposes. Referred to the Committee on the Judiciary.

By Mr. BROOKE:

S. 2433. A bill to amend the definition of "member of family" for purposes of Federal employees' health insurance coverage. Referred to the Committee on Post Office and Civil Service.

By Mr. MAGNUSON:

S. 2434. A bill entitled "The Children's Catastrophic Health Care Act of 1971." Referred to the Committee on Finance.

By Mr. HUMPHREY:

S. 2435. A bill for the relief of Dominador C. Ochoa, Armedios Ochoa, Benjamin Ochoa, Corazon Ochoa. Referred to the Committee on the Judiciary.

By Mr. HRUSKA (by request):

S. 2436. A bill to amend title 18, United States Code, to provide for expanded protection of public officials and foreign officials, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. FONG (for himself and Mr. INOUYE):

S. 2437. A bill to authorize a program for the development of fishery resources in the Central, Western, and South Pacific Ocean. Referred to the Committee on Commerce.

By Mr. HATFIELD:

S. 2438. A bill to provide a tax credit for contributions made directly to individuals and families whose income is below the poverty level. Referred to the Committee on Finance.

By Mr. BAKER:

S. 2439. A bill for the relief of Cherita Stenneth. Referred to the Committee on the Judiciary.

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

S. 2440. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes. Referred to the Committee on Public Works.

By Mr. JORDAN of North Carolina (for himself, Mr. BYRD of Virginia, Mr. SPONG, and Mr. ERVIN):

S. 2441. A bill to authorize the Secretary of the Interior to conduct a study to determine the best and most feasible means of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal. Referred to the Committee on Interior and Insular Affairs.

By Mr. TOWER (for himself, Mr. BELLMON, Mr. DOLE, Mr. FANNIN, Mr. HANSEN, Mr. PEARSON, and Mr. STEVENS):

S. 2442. A bill to provide that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to persons engaged in the production or gathering and sale but not in the transmission of natural gas. Referred to the Committee on Commerce.

By Mr. McGOVERN:

S. 2443. A bill to amend section 214 of the Foreign Assistance Act of 1961 to authorize assistance to schools and hospitals abroad which are under the administrative responsibility of U.S. citizens. Referred to the Committee on Foreign Relations.

By Mr. SYMINGTON:

S. 2444. A bill to protect producers' income when rebuilding reserve stocks of feed grains and wheat, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. HUMPHREY:

S. 2445. A bill to provide for the nationwide registration of voters for Federal elections. Referred to the Committee on Post Office and Civil Service.

By Mr. INOUYE:

S. 2446. A bill to establish a special fund in the Treasury, consisting of excess sugar excise tax collections, to enable the Secretary of Agriculture to conduct research into environmental problems arising in the production, processing, and refining of sugar; and

S. 2447. A bill to permit a noncontiguous State to elect to use and allocate funds from the highway trust fund to achieve a balanced transportation system responsive to the unique transportation needs and requirements of such a noncontiguous State. Referred to the Committee on Finance.

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

S. 2448. A bill to allow a credit against Federal income tax to low-income individuals who have attained age 65 for State and local property taxes paid by them on their residences, and for rent considered as taxes paid by them. Referred to the Committee on Finance.

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

S. 2449. A bill to provide with respect to the inheritance of interests in restricted or trust land within the Nez Perce Indian Reservation, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

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

S. 2450. A bill to establish land use policy, to establish guidelines for its administration, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. HOLLINGS:

S. 2451. A bill to establish a wage and price advisory board in the legislative branch of the Government. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BELLMON:

S. 2452. A bill to establish a Fiscal Stabilization Board as an independent agency of the Government, and to authorize the President, upon recommendation of the Board, but subject to disapproval of either House of the Congress, to increase or decrease Federal income taxes in order to stabilize the economy. Referred to the Committee on Finance.

By Mr. JACKSON (for himself and Mr. ALLOTT; by request):

S. 2453. A bill to designate certain lands as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself, Mr. RANDOLPH, and Mr. MAGNUSON):

S. 2454. A bill to amend the Youth Conservation Corps Act of 1970 (P.L. 91–378, 84 Stat. 794) to expand the Youth Conservation Corps pilot program and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 2455. A bill to regulate the practice of strip mining, to protect the environment, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS:

S.J. Res. 148. A joint resolution to repeal legislation relating to the use of the Armed Forces of the United States in certain areas outside the United States. Referred to the Committee on Foreign Relations.

By Mr. McCLELLAN (for himself and Mr. SCOTT):

S.J. Res. 149. A joint resolution to authorize

and request the President to proclaim the year 1972 as International Book Year. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCLELLAN (for himself, Mr. HRUSKA, Mr. ERVIN, Mr. BYRD of West Virginia, Mr. ALLEN, Mr. SCOTT, and Mr. THURMOND):

S. 2432. A bill relating to the amendment of the grant of rulemaking power for the Federal courts sitting in criminal proceedings, and for various other purposes. Referred to the Committee on the Judiciary.

THE COURT PRACTICE APPROVAL ACT OF 1971

Mr. McCLELLAN. Mr. President, I have today introduced, along with my distinguished colleagues, the Senator from Nebraska (Mr. HRUSKA), the Senator from North Carolina (Mr. ERVIN), the Senator from South Carolina (Mr. THURMOND), and the Senator from Pennsylvania (Mr. SCOTT), the Court Practice Approval Act of 1971, which would modify the present delegation of power to the Supreme Court of the United States to prescribe rules of practice and procedure applicable to the Federal courts sitting in criminal and various other proceedings.

The bill has been drafted to respond to a problem brought to light by the circulation of the Revised Draft of the Proposed Rules of Evidence for the U.S. Courts and Magistrates. The proposed rules contain a number of provisions that would make far-reaching changes in present law and, in at least one particular manifest a disregard for the sentiment of Congress as quite clearly expressed in last year's District of Columbia crime bill. While no final rules have been reported to Congress as yet, I am concerned that the current enabling legislation authorizing such rules would prove an untoward and unintended obstacle to any meaningful critique of such rules as are reported to Congress. Under present law, rules reported to Congress are given the force and effect of law unless both Houses register their objection within 90 days. The realities of the legislative process are such that no rules reported to Congress are likely to be objected to within such a short timespan irrespective of the sincerity and validity of the objection. In effect, current law cedes legislative power to the Court and does not provide for either realistic review or plausible participation by the Congress. Accordingly, the proposed bill would change current law in three particulars:

First, no rules would take effect until the end of the session in which they were reported;

Second, no rule would take effect if either House objected; and

Third, objection could be voiced in whole or in part to any proposed rules.

I take this occasion to inform the Senate of some of the considerations that led to this decision—a decision which will, I believe, serve to strengthen the integrity and vitality of the Congress in accord with its responsibilities under the Constitution.

At the outset, I should point out that the general principle, with which I have no argument, that day-to-day judicial procedure and practice is best regulated by the courts, subject only to general oversight by legislative bodies, is firmly rooted in Federal statutory law and dates back to the Judiciary Act of 1789 (Act of Sept. 24, 1789, c. 20 § 17, 73, 83), which gave the Federal courts power to make necessary rules for the orderly conduct of business. Consequently, we have had in existence for generations a network of Federal statutes that authorize the Supreme Court to prescribe rules of pleading, practice and procedure with respect to the various cases and matters which come before the Federal courts for adjudication, subject only to a minimum degree of legislative direction and oversight. Nevertheless, we should not lose sight of the corrollary principle that this is only a delegation of authority by the Congress; it should not be construed as an abdication of responsibility, which would, of course, be legally impermissible under our system of constitutional law. For the important purpose of rulemaking, the relationship between Congress and the Federal courts is not unlike the relationship between a principal and his agent. As Leland L. Tolman, one of the principal architects of the Rules of Civil Procedure, put it in testimony before the House in 1938:

> [A] . . . Court rule gets its vitality from Congress, and what Congress may do, it may undo. (House Hearing on Civil Rules, 75th Cong., 1st Sess. 67 (1938).)

Indeed, from time to time, Congress itself has acted directly to cure basic procedural and other ills, and this has further enhanced the system of justice administered by our Federal tribunals.

The current system for writing rules of practice and procedure is designed so that most procedural and other rules are initially drafted by the various advisory committees on civil rules, criminal rules, admiralty rules, general orders in bankruptcy, appellate rules, and rules of evidence, which, in turn, draw upon the aid and advice of the bench and bar of the country. Proposed rules are then reviewed by the standing committee on rules of practice and procedure, the parent Judicial Conference of the United States and finally the Supreme Court.

The advisory committees conduct the basic studies and develop reports and recommendations in their respective fields. These are forwarded to the standing committee on rules of practice and procedurce, which reports to the Judicial Conference of the United States. If approved, the Judicial Conference formally forwards the report and recommendations to the Supreme Court of the United States. The Supreme Court can approve, modify, or disapprove of the changes in the proposed rules, and those adopted are transmitted by the Suprme Court to the Congress. In such cases, pursuant to statute, the rules automatically became law in 90 days unless the Congress acts adversely. See for example, title 18, United States Code, sections 3771, 3772.

The final step in this procedure—the statutory scheme which provides that the proposed rules have the force and effect of law unless acted upon adversely by Congress within 90 days—must be, I suggest, reconsidered at this time in light of a recent development which illustrates its potential for misuse—a misuse which threatens to further encroach upon the sovereignty of the legislative branch of Government. The present procedure stems from an act of May 10, 1950, c. 174, section 1, 64 Stat. 158. The Judicial Conference recommended it to the Congress with this representation:

> Inasmuch as comprehensive Criminal and Civil Rules are in effect today and the only amendments that are likely to arise are those covering particular problems within the framework of existing rules, the . . . [Conference is] of the opinion that . . . [the new procedure should be adopted]. S. Rep. No. 1491, 81st Cong., 2nd Sess. 4 (1950)).

We are, however, soon to face a comprehensive new code of evidence for Federal courts that in its present form could not have anything but a deleterious effect on our Nation's system of criminal justice. I add, too, that this new code of evidence, unlike efforts in the past, has been drafted with apparently little deference to the expressed will of the Congress.

More specifically, as one illustration, I refer to rule 609, which deals with impeachment by evidence of conviction of crime. This rule would provide, in pertinent part, that, for the purpose of attacking the credibility of a witness, evidence that the witness has been convicted of certain types of crime would be admissible. It goes on, however, to provide that the trial judge may exclude this evidence if he is of the belief that its probative value is substantially outweighed by the danger of unfair prejudice. The rule sounds innocuous enough on its face—it might even be considered a reasonable approach to an age-old evidentiary problem. I do not intend to address myself to the merits of the rule. What I do want to point out to my colleagues is that this apparently innocuous rule is in fact a direct assault on the will of Congress as recently expressed in the District of Columbia Court Reform and Criminal Procedure Act of 1970—Public Law No. 91–358, section 133.

This is the history of the development of this provision. In March of 1969, the Advisory Committee on Rules of Evidence submitted its proposed draft of uniform rules of evidence to the Standing Committee. The draft specifically rejected the impeachment rule derived from the case of *Luck* v. *United States*, 121 U.S. App. D.C. 151, 348 F.2d 763 (1965). The so-called Luck rule had established a standard for the District of Columbia which provided a trial judge with discretion to limit or prevent impeachment of a defendant or other witness by proof of a conviction of certain classes of criminal offenses in the event he found a danger of prejudice. The Revised Draft of the proposed rules of evidence published by the Standing Committee in March of this year reversed the prestigious Advisory Committee's position and would make applicable the so-called Luck rule to virtually every Federal case in the country, even though during the 91st Congress, both the Senate and the House of Representatives made a careful and thorough re-

view of the operation of the Luck rule and rejected it.

Several proposals to modify the Luck rule were submitted to the Congress. Full hearings were conducted by both the Senate and House Committees on the District of Columbia, and after due consideration, full debate and with the support of a majority of the Bar of the District of Columbia, the Congress of the United States expressly overruled the Luck case and eliminated the discretion of the trial judge to limit or prevent impeachment of a defendant or other witness by proof of a conviction of a criminal offense.

I find it incredible that within less than 8 months after the Congress fully considered and decisively rejected the Luck rule for the District of Columbia, which is the only jurisdiction where it had application at that time in the federal system, the Standing Committee on Rules of Practice and Procedure is now proposing that the Luck rule be adopted as the law of the land and applied in every Federal district court in the country. Apparently, the committee paid no attention to the congressional judgment on this matter. In fact, there is no mention whatsoever, in the committee's note purporting to explain the rule, that Congress had recently specifically disapproved the position that the committee was advancing. Nor is there any attempt made to meet the arguments raised by those who spoke in opposition to the rule during the course of legislative deliberations.

I recognize, of course, that the Supreme Court has not as yet approved this rule, and what gives me concern may never come about. Nevertheless, I think it more advisable to act now rather than to wait until the harm is done. If this rule and others like it are approved, they will be forwarded to the Congress, which, in order to block their effectiveness, will be forced to muster a majority in both the House of Representatives and the Senate and secure the approval of the President within a period of 90 calendar days. This course of conduct—which may be a practical impossibility within the time-frame prescribed—will be required on the Luck issue, for example, in order merely to preserve current law as enacted in the last Congress. This provision of the proposed rules thus illustrates well a potential for evil in the system, which calls for corrective measures now.

It may, of course, be argued that the Standing Committee was only exercising its duty as it saw it. Surely, reasonable men can differ over the merits of the Luck rule, and I do not believe for a moment that the committee was trying to highball a curve by the Congress. Its membership is drawn from the highest order. Nevertheless, the issue here is not the content of the proposed rules in their current form. The crux of the problem is with whom should the final power to regulate rules of procedure repose, and does the present system truly place that power where it belongs—in the Congress.

The difficulty with the present system is manifest for all to see. How can the Congress exercise this final power and corresponding duty under the present restraints that for all intents and purposes preclude any realistic expectation of control? How do we justify the fact that the concurrence of both Houses of Congress is required generally to pass legislation, but that the approval of only one body suffice to give effect to rules of practice and procedure? To put into effect a reorganization plan, the executive faces the veto of either House. (See 5 U.S.C. § 906 (Supp. 1964).) Why should the judiciary have a more favored status? Why should we not consider proposed rules in whole or in part? What distorted logic demands that only 90 days expire before vitality is given to procedural laws that so vitally affect our concepts to personal liberty and an orderly society? These questions point to the defects in our present system and at the same time direct us to the solution.

The bill which I have introduced today would change current law in three particulars: It would amend title 18, sections 3771 and 3772, and make conforming amendments to title 28, sections 2072 and 2075. It provides that—

First. No rules would take effect until the end of the session in which they were reported;

Second. No rule would take effect if either House objected; and

Third. Objection could be voiced in whole or in part to any proposed rule.

Hopefully, this would restore Congress to its rightful place of realistic final control over the rules of procedure and practice and would make impossible encroachment upon our basic lawmaking sovereignty.

Mr. President, my colleagues and I are not necessarily now committed to the enactment of this measure in its present form. Obviously, there are other approaches that could be taken to this issue. Congress could, for example, require rules to be submitted to it as recommendations for legislation; it would then be necessary to process these recommendations as others are now processed. Or it might be possible to have the recommendations submitted as now, but provide that affirmative approval rather than disapproval had to take place before they received the force of law. In any event, I would hope that hearings, both on the system of rulemaking itself as well as the proposed rules of evidence, could provide enlightenment on these options and the various issues raised by the proposed rules.

Let me close by saying that I fully appreciate the soundness of establishing a system to facilitate complete and uniform modes of practice and procedure. Action premised on comprehensive recommendations formulated outside of the legislative processes, is appropriate in areas where the professional nature of the task would leave the legislature time for little else. In this regard, the demands of formulating procedural rules are similar to those required for an effort towards codification of our substantive criminal laws. Here I note that a most fruitful approach was followed by the National Commission on Reform of Federal Criminal Laws, in its work on a proposed new Federal Criminal Code, which is currently the subject matter of hearings by the Subcommittee on Criminal Laws and Procedures.

Nevertheless, I think that it is essential in all of these matters that the Congress not surrender meaningful, final control over the basic lawmaking function, for if we do, we shall materially contribute to the demise of our representative form of government. I, for one, do not want it ever said that I contributed to that result.

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

Mr. McCLELLAN. I am pleased to yield to the distinguished Senator from Nebraska.

Mr. HRUSKA. Mr. President, I express my appreciation to the Senator from Arkansas for taking the leadership in introducing the bill. It is a very important suggestion, and its importance will certainly be revealed as a study of the bill is made and as the hearings progress.

Mr. President, if I might, I would like to ask the Senator from Arkansas a few questions concerning the scope and direction of the bill that he has just introduced, and on which I have joined him as a cosponsor.

It is my understanding that under present law any Court rule changes reported to the Congress have the force and effect of law unless both Houses register their objection within 90 days. Those who are familiar with the legislative process realize that this is not sufficient time for Congress to digest and act upon numerous rules aimed at complex and important situations. The net effect is that the Court is exercising legislative functions which belong to Congress under article I of the Constitution. This bill would restore these functions to their proper place.

Is it correct to say that in essence this bill would do three things: First, require that no rules would take effect until the end of the session in which they are reported; second, stipulate that the rules would not take effect if either House expressed objection; and third, permit objections to be made to the proposed rules in whole or in part?

Mr. McCLELLAN. The Senator's understanding of the bill is correct. Ultimate lawmaking power rightly rests here in the Congress, and this proposed legislation would guarantee the Congress a meaningful role in the establishment of rules of practice and procedure in our judicial system. In other words, the rules could not become law if Congress objected to them.

Mr. HRUSKA. Mr. President, I would like to have clarified for me the matter of the date of effectiveness of proposed rules. It is my understanding from reading the bill that, if proposed rules are submitted to Congress prior to May 1, they become effective at the end of that session of Congress if no objection is lodged. What is the situation with regard to proposed rules which are submitted to Congress after May 1?

Mr. McCLELLAN. Rules submitted to Congress after May 1 would have to carry over to the next session of Congress. The proposed statute is not explicit on this point. In this regard, it tracks the language of present law, where that interpretation is a part of its legislative history (see S. Rept. No. 1491, 81st Cong., 2d sess., 3 (1950) (letter of Elmore

Whitehurst, Acting Administrator, Administrative Office of U.S. Courts)).

Mr. HRUSKA. Mr. President, the immediate stimulus for this bill is the fact that the Revised Rules of Evidence for the U.S. Courts and Magistrates are now being circulated and will soon be reported to Congress. Contained therein are some very far-reaching and important rules that Congress should have an opportunity to study in detail, particularly in light of the ongoing project of the Criminal Laws Subcommittee to revise the totality of Federal criminal law. Having looked at a copy of these draft rules, several provisions struck this Senator as being particularly worthy of study and comment by Congress. These are certainly not intended to be a complete enumeration of provisions that might merit our attention.

Is the Senator familiar with proposed rule 509 dealing with the Government privilege not to reveal military and state secrets? If so, would he care to make a comment on his initial thoughts concerning the effect of this proposed rule?

Mr. McCLELLAN. Mr. President, proposed rule 509, in my judgment, raises a number of serious issues. As originally proposed in March of 1969 by the advisory committee on evidence, the rule closely followed the Supreme Court's holding in *United States* v. *Reynolds*, 345 U.S. 1 (1953), where the Government's right to withhold military information in a tort suit was upheld. The test under the evidence committee's rule was a "showing of substantial danger that the evidence will disclose a secret of state." The March 1971 Revised Draft, promulgated by the parent Rules Committee, however, subtly shifts the test. It would require a "showing of reasonable likelihood of danger that disclosure of the evidence would be detrimental or injurious of the national defense or international relations of the United States." I note, too, that under subdivision (b) of the rule, the showing could be made in chambers, but that counsel could be present during the showing.

I am troubled that this procedure would result in a defeat of the privilege itself. Too often today there is a little distinction between counsel and defendant—particularly in radical and subversive prosecutions. Disclosure to counsel of information would be tantamount to disclosure to defendant. The Supreme Court itself in the Reynolds case (345 U.S. at 8) recognized that the procedure adopted to determine the validity of a claim of privilege must not "force the disclosure of the very thing that privilege is designed to protect." If the test is to be not whether a state secret would be disclosed, but whether the disclosure of a state secret would endanger the national security, I am concerned that in most cases, establishing the likelihood of danger would, in fact, substantially disclose the state secret.

I am not prepared, at this juncture, to venture an opinion on how I would vote were either the original version of rule 509 or the revised version introduced as a specific item of legislation. These questions are extremely sensitive and complex, as I am sure the distinguished Senator from Nebraska is well aware. Our colleague, the distinguished Senator from North Carolina (Mr. ERVIN), is now holding hearings in this general area. I am sure that the Senate will be able to make an intelligent decision in this area following the completion of those hearings. This in itself is the point that I am raising in the introduction of the "Court Practice Approval Act of 1971."

I would have little objection to rule 509 if it merely codified the present law. Yet when selected members of the judiciary and a few law professors, without public hearings, undertake to make significant changes in the fundamental rules by which our system of justice is administered, they are arrogating to themselves a basically legislative function. When that is coupled with a procedure that makes meaningful participation in that process by the elected representatives of the people impractical, I must object and protest.

Mr. HRUSKA. Similarly is the Senator aware of the proposed rule relating to divulging the identity of informers? I believe that it is proposed rule 510. Has the Senator a comment on that?

Mr. McCLELLAN. I am indeed seriously troubled by the scope of proposed rule 510. As originally proposed by the Evidence Committee, it basically codified the rule announced by the Supreme Court in *Roviaro* v. *United States*, 353 U.S. 53, 59 (1957). Again, however, the rule has undergone a subtle, but significant change at the hands of the parent Practice Committee. Under Roviaro and the Evidence Committee's rule, the informant's privilege—a privilege necessary to effective investigations, as I am well able to testify from my experience on the Permanent Subcommittee on Investigations—could be pierced where the informant's testimony was necessary "to a fair determination of guilt or innocence." In contrast, under the Practice Committee's rule, the test is to be a "fair determination of a material issue." This is explained in the Advisory Committee's note as a change made necessary to adapt the rule to civil proceedings. Nevertheless, as so stated, it might well be read to set aside the Supreme Court's decision in *McCray* v. *Illinois*, 386 U.S. 300 (1967), where the Supreme Court upheld the propriety of not disclosing an informant's identity where his testimony bore not on guilt or innocence but on the propriety of arrest without a warrant.

I note, too, that as the rule presently reads, the informant's identity may be privileged only where his information purported to reveal a violation of law. Many times the information furnished law enforcement today, particularly in the area of organized crime and subversion, does not immediately relate to a violation of a particular statute. Instead, it gives the Government the sort of general intelligence information it needs to protect our Nation's security from the actions of revolutionaries and those who would subvert our democratic processes. To fail to protect the identity of the informant in these areas would be to court social suicide.

Finally, I note that subdivision (3) of rule 510, like rule 509, permits a judge to require certain disclosures in camera, but grants to counsel the right to be present during such disclosures. Consequently, what the rule purports to protect, it denies by adopting an unrealistic procedure.

Mr. HRUSKA. I thank the Senator for his very scholarly discourse on these matters. His answers have, I believe, given us all a clearer understanding of the problems involved with present rulemaking procedures and has laid a firm foundation for this bill that we introduce today. It is my hope that early hearings can be scheduled on this important proposal.

Mr. McCLELLAN. I hope notice will be taken of the introduction of this bill by those who are seeking to make these serious changes, perhaps in the expectation that Congress will be too busy to give it attention. I believe Congress should keep control and not completely surrender the lawmaking authority over rulemaking and court procedures to some committee of the Judicial Conference or someone else.

Mr. ERVIN. Mr. President, will the Senator yield for an observation without losing his right to the floor?

Mr. McCLELLAN. I yield.

Mr. ERVIN. Mr. President, I think this legislative proposal is an exceedingly wise one.

When Congress gave to the court the power to make changes in the rules it was actuated by the purpose of acquiring the expert opinion of the court in respect to the changes and it thought it reserved its legislative power by the provision of the act giving it the power to veto changes within a period of 90 days.

As a practical matter, however, experience has shown that the 90-day period is entirely too short, that it does not give Congress even an opportunity to familiarize itself with the scope and effect of the proposed changes in the rules, and for that reason amounts to a deprivation of the legislation power of Congress.

I think the provision which gives more adequate power to Congress to review the proposed rules is absolutely essential if Congress is going to retain its legislative power in this area of our Nation. I think it is essential that speedy hearings be held on this proposal, that it be speedily reported to the Senate and passed not only by the Senate but also by the House of Representatives.

Some of the proposed changes are very drastic in nature and they merit congressional consideration which they cannot receive in an adequate manner under the law as it now exists.

I thank the Senator.

Mr. McCLELLAN. I thank the distinguished Senator from North Carolina. Simply stated, Congress must not abdicate its responsibility with respect to the procedures to be followed in the trial of cases in the courts.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. BYRD of West Virginia. Mr. President, will the Senator permit me to join as a cosponsor of the bill?

Mr. McCLELLAN. Mr. President, I am delighted to add the name of the Senator from West Virginia (Mr. BYRD) as a cosponsor of this measure. I ask unanimous consent that his name may be added as a cosponsor.

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

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Alabama (Mr. ALLEN) be added as a cosponsor to the bill I have just introduced.

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

Mr. McCLELLAN. I thank the presiding officer.

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

By Mr. BROOKE:

S. 2433. A bill to amend the definition of "member of family" for purposes of Federal employees' health insurance coverage. Referred to the Committee on Post Office and Civil Service.

EXTENSION OF HEALTH COVERAGE FOR FAMILIES OF FEDERAL EMPLOYEES

Mr. BROOKE. Mr. President, I am deeply concerned that the health insurance presently available to employees of the Federal Government does not include all members of their families who are dependent on them for support. As the law presently reads, an employee is entitled to include under a self and family plan only his spouse and unmarried children under 22 years of age.

The cost of health care has been rising at an alarming rate in the past decade, running 65 percent above the consumer index. Every person in this country has been forced to bear the burden of increased premiums and uncovered medical expenses or to go without needed medical care.

At a time when hospitalization costs can quickly bankrupt a family, and doctors' bills can severely affect a person's budget, every member of a family should be entitled to coverage under an adequate health plan. This is a concept this country endorsed when we voted to establish medicaid and medicare. Yet this course is not presently available for employees of the Federal Government. Particularly affected are the employees who have assumed the full burden of supporting a parent(s) but cannot include them in the family plan.

I realize that this state of affairs is a source of grave concern, and that we are about to embark on a major debate on national health insurance proposals. However, where glaring and easily remedial discrepancies exist, I see no reason why we should not provide the most complete coverage possible in the meantime.

The measure which I propose seeks to deal with the problems of a Federal employee who may be the sole, or principal, source of support for family members other than spouse and children, but who under present law cannot declare such dependents for health insurance purposes. In my own State for example, there is a civil service employee who is the sole source of support for her aging mother. In her own words:

> I am only a secretary making low pay. Yet I am told by the Blue Cross office in Boston, that I cannot ask for self and family protection to include my mother.

Other similar cases abound, of unselfish Federal employees who support members of their families: fathers, mothers, aunts or uncles, nieces, nephews or cousins. They should not have to bear the additional burden of paying for extra medical coverage when their existing plan can and should be expanded to cover all dependents.

I recognize that an administrative problem may arise in determining the question of dependency. A dependent is currently defined ex post facto by the Internal Revenue Code as any one, 50 percent or more of whose support has been provided by the claimant in the course of the preceding year. Yet is seems to me that a system should be worked out whereby the insurance carrier could process a claim by simply adding an additional section asking how much has been contributed to the support of the dependent as of the date of claim.

The bill which I introduce today seeks to amend paragraph (5) to section 8901 of title 5, United States Code, to expand the definition of "member of family" to include any dependent claimed under section 151(e) of the Internal Revenue Code.

I urge favorable consideration of this measure to ensure more equitable and complete health coverage for the employees of the Federal Government and their families.

By Mr. MAGNUSON:

S. 2434. A bill entitled "The Children's Catastrophic Health Care Act of 1971." Referred to the Committee on Finance.

Mr. MAGNUSON. Mr. President, the health care crisis has come to command more concern within the Congress and throughout the Nation than has any other single domestic issue. Even more important, this concern has been translated into serious legislative proposals by many Members of the Congress, by the administration and by many private groups outside of Government.

As chairman of the Appropriations Subcommittee on Labor-HEW I can assure the Senate that this concern is wholly justified and that this commitment to action is absolutely imperative. More than a year ago when I opened the 1970 health appropriations hearings I warned that the Nation was fast approaching "a health crisis whose proportions defy adequate description." I continued:

> This crisis extends from our medical schools to our hospitals, from our laboratories to our clinics. The dimensions of this crisis are stark. The United States today is not even among the leading nations of the world in life expectancy of men, women or infants. We are producing new doctors at a rate of fewer than 9,000 per year; we are lagging in health research; we lack adequate facilities to apply the fruits of accomplished research to the health care needs of our expanding population.
>
> I accepted this post as Chairman of this Subcommitttee because I believe that the health and welfare of our people must be an urgent concern of this Government. In my second year as Chairman, I am even more determined and more convinced that more must be done.

And, today, Mr. President, in my third year as chairman of the subcommittee, I am still more determined and still more convinced that still more must be done. It is a vast task and I am indeed encouraged by the number of Senators who have come forward and squarely confronted this crisis. The distinguished senior Senator from Massachusetts deserves special recognition and credit for having given much impetus to this national concern by introducing his National Health Security Act in the last Congress. Also, of course, the hearings which he and the other members of the Health Subcommittee have held throughout the Nation in recent months have focused even more attention on the health crisis and have produced valuable information that will be most helpful to the entire Congress as we seek to develop a final health insurance program. As a cosponsor of Senator KENNEDY's National Health Security Act, both last year and again this year, I truly admire his leadership in this vital area of national need.

The distinguished chairman of the Finance Committee is also deserving of special praise for having introduced last year the concept of catastrophic health insurance. I have utilized that concept in writing the bill I intend to introduce today, and I believe it is an extremely important concept which commands the closest consideration of every American who is seriously committed to resolving the health care crisis.

These and all of the other health insurance proposals offer important ideas, concepts and mechanisms which, when molded together into a final bill, will, I am sure, furnish the Nation with an effective and fiscally responsible national health insurance system. This is an objective singularly worthy of the vast amount of time, study and hard work which I know Chairman LONG and the other members of the Finance Committee will expend in writing a final Senate bill.

Mr. President, neither I nor any other Senator would advocate that Congress move rashly or recklessly in its efforts to establish a national health insurance system. That is a task which will require much deliberation, time-consuming as that may be. However, we cannot afford to ignore the particularly crucial and pressing problems posed by major childhood illnesses which continue to maim many children simply because their parents cannot afford proper medical treatment and continue to leave thousands of families destitute with nothing but unpaid medical bills to show for years of savings. Nor can we continue to ignore the fact that each year thousands of infants are born deformed or die within their first year of life simply because they are born to low-income mothers who cannot afford proper maternal care for themselves or sufficient health care for their babies.

The dimensions of these two problems are shocking. For example, birth defects alone—just one category of major, or catastrophic, childhood illnesses—currently affect 2.5 million Americans under the age of 20. So that other Senators may have a clearer view of just this one part of the overall problem presented by catastrophic childhood illnesses I ask unanimous consent to have printed in the RECORD at this point in my remarks a table listing the major birth defects and the number of children afflicted by them.

PREVALENCE OF COMMON BIRTH DEFECTS

Mental retardation of prenatal origin	1,170,000
Congenital blindness and lesser visual impairment	300,000
Congenital deafness and lesser hearing impairment	300,000
Genitourinary malformations	300,000
Muscular dystrophy	200,000
Congenital heart and other circulatory disease	200,000
Clubfoot	120,000
Cleft lip and/or cleft palate	100,000
Diabetes	80,000
Spina bifida and/or hydrocephalus	60,000
Congenital dislocation of hip	40,000
Malformations of digestive system	20,000
Speech disturbances of prenatal origin	12,000
Cystic fibrosis	10,000

In almost every major category of birth defects listed in the table there are more afflicted children than there are people in a major city. And, while low-income children are more prone to be victims of birth defects because of the insufficiency of maternal care presently available to their mothers, children from higher income families are in no way immune from these tragic defects. Clearly, then, when one adds the number of youngsters who are born in good health but later contract major illnesses or suffer serious accidents to the 2.5 million children suffering from birth defects he finds a national problem of truly catastrophic dimensions.

And it is a problem which is financially catastrophic to individual families. The care of a child with a major defect, illness, or injury generally entails prolonged hospitalization, care by a wide array of highly trained professionals and expensive equipment. Medical bills rapidly mount into the thousands of dollars, surpassing the coverage offered by even the better private insurance plans and far outstripping all but the richest family's ability to pay. When the average family's income is well below $10,000 and when most Americans earn far less than the average, how can we expect families to pay medical bills ranging into the thousands of dollars and often coming year after year after never-ending year? We cannot, Mr. President, and we should not.

An equally tragic and shocking picture comes into view when we examine the plight of the infants who are born every day into low-income families. Because women from these families so often cannot afford proper maternal care during their pregnancies or adequate obstetrical care at the time of delivery, their babies far too often come into this world unhealthy as well as poor. And the same poverty which denied their mothers adequate maternal and obstetrical care continues to rob these infants of the health care that is so crucial in the first year of life. As a consequence of this national neglect, the incidence of prematurity among infants born to low-income parents is about 12 percent as compared to the national average of 8 percent. Premature infants—and particularly those born into poverty—are especially apt to be born with major health problems, to be malnourished and to die within their first year of life. While the national infant mortality rate is unacceptably high—21.8 deaths in the first year per 1,000 births—the rate for babies of low-income parents is often twice as high, or about 43 deaths per 1,000 births. As a nation founded upon the dignity of human life can we tolerate this situation where infants are maimed for life or even die for no other reason than that their mothers are unable to obtain proper medical care for themselves and their babies? We should not, Mr. President, and we cannot.

The problems posed by catastrophic childhood illnesses, by insufficient maternal care for low-income families and by inadequate health care for their infants cannot be left unresolved while we continue the long, arduous task of devising a workable legislative solution to the entire health care crisis. We must act now to solve these problems.

Mr. President, we can act now for we need not, construct new administrative structures or engage in the extensive deliberations that are necessary whenever we set out to build a new program from the ground up. Instead, we can begin immediately to resolve these problems by building, as the bill I am about to introduce would do, upon two ongoing programs that have long since proved their effectiveness. These are the crippled children's services program, operating in all 50 States, and the maternal and infant care program, located in 33 States. Both are authorized under the present title V of the Social Security Act and are administered by the Department of HEW.

I am hopeful, then, that Senators will carefully examine the approach offered by this legislation, suggest ways in which it can be improved and give serious consideration to the possibility of implementing this approach, perhaps as part of the social security bill now being considered by the Finance Committee, so that we begin as soon as possible to deal with the tragic problems I have outlined above.

Mr. President, I now introduce for appropriate reference the Children's Catastrophic Health Care Act of 1971 which would become the new title V of the Social Security Act, replacing the current title V entitled "Maternal and Child Health and Crippled Children's Services." As I have indicated it would substantially expand both the crippled children's program and the maternal and infant care program authorized under the current title V. In addition, it would continue a variety of other title V programs of significant importance in our effort to make adequate health care available to all Americans. Under my bill, these programs would be funded through the normal appropriations process as is now done—not through payroll deductions or taxes. States would continue to share the cost of their expanded crippled children's programs—to be renamed the children's catastrophic health care program—and their maternal and infant care programs. However, they would only be required to continue their funding at its fiscal 1971 level. Other costs would be paid by the Federal Government.

Mr. President, the children's catastrophic health care program authorized under my bill would expand the existing crippled children's program in three important ways. First, it would provide care and services to children in all families—not just to those who come from low-income families as is presently the case. Second, it would expand coverage to include all health care costs once they exceeded a fixed percentage of a family's income. Third, it would standardize the coverage provided.

My own State of Washington presents telling examples of the problems which hobble the crippled children's program. Today, only 4,000 Washington youngsters are being treated under the crippled children's program although the State director estimates there are at least 16,000 children in need of treatment. In other words, without new legislation of the type I am proposing, only one-fourth of the children in my State who need treatment will receive it. And the story is no more encouraging in other States.

Eligibility standards vary widely from State to State. Since not all children can be served at existing funding levels, arbitrary eligibility standards are drawn. Most States, for example, provide services for children who require orthopedic surgery or plastic surgery to correct handicaps, but only a relative few provide services for children with chronic medical problems or congenital defects.

In Washington, children are covered for treatment of cleft palate and clubfoot, but they are not covered for cystic fibrosis, hydrocephalus or epilepsy. Nor are children in my State covered for kidney disease, congenital or acquired blood disorders—such as hemophilia—diabetes, cancer, eye disease or chronic brain disorder. I need hardly remind the Senate that these health problems for which children in my State are not covered are the most devastating, the most tragic, and also the most expensive to treat. Today, then, in my State, families with children suffering from one or more of these health problems cannot expect any assistance from the very program established by Congress to cover the cost of their treatment.

Nationally, mental health services for children are not covered under the crippled children's program as they would be under my bill. This is particularly important when one realizes that there are at least 1 million children in the United States today who require these crucial, but costly, services.

There are many other examples. For instance, hydrocephalus is a condition in which a grossly abnormal amount of fluid collects around the brain, creating pressure on the delicate brain tissues that leads to permanent mental retardation, loss of physical capacity, and even death. An operation can be performed to relieve this pressure and to prevent its destruction, but it is not covered under the crippled children's program. And the list goes on and on. Metabolic disorders such as rickets—which causes permanent deformities—and urinary tract disorders—which cause deterioration of the kidneys, high blood pressure and death—can be treated by special medicines and by corrective services. But, once more, the present crippled children's program does not

cover the cost of such medicines or surgery.

Perhaps the most tragic example of all is presented by cystic fibrosis. Thousands of American youngsters die needlessly from this disease because we have neglected to make its costly treatment available to more than a fraction of its victims. One out of every 1,500 babies born in the United States are born with cystic fibrosis. In 1950, half the children with this disease were dead by age 3 and only 10 percent lived to the age of 10. But with new methods of care, modern treatment centers now treat cystic fibrosis victims so successfully that the median age of death in these centers is now 21. And no less than 50 percent of all children afflicted with this terrible disease survive past the age of 20 when treatment is available. But, because of inadequate funds, only a minute fraction of cystic fibrosis patients receive the care medical science has made possible. Enactment of the Children's Catastrophic Health Care Act would make this treatment available to all of these children.

In sum, the arbitrarily drawn eligibility standards that now govern crippled children's services mean financial ruin for families. But the greatest tragedy—one which I cannot overstress—is that unnumbered thousands of children are permanently crippled or doomed to an early and tragically unnecessary death because their parents cannot afford treatment for health problems that can be cured.

The Children's Catastrophic Health Care Act would eliminate the arbitrary eligibility standards drawn by the States and would provide adequate funding to insure that all eligible children receive the treatment they require. The new national eligibility standard would be based not on kinds of disease but rather on the cost of treatment in relation to family income.

Under this legislation a child would be eligible for free catastrophic health care and services whenever the cost of his treatment became prohibitively expensive. For a family with annual taxable income of $15,000 or less, the program would pay all of a child's annual medical expenses which exceeded 5 percent of the family's income. A family earning more than $15,000 would become eligible when their child's medical fees exceeded the sum of 5 percent of the first $15,000 of their income and 10 percent of everything above $15,000.

This means that for a family earning $8,000, the children's catastrophic health care program would pay all medical costs which, for any child in any year, exceeded $400. For a family earning $10,000 the program would pay costs in excess of $500. For a family with an income of $16,000 it would pay costs in excess of $850, and for a family with income of $20,000 the program would pay all costs in excess of $1,250. No family, therefore, would be financially ruined by the medical bills brought on by catastrophic childhood illnesses, defects or injuries.

In the program's first year, all children under the age of 7 would be covered. In succeeding years, benefits would be available to these children and all new babies, hence in the second year all children under the age of 8 would be covered, in the third year all children under the age of 9 would be covered and so on until in 1983 all children—under 18—would be covered.

The second major section in my bill and its effect on the existing title V maternal and infant care program can be described quite briefly. This bill would expand these programs, now serving only 33 States, to include all 50 States. Furthermore, it would provide maternal care to all low-income mothers and health care to all of their infants during the first year of their lives.

The maternal and infant care special project grants currently serve only 125,000 of the 750,000 mothers who need this type of assistance. For this fortunate one-sixth, the evidence demonstrates that the results of the maternal and infant care program has been a dramatic reduction in infant mortality, malnutrition and attendant diseases. Under the Children's Catastrophic Health Care Act this maternal and infant care would be available to all low-income women and their babies. In addition, all infants, regardless of their families' income status, would be eligible for free diagnostic services.

The Children's Catastrophic Health Care Act, then, would build upon an already functioning, already proven system to: first, provide comprehensive health care to all children suffering from major defects, diseases or injuries; and second, provide comprehensive maternal and infant care for all low-income mothers and their babies. This legislation offers a practical method for dealing almost immediately with the most urgent health care problems of our children. Furthermore, by making, this care available to children as soon as they are born—and, in fact, almost from the day of conception—we would prevent the occurrence of a great many painful and expensive defects and diseases. Consequently, early enactment of this legislation would not only save many children the agony of unnecessary sickness but would also save the nation the huge sums it will have to expend for corrective care if we delay acting until comprehensive national health insurance becomes a reality.

Mr. President, in addition to the crippled children's services program and the maternal and infant care program, title V of the Social Security Act authorizes a number of other programs which, while much smaller, are an important part of the Nation's overall health effort. Under my bill most of these programs would be continued through fiscal year 1977 and strengthened with separate funding authorizations. These programs and their annual funding levels under my bill are:

Programs to promote the health of preschool and school age children—$50 million.

Family planning services—$5 million.

Projects of regional or national significance in the advancement of maternal and infant care—$10 million.

Projects of regional or national significance to the improvement of the treatment of crippling diseases—$10 million.

Training of health personnel, particularly personnel to work with children who are mentally retarded or afflicted with multiple handicaps—$20 million.

Research projects designed to advance the care and treatment of crippled children, pregnant women and infants—$10 million.

In closing, Mr. President, I wish to reiterate three important points:

First, this legislation is not an alternative to a comprehensive national health insurance system. As my cosponsorship of Senator KENNEDY's National Health Security Act evidences, I am a proponent of a truly comprehensive system. And I believe we must move toward implementation of such a system just as rapidly as we possibly can without sacrificing sound legislation for speed. Rather than being an alternative to a comprehensive program, The Children's Catastrophic Health Care Act offers an important first step toward the development of a comprehensive program.

Second, this bill avoids duplication or the creation of new paper-strangled bureaucracies by building upon an existing and effective program.

Third, this bill is not offered as a finished legislative product. Instead, it is offered as a working paper. Hopefully, it will be considered by other Senators and particularly by those who are now studying the new social security bill and who will eventually be designing a final Senate health insurance bill. And, hopefully, it offers an approach which, after appropriate committee refinement, will receive the Senate's approval.

Mr. President, I ask unanimous consent that the entire text of my bill, The Children's Catastrophic Health Act of 1971, be printed in the RECORD at this point.

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

A bill "The Children's Catastrophic Health Care Act of 1971"

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 "Children's Catastrophic Health Care Act of 1971".

AMENDMENT

Title V of the Social Security Act is amended to read as follows:

TITLE V

STATEMENT OF FINDINGS AND PURPOSES

SEC. 501. The Congress finds that—

(1) Safeguarding the health of all the nation's children is not only humane, prudent and compassionate but also mandatory for the nation's best interests;

(2) The expense of providing adequate health care to children suffering from major illnesses often comprises a financial catastrophe for families and too often stands as a barrier between children and their well-being;

(3) The failure to provide children with adequate health care solely because of their families' financial limitations is so inimical to the national interest as to comprise a national catastrophe;

(4) The health or ill-health of children in their later years is directly related to the maternal care or lack of maternal care which their mothers receive and to the care which they receive during the first year of their life;

(5) Of the 750,000 infants born each year to low-income families, 600,000 are borne by women who do not receive adequate maternal care;

(6) The mothers of half of all such infants receive no maternal care whatsoever; and

(7) The inadequacy or total lack of maternal care available to women from low-income families leads to a disproportionate incidence of prematurity, congenital defects, still births and infant deaths among infants born to low-income families.

Therefore, it is the purpose of this Act, to ensure adequate health care to children suffering from major illnesses, to ensure adequate care to all infants born to low-income families, and to ensure adequate maternal care to all women in low-income families.

DEFINITIONS

SEC. 502. For the purposes of this Act—

(1) "The Secretary" shall mean the Secretary of Health, Education, and Welfare;

(2) "Low-Income Family" shall mean any family so defined by the Office of Economic Opportunity, Income Poverty Guidelines; and

(3) "Infant" shall mean a child in his first year of life.

CHILDREN'S CATASTROPHIC HEALTH CARE PROGRAM

SEC. 503 (a) For the purposes of this section there is authorized to be appropriated for the fiscal year ending June 30, 1972 and for each succeeding year thereafter such funds as the Congress shall deem necessary.

(b) Care and services included under this section shall include the diagnosis of illness, the provision of medical, surgical and corrective care, the provision of aftercare, the provision of such facilities as are necessary for providing such care and the identification of children requiring such care provided that—

(1) In the case of a child whose family's annual taxable income is $15,000 or less, the combined cost determined pursuant to Sec. 505 (a)(3) of all such care and services provided in one twelve month period shall exceed 5 per centum of the family's annual taxable income; or

(2) In the case of a child whose family's annual taxable income is greater than $15,000 the combined cost as determined pursuant to Sec. 505 (a)(3), of all such care and services provided in one 12 month period shall exceed the sum of 5 per centum of the first $15,000 and 10 per centum of all income greater than $15,000.

(c) Care and services authorized under this section shall be initiated:

(1) in calendar year 1971 for only those children who will not have reached the age of seven years as of December 31, 1971;

(2) for calendar year 1972 and in succeeding years for (A) all children eligible under (1) until such children reach age 18; and (B) all children born in such years until such children reach age 18.

(d) The Secretary shall pay to each State that has a State plan approved under Sec. 505 such sums as it requires to pay that part of the cost of care and services provided a child under this section which—

(1) in the case of a child whose family's annual taxable income is $15,000 or less, is greater than 5 per centum of the family's annual taxable income; or

(2) in the case of a child whose family's annual taxable income is greater than $15,000, is greater than the sum of 5 per centum of the first $15,000 of such income and 10 per centum of all such income greater than $15,000.

(e) Subsection (d) notwithstanding, the Secretary shall pay to each State that has a State plan approved under Sec. 505 such sums as it requires to carry out the provision of Sec. 505 (a)(9).

MATERNAL AND INFANT HEALTH CARE

SEC. 504 (a) For the purposes of this section there is authorized to be appropriated for the fiscal year ending June 30, 1972 and for each succeeding year such sums as the Congress shall deem necessary.

(b) The Secretary shall pay to each State having a State plan approved under Sec. 505 such sums as it requires to provide comprehensive maternal care to all women of low-income families, and to provide comprehensive health care to all infants born to low-income families, and to provide diagnostic services for all infants of all families.

APPROVAL OF STATE PLANS

SEC. 505 (a) To be entitled to payments under Sec. 503 and Sec. 504 a State must have a State plan which—

(1) provides for carrying out the purposes of Sec. 503 and Sec. 504

(2) provides that the State shall pay no less in any fiscal year for care and services authorized under Sec. 503 and Sec. 504 of this Title than it paid in the fiscal year which ended June 30, 1971 for care and services authorized under Sec. 503 and Sec. 504 of Title V of the Social Security Act as in effect prior to the enactment of this Title.

(3) provides that the cost of care and services provided under this Act shall be reasonable as determined in accordance with standards established by the Secretary;

(4) provides for the administration of the plan by the State health agency or the supervision of the administration of the plan by the State health agency or the administration (or supervision thereof) of the plan by another State agency approved by the Secretary;

(5) provides such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient operation of the plan;

(6) provides for the training and effective use of paid subprofessional or paraprofessional staff, with particular emphasis on the full-time or part-time employment of persons of low-income, as community service aides, in the administration of the plan and for the use of nonpaid or partially paid volunteers in providing services and in assisting any advisory committee established by the State agency;

(7) provides that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time require, and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports;

(8) provides for cooperation with medical, health, nursing, educational and welfare groups and organizations and, with respect to the portion of the plan relating to care and services authorized under Sec. 503, with any agency in such State charged with administering State laws providing for vocational rehabilitation of physically or mentally handicapped children;

(9) provides, with respect to the portion of the plan relating to care and services authorized under Sec. 503, for early identification of children in need of such care and services through provision of such periodic screening and diagnostic services as may be provided in regulations established by the Secretary;

(1) provides a program (carried out directly or through grants and contracts) of projects of the type described in Sec. 508 which offers reasonable assurance, particularly in areas with concentrations of low-income families, of satisfactorily promoting health of children and youth of school or preschool age;

(11) provides a program (carried out directly or through grants and contracts) of projects which offer reasonable assurance, particularly in areas with concentrations of low-income families, of satisfactorily promoting the dental health of children and youth of school or preschool age;

(12) provides for the development of demonstration services (with special attention to dental care for children and family planning services for mothers) in needy areas and among groups in special need;

(13) provides that acceptance of family planning services provided under the plan shall be voluntary on the part of the individual to whom such services are offered and shall not be a prerequisite to eligibility for or the receipt of any service under the plan;

(14) provides that, where payment is authorized under the plan for services which an optometrist is licensed to perform, the individual for whom such payment is authorized may, to the extent practicable, obtain such services from an optometrist licensed to perform such services except where such services are rendered in a clinic, or another appropriate institution, which does not have an arrangement with optometrists so licensed.

(15) provides with respect to the portion of the plan relating to care and services authorized under Sec. 503, for payment by the treated child's family or legal guardian or by third parties of that portion of the costs not paid by the Secretary pursuant to Sec. 503(d) or Section 503(e);

PAYMENT TO THE STATES

SEC. 506(a) From the sums appropriated under Sec. 503 and Sec. 504 the Secretary shall pay to each State which has a plan approved under Sec. 505, for each quarter, an amount, which shall be used exclusively for carrying out the State plan.

(b)(1) Prior to the beginning of each quarter, the Secretary shall estimate the amount to which a State will be entitled under Subsection (a) for such quarter, such estimates to be based on—

(A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of subsection (a), and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter, and if such amount is less than the State's proportionate share of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived; and (B) such other investigation as the Secretary may find necessary.

(2) The Secretary shall then pay the amount so estimated to the State in such installments as he may determine proper, provided that, such amount shall be reduced or increased to the extent of any overpayment or underpayment which the Secretary determines was made under this section to such State for any prior quarter and with respect to which adjustment has not already been made under this subsection.

(3) Upon the making of an estimate by the Secretary under this subsection, any appropriations available for payments under this section shall be deemed obligated.

OPERATION OF STATE PLANS

SEC. 507. If the Secretary, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of the State plan approved under Sec. 505 finds—

(1) that the plan has been so changed that it no longer complies with the provisions of Sec. 505; or

(2) that in the administration of the plan there is a failure to comply substantially with any such provision the Secretary shall—

(1) notify such State agency that further payments will not be made to the State (or, in his discretion, that payments will be limited to categories under or parts of the State plan not affected by such failure), until he is satisfied there will no longer be any such failure to comply; and

(2) shall make no further payments to such State (or shall limit payments to categories under or parts of the State plan not affected by such failure) until he is satisfied that there will no longer be any such failure to comply.

SPECIAL PROJECT GRANTS FOR HEALTH OF SCHOOL AND PRESCHOOL CHILDREN

SEC. 508. (a) For the purposes of this section there is authorized to be appropriated for the fiscal year ending June 30, 1973, and for each of the four succeeding fiscal years $50,000,000.

(b) Funds appropriated under this section shall be used for grants to promote the health of children and youth of school or preschool age, particularly in areas with concentrations of low-income families.

(c) Grants authorized under this section shall be made to the State health agency of any State and (with the consent of such agency) to the health agency of any political subdivision of the State, to the State agency of the State administering or supervising the administration of the State plan approved under section 505, to any school of medicine (with appropriate participation by a school of dentistry), and to any teaching hospital affiliated with such a school.

(d) Grants authorized under this section shall not exceed 75 per centum of the cost of any project for which grants are made.

(e) No project shall be eligible for a grant under this section unless it provides—

(1) for the coordination of health care and services provided under it with, and utilization (to the extent feasible) of, other State or local health, welfare and education programs for such children;

(2) for payment of the reasonable cost (as determined in accordance with standards approved by the Secretary) of inpatient hospital services provided under the project; and

(3) that any treatment, correction of defects, or aftercare provided under the project is available only to children who would not otherwise receive it because they are from low-income families or for other reasons beyond their control; and unless

(4) it includes [subject to limitations in subsection (e) (1) (2) (3)] at least such screening, diagnosis, preventive services, treatment, correction of defects, and aftercare, both medical and dental, as may be provided for in regulations of the Secretary.

(f) The Secretary shall make such regulations as are necessary for the purpose of administering the grants authorized under this section.

SPECIAL PROJECT GRANTS

SEC. 509. (a) For the purposes of this section there is authorized to be appropriated for the fiscal year ending June 30, 1973, and for each of the four succeeding fiscal years $25,000,000.

(b) Appropriations authorized under this section shall be allotted by the Secretary in each fiscal year such that—

(1) $5,000,000 shall be available for grants to State agencies administering or supervising the administration of a State plan approved under section 505 for the provision of family planning services;

(2) $10,000,000 shall be available for grants to State agencies (administering or supervising the administration of a State plan approved under section 505), and to public or other nonprofit institutions of higher learning (situated in any State), for special projects of regional or national significance which may contribute to the advancement of services for children who are crippled or who are suffering from conditions leading to crippling; and

(3) $10 million shall be available for grants to State agencies (administering or supervising the administration of a State plan approved under sec. 505) and to public or other nonprofit institutions of higher learning (situated in any State) for special projects of regional or national significance which may contribute to the advancement of maternal and child health.

(e) The Secretary shall make such regulations as are necessary for the purpose of administering the grants authorized under this section.

TRAINING OF PERSONNEL

SEC. 510 (a) For the purposes of this section there is authorized to be appropriated for the fiscal year ending June 30, 1973 and for each of the four succeeding fiscal years $20 million.

(b) From the sums appropriated under this section the Secretary is authorized to make grants to public or nonprofit private institutions of higher learning for training personnel for health care and related services for mothers and children, particularly mentally retarded children and children with multiple handicaps.

(c) In making grants authorized under this section, the Secretary shall give special attention to programs providing training at the undergraduate level.

(d) The Secretary shall make such regulations as are necessary for the purpose of administering the grants authorized under this section.

RESEARCH PROJECTS RELATING TO MATERNAL AND CHILD HEALTH SERVICES AND CRIPPLED CHILDREN'S SERVICES

SEC. 511(a) For the purposes of this section there is authorized to be appropriated for the fiscal year ending June 30, 1973 and for each of the four suceeding fiscal years $10 million.

(b) With the funds appropriated under this section the Secretary is authorized to make grants to or make jointly financed cooperative arrangements with public or nonprofit institutions of higher learning, and public or nonprofit private agencies and organizations engaged in research or in maternal and child health or crippled children's programs, and contracts with public or nonprofit private agencies and organizations engaged in research or in such programs, for research projects relating to maternal and child health services or crippled childrens services which show promise of substantial contribution to the advancement thereof, provided that—

(1) special emphasis shall be accorded to projects which will help in studying the need for, and the feasibility, costs, and effectiveness of, comprehensive health care programs in which maximum use is made of health personnel with varying levels of training, and in studying methods of training for such programs; and

(2) grants under this section may also include funds for the training of health personnel for work in such projects,

(c) The Secretary shall make such regulations as are necessary for the purpose of administering the grants authorized under this section.

ADMINISTRATION

SEC. 512 (a) The Secretary shall make such studies and investigations as will promote the efficient administration of this title.

(b) Such portion of the appropriations authorized under this title as the Secretary shall determine, but not exceeding one-half of 1 percent thereof, shall be available for evaluation by the Secretary (directly or by grants or contracts) of the programs for which such appropriations are made.

(c) Any agency, institution or organization shall, if and to the extent prescribed by the Secretary, as a condition to receipt of grants under this title, cooperate with the State agency administering or supervising the administration of the State plan approved under title XIX in the provision of care and services, available under a plan or project under this title, for children eligible therefore under a plan approved under title XIX.

OBSERVANCE OF RELIGIOUS BELIEFS

SEC. 513. Nothing in this title shall be construed to require any State which has any plan or program approved under, or receiving financial support under, this title to compel any persons to undergo any medical screening, examination, diagnosis, or treatment or to accept any other health care or services provided under such plan or program for any purpose (other than for the purpose of discovering and preventing the spread of infection or contagious disease or for the purpose of protecting environmental health), if such persons object (or, if such person is a child, his parent or guardian objects) thereto on religious grounds.

By Mr. HRUSKA (by request):

S. 2436. A bill to amend title 18, United States Code, to provide for expanded protection of public officials and foreign officials, and for other purposes. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I send to the desk a bill to provide for expanded protection of public and foreign officials, and for other purposes which I introduce at the request of the Attorney General and the Secretary of State and I ask that it be appropriately referred. The bill would amend certain portions of title 18, United States Code, to extend Federal jurisdiction over crimes involving persons not now covered by Federal law.

The bill is accompanied by an extensive covering letter addressed to the President of the Senate which explains in great detail the purposes and nature of the proposed act. In brief, the bill would enable Federal authorities to move against persons who utter express or implied threats to commit acts of physical violence or who commit assaults or murder against members of the diplomatic corps, other foreign officials, and officials of the United States. In the past the Government has had to rely on local authorities for redress of instances of this type with no guarantee that sufficient resources were available to discharge this responsibility appropriately. This has proved particularly embarrassing in view of our international obligations as a host nation.

Changes in Federal kidnaping law are also contained in this bill. These include the reinstitution of the death penalty for cases where the victim dies as a consequence of the crime. This provision is aimed at correcting the defect in the law struck down by the Supreme Court in *United States* v. *Jackson*, 390 U.S. 570 (1968). Federal jurisdiction in kidnaping cases would also be extended to cases arising within the special maritime and aircraft jurisdiction of the United States. This provision is aimed at insuring adequate punishment and extradiction of hijackers.

As presently written, Mr. President, this bill is very broad in its language and scope, especially as it relates to the classes of persons to be covered. This Senator is pleased to introduce the bill so that the Committee on the Judiciary will have an appropriate vehicle to study this problem. It may be that after hearings and due consideration, the committee will want to extend or limit, add or subtract some portions of this bill. I certainly hold an open mind concerning any revision of this bill and look forward to hearing from those who have an interest on this subject because it is a matter which deserves our consideration. It would be my hope that early hearings could be scheduled by the Subcommittee

on Criminal Laws and Procedures so that appropriate action could be taken promptly.

At this point I ask unanimous consent to have printed in the RECORD the text of the bill, the transmittal letter from the Attorney General and the Secretary of State, and a section-by-section analysis of the provisions of the bill.

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

S. 2436

A bill to amend title 18, United States Code, to provide for expanded protection of public officials and foreign officials, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Act for the Protection of Public and Foreign Officials".

STATEMENT OF FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress recognizes that from the beginning of our history as a Nation, the police power to investigate, prosecute and punish common crimes such as murder, kidnaping and assault has resided in the several States, and that such power should remain with the States.

The Congress finds, however, that some acts of violence committed against public officials or their family members adversely affect the conduct of the public business of the United States to an extent which makes it desirable to proceed under Federal law against those who commit such acts.

The Congress further finds that harassment, intimidation, obstruction, coercion, and acts of violence committed against foreign officials or their family members in the United States adversely affect the foreign relations of the United States.

Accordingly, this legislation is intended to afford the United States jurisdiction concurrent with that of the several States to proceed against those who by such acts interfere with its conduct of domestic and foreign affairs.

TITLE I—MURDER OR MANSLAUGHTER OF PUBLIC AND FOREIGN OFFICIALS

SEC. 101. Section 1114 of title 18, United States Code, is amended to read as follows:

"§ 1114. Murder or manslaughter of public officials of the United States.

"(a) Whoever kills a public official of the United States while engaged in the performance of his official duties, or on account of the performance of his official duties or because of his status as a public official, or kills any member of such public official's family on account of the performance of official duties by such public official or because of the official's status as a public official, shall be punished as provided under sections 1111 and 1112 of this title.

"(b) For the purpose of this section:

(1) 'Public official' means an officer or employee or other person acting for or on behalf of and under the authority of the United States, or any department, agency or branch of the United States government, excluding the District of Columbia. A person who has been elected, nominated or appointed to be a public official shall be deemed a public official.

"(2) 'Family' includes (a) a spouse, parent, brother or sister, child, or person to whom the public official stands *in loco parentis,* or (b) any other person living in his household and related to the public official by blood or marriage.

"SEC. 102. Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"§ 1116. Murder or manslaughter of foreign officials.

"(a) Whoever kills a foreign official shall be punished as provided under sections 1111 and 1112 of this title.

"(b) For the purpose of this section 'foreign official' means

"(1) a Chief of State, President, Vice President, Prime Minister, Ambassador, Foreign Minister, or other officer of cabinet rank or above of a foreign government or the chief executive officer of an international organization, or any person who has previously served in such capacity, and any member of his family, while in the United States; and

"(2) any person of a foreign nationality who is duly notified to the United States as an officer or employee of a foreign government or international organization, and who is in the United States on official business, and any member of his family whose presence in the United States is in connection with the presence of such officer or employee.

"(c) For the purpose of this section:

"(1) 'Foreign government' means the government of a foreign country, irrespective of recognition by the United States.

"(2) 'International organization' means a public international organization designated as such pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288).

"(3) 'Family' includes (a) a spouse, parent, brother or sister, child, or person to whom the foreign official stands *in loco parentis,* or (b) any other person living in his household and related to the foreign official by blood or marriage.

"§ 1117. Conspiracy to murder.

"If two or more persons conspire to violate section 1111, 1114, or 1116 of this title, and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life."

SEC. 103. The analysis of chapter 51 of title 18, United States Code, is amended by deleting "§ 1114. Protection of officers or employees of the United States." and substituting:

"§ 1114. Murder or manslaughter of public officials of the United States.";

and by adding at the end thereof the following new items:

"§ 1116. Murder or manslaughter of foreign officials.

"§ 1117. Conspiracy to murder."

TITLE II—KIDNAPING

SEC. 201. Section 1201 of title 18, United States Code, is amended to read as follows:

"§ 1201. Kidnaping.

"(a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when:

(1) the person is wilfully transported in interstate or foreign commerce;

(2) any such act against the person is done within the special maritime and territorial jurisdiction of the United States;

(3) any such act against the person is done within the special aircraft jurisdiction of the United States as defined in section 101 (32) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(32));

(4) the person is a public official of the United States as defined in section 1114(b) (1) of this title and the act is done while he is engaged in the performance of his official duties, or on account of the performance of his official duties or because of his status as a public official, or the person is a member of the family of a public official of the United States as defined in section 1114(b)(2) of this title and the act is done on account of the performance of official duties by such public official or because of the official's status as a public official; or

(5) the person is a foreign official as defined in section 1116(b) of this title,

shall be punished (1) by imprisonment for any term of years or for life, or (2) if the person dies as a consequence, by death if the jury so recommends, or in the case of a plea of guilty or a plea of not guilty where the defendant has waived a trial by jury if the court in its discretion so orders, or by imprisonment for any term of years or for life if the death penalty is not imposed.

"(b) With respect to subsection (a)(1), above, the failure to release the victim within twenty-four hours after he shall have been unlawfully seized, confined, inveigled, decoyed, kidnaped, abducted, or carried away shall create a rebuttable presumption that such person has been transported in interstate or foreign commerce.

"(c) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life."

SEC. 202. The analysis of chapter 55 of title 18, United States Code, is amended by deleting "§ 1201. Transportation.", and substituting the following:

"§ 1201. Kidnaping."

TITLE III—PROTECTION OF PUBLIC AND FOREIGN OFFICALS

SEC. 301. Section 111 of title 18, United States Code, is amended to read as follows:

"§ 111. Assaulting public officials of the United States.

"(a) Whoever assaults, or forcibly resists, opposes, impedes, intimidates, or interferes with any public official of the United States while engaged in the performance of his official duties or because of his status as a public official, or on account of the performance of his official duties, or assaults any member of such public official's family on account of the performance of official duties by such public official or because of the official's status as a public official, shall be fined not more than $5,000, or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon shall be fined not more than $10,000, or imprisoned not more than ten years, or both.

"(b) For the purpose of this section 'public official' and 'family' shall have the same meanings as provided in section 1114(b) of this title."

SEC. 302. Section 112 of title 18, United States Code, is amended to read as follows:

"§ 112. Protection of foreign officials.

"(a) Whoever assaults, strikes, wounds, imprisons, or offers violence to a foreign official shall be fined not more than $5,000, or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon shall be fined not more than $10,000, or imprisoned not more than ten years, or both.

"(b) Whoever wilfully intimidates, coerces, threatens or harasses a foreign official, or wilfully obstructs him in the performance of his duties, shall be fined not more than $500, or imprisoned not more than six months, or both.

"(c) Whoever within the United States but outside the District of Columbia congregates with two or more persons within 100 feet of any building or premises belonging to or used or occupied by a foreign government or by a foreign official for diplomatic, consular or other official purposes, including as a residence for a foreign official, or belonging to or used by an international organization, with respect to the activities of the foreign government, foreign official, or international organization, and refuses to leave when ordered to do so by authorities charged with enforcement of the laws of the United States or of the State or locality in which such building or premises are situated, shall be fined not more than $500, or imprisoned not more than six months, or both.

"(d) For the purpose of this section 'foreign official', 'foreign government' and 'inter-

national organization' shall have the same meanings as those provided in sections 1116 (b) and (c) of this title."

SEC. 303. The analysis of chapter 7 of title 18, United States Code, is amended by deleting "§ 111. Assaulting, resisting, or impeding certain officers or employees.", and "§ 112. Assaulting certain foreign diplomats and other official personnel.", and adding at the beginning thereof the following new items:

"§ 111. Assaulting public officials of the United States.

"§ 112. Protection of foreign officials."

TITLE IV—PROTECTION OF PROPERTY OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

SEC. 401. Chapter 45 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 970. Protection of property occupied by foreign governments.

"(a) Whoever wilfully injures, damages or destroys, or attempts to injure, damage or destroy, any property, real or personal, located within the United States and belonging to or utilized or occupied by any foreign government or international organization, or by a foreign official, shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(b) For the purpose of this section 'foreign official', 'foreign government' and 'international organization' shall have the same meanings as those provided in sections 1116 (b) and (c) of this title."

SEC. 402. The analysis of chapter 45 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"§ 970. Protection of property occupied by foreign governments."

TITLE V—GENERAL PROVISIONS

SEC. 501. Nothing contained in this Act shall be construed to indicate an intent on the part of Congress to occupy the field in which its provisions operate to the exclusion of the laws of any State, Commonwealth, territory, possession or the District of Columbia on the same subject matter, nor to relieve any person of any obligation imposed by any law of any State, Commonwealth, territory, possession or the District of Columbia.

SEC. 502. (a) The following provisions of law are repealed:

(1) Section 13(a)(8) of the United States Grain Standards Act, 39 Stat. 485, as added by the Act of August 15, 1968 (82 Stat. 76, 7 U.S.C. 87b(a)(8));

(2) Section 16(b) of the Act of August 24, 1966 (80 Stat. 352), as added by section 17 of the Animal Welfare Act of 1970, approved December 24, 1970 (84 Stat. 1563, 7 U.S.C. 2146(b));

(3) Section 1501 of title 18, United States Code;

(4) Section 1502 of title 18, United States Code;

(5) Section 2231 of title 18, United States Code;

(6) Section 307 of the Act of August 5, 1935 (49 Stat. 528, 19 U.S.C. 70);

(7) Section 12(c) of the Poultry Products Inspection Act, as added by section 12(c) of the Act of August 18, 1968 (82 Stat. 802. 21 U.S.C. 461(c));

(8) Section 405 of the Federal Meat Inspection Act, as added by section 16 of the Wholesome Meat Act, approved December 15, 1968 (81 Stat. 599; 21 U.S.C. 675);

(9) Section 12(c) of the Egg Products Inspection Act, approved December 29, 1970 (84 Stat. 1620);

(10) Section 714 of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat. 265, 42 U.S.C. 2000e–13); and

(11) Section 4376 of the Revised Statutes (46 U.S.C. 324).

(b) Title 18 of the United States Code is amended by deleting from the analysis of chapter 73 "§ 1501. Assault on process server." and "§ 1502. Resistance to extradition agent." and by deleting from the analysis of chapter 109 "§ 2231. Assault or resistance."

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., August 5, 1971.

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

DEAR MR. VICE PRESIDENT: There is attached for your consideration and appropriate reference a draft bill, "To amend title 18, United States Code, to provide for expanded protection of public officials and foreign officials, and for other purposes", which is being submitted jointly by the Department of State and the Department of Justice.

Of late, express and implied threats of militant activists and terrorists to commit acts of physical violence against the persons of members of the diplomatic corps, other foreign officials, and officials of the United States have created grave concern in our respective Departments. The lesson from the recent distressful experiences of other nations with terrorist seizures of diplomatic and governmental officials for use as pawns in "political" disputes is clear.

Review of resources available to the Federal Government to meet these new and substantial threats to foreign and public officials has disclosed alarming omissions and inconsistencies in existing Federal criminal jurisdiction over such matters. Correction of these deficiencies need not and should not await the actual occurrence of a tragedy and response thereto on a category-by-category basis as was the case with the assassination of a President (18 U.S.C. 1751) and of a Senator (18 U.S.C. 351). Both history and the present public declarations and acts of individuals and groups who seek to achieve their ends through unlawful means call for the timely enactment of new criminal laws on this subject. Enactment of this legislation will provide protection against criminal acts which jeopardize both the domestic operations of our Government and its relations abroad.

Provision for increased protection of diplomatic, consular and other foreign government personnel and their families permits direct discharge by the United States of its international obligations as a host country. Presently, in most instances of interference with such persons, the Federal Government can only press for the cooperation of local authorities but has no way to guarantee that such cooperation will be forthcoming.

This legislation also extends to all Federal personnel and their families the same statutory protection against assaults and murder which has been reserved for selected classes of Federal officers and employees. The rationale for previous limitation of Federal investigative and prosecutive jurisdiction in this area has long since been eroded. Now we find over thiry percent of all Federal civilian employees protected by Federal criminal statutes against physical abuse, with little to distinguish those within the protected classes from those without. The creation of identical statutory protection from physical abuse for all Federal employees will equitably provide for security of all Government departments and agencies.

This legislation also makes significant changes in the existing Federal kidnaping law. The revision of section 1201 of title 18, United States Code, will provide Federal criminal jurisdiction for kidnapings committed within the special maritime and territorial jurisdiction and the special aircraft jurisdiction of the United States. Thus our Government will no longer be forced to rely upon the interstate transportation jurisdiction which, in airplane hijacking cases, has proved an inappropriate basis for the extradition of hijackers. The legislation also restores the death penalty for kidnaping by correcting the defect in the present provision disclosed in *United States* v. *Jackson*, 390 U.S. 570 (1968), but authorizes its imposition only if the victim dies as a consequence of the crime.

Whereas the prime responsibility to investigate, prosecute and punish common crimes such as murder, kidnaping and assault remains in the several States, this legislation will extend to the United States jurisdiction, concurrent with that of the States, to proceed against those acts committed against public and foreign officials which interfere with its conduct of domestic and foreign affairs.

We urge the prompt introduction and early enactment of this legislation.

The Office of Management and Budget has advised that enactment of this legislation is consistent with the objectives of this Administration.

Sincerely,

JOHN N. MITCHELL,
Attorney General.
WILLIAM P. ROGERS,
Secretary of State.

SECTION-BY-SECTION ANALYSIS

TITLE I—MURDER OR MANSLAUGHTER OF PUBLIC AND FOREIGN OFFICIALS

Sec. 101. This section amends title 18 of the United States Code by substituting a revised section 1114 which in subsection (a) makes punishable under Federal law the murder or manslaughter of public officials of the United States who are killed (1) while engaged in the performance of their official duties, (2) on account of the performance of their official duties, or (3) because of their status as public officials. It also punishes the killing of members of the family of a public official if they are killed (1) on account of the public official's performance of his duties, or (2) because of his status. Sections 1111 (Murder) and 1112 (Manslaughter) of title 18, United States Code, delineate the offenses and prescribe the penalties which may be imposed. Section 1114 affords Federal jurisdiction concurrent with State jurisdiction over homicides which may be exercised whenever a homicide within the purview of the section is of sufficient interest to the United States to warrant Federal investigation or prosecution.

Although the Government must indicate the status of the victim in prosecutions brought under this section for the purpose of establishing a jurisdictional basis, knowledge of the victim's status on the part of his assailant is not an element of the offense which must be established at trial if the person is killed while performing his official duties or because of the performance of his special duties.

Existing section 1114 of title 18, United States Code, provides for Federal jurisdiction over homicides of a wide variety of Federal officers and employees, but no statute provides for all cases in which a Federal officer or employee is killed in pursuit of his official duties, or in connection with his office. The exsting law fails to provide Federal jurisdiction where a member of the family of a public official is the victim of a homicide and the death relates to the public official's status or to the performance of his duties. However, 26 U.S.C. 7212(a) proscribes threats of force or bodily harm to members of the family of an employee enforcing the internal revenue laws; thus, the provision does not lack precedent.

Subsection (b)(1) of revised section 1114 defines "public official" to include officers and employees and other persons acting on behalf of or under the authority of the United States. The definition excludes employees of the District of Columbia but includes persons who have been elected, nominated or appointed to office, thus affording the latter persons protection before they have assumed their duties. Compare 18 U.S.C. 372.

The term "family" as defined in subsection (b)(2) includes certain enumerated members of a public official's immediate family, per-

sons to whom he stands *in loco parentis*, and other persons related to him if they are members of his household. The homicide of a family member is not cognizable under this section unless it relates to a public official's status or performance of his duties.

Sec. 102. This section adds a section 1116 to chapter 51 of title 18, United States Code, which in subsection (a) makes punishable under Federal law the murder or manslaughter of foreign officials. Here, as in section 101(a) of this Act, the offenses are delineated and the penalties prescribed by 18 U.S.C. 1111 (Murder) and 18 U.S.C. 1112 (Manslaughter).

"Foreign official" as defined in subsection (b) embraces two distinct categories of persons. The first category, designated is subparagraph (1), includes a Chief of State, President, Vice President, Prime Minister, Ambassador, Foreign Minister, or other officer of cabinet rank or above of a foreign government; the chief executive officer of an international organization; and persons who have previously served in such capacities. It also includes members of the families of such officers or former officers. These persons are protected while in the United States regardless of whether their presence relates to official or unofficial business. The term "officer of cabinet rank or above" is intended to include, without being limited to, a member of the government of any nation who is the head of an executive department, the presiding officer of a national legislative body, or a member of a nation's higher judicial tribunal.

The second category, designated in subparagraph (2), includes all persons of foreign nationality who are duly notified to the United States as officers or employees of foreign governments or international organizations and who are in the United States on *official business*, and members of their families who are in this country in connection with the presence of the officers or employees. The class of officers and employees of foreign governments includes those at embassies and consulates, those at missions of their governments to international organizations, and those at trade or commercial offices of foreign governments.

Federal prosecution under proposed section 1116 of title 18, United States Code, as under revised section 1114, will be initiated at the discretion of Federal law enforcement authorities and based upon a determination that the United States has a substantial interest in the case. In other cases, the prosecution of homicides of foreign officers and employees and their family members will be left to the States which have jurisdiction. Under this section the status of the victim as a foreign official provides a jurisdictional basis for Federal investigation or prosecution, but knowledge of the victim's status is not an element of the offense to be proved at trial.

Subsection (c)(1) of section 1116, United States Code, defines "foreign government" to include any government of a foreign country irrespective of recognition by the United States. Unlike 18 U.S.C. 11, which defines "foreign government" for other purposes of title 18, it does not restrict the term to nations with which the United States is at peace nor does it include a "faction, or body of insurgents within a country."

Subsection (c)(2) defines "international organization" for the purposes of this section as it is defined in section 1 of the International Organizations Immunities Act. (22 U.S.C. 288.)

Subsection (c)(3) defines "family" to include certain enumerated members of the foreign official's immediate family, persons to whom he stands *in loco parentis*, and other persons related to him if they are members of his household.

Section 102 also adds to chapter 51 of title 18, United States Code, a section 1117 which punishes by imprisonment for any term of years or life conspiracies to violate existing section 1111 (Murder within the special maritime or territorial jurisdiction of the United States); revised section 1114 (Murder or manslaughter of public officials), and new section 1116 (Murder or manslaughter of foreign officials). Special provision for conspiracy to murder is added to parallel existing provisions for kidnaping. See 18 U.S.C. 1201.

Sec. 103. This section makes appropriate amendments to the analysis of chapter 51 of title 18, United States Code.

Title II—Kidnaping

Sec. 201. This section revises section 1201 of title 18, United States Code, to make a number of substantive changes in the present kidnaping law. In lieu of the sole jurisdictional base of transportation in interstate or foreign commerce, jurisdiction to punish kidnaping is provided when (1) the victim is transported in interstate or foreign commerce (as under existing law); (2) the kidnaping occurs within the special maritime and territorial jurisdiction of the United States, or (3) in the special aircraft jurisdiction of the United States; or (4) the victim is a public official or a member of the family of a public official and the crime is committed under circumstances in which a homicide would be a Federal offense under section 1114; or (5) the victim is a foreign official. The terms "public official," "foreign official" and "family" are used as defined in revised section 1114 and new section 1116 of title 18 United States Code added by section 102 of this Act. It should be noted that the definition of "foreign official" includes not only foreign officials and employees but members of their families in certain circumstances.

Although the terms "kidnaping" has acquired a general meaning sufficient to encompass the operative term "seizes", "confines", etc. (compare 18 U.S.C. 351), for clarity the present terminology of 18 U.S.C. 1201 is retained. The term "ransom or reward or otherwise" is intended to reflect the judicial construction developed under existing Federal law. See *Gooch* v. *United States*, 297 U.S. 124, 128 (1936).

Extending federal kidnaping jurisdiction to the special admiralty and maritime jurisdiction and to the special aircraft jurisdiction will facilitate extradition of persons who commit kidnaping in the course of maritime offenses or air piracy, which are not now extraditable offenses under many extradition treaties.

Moreover, the present law has been modified so as to cure the defect in the existing death penalty provision which was indicated by the United States Supreme Court in *United States* v. *Jackson*, 390 U.S. 570 (1968). However, where the law prior to the Court's decision permitted the imposition of the penalty where the kidnaped person was not "liberated unharmed," the present provision authorizes its imposition only if the victim dies as a consequence of the unlawful acts of his kidnapers Under this section, a person who dies of exposure or other harm to which his kidnapers subject him will have died "as a consequence" of their unlawful acts.

Section 1201(b) retains in cases in which jurisdiction is based upon subsection (a)(1) the rebuttable presumption of the present law that a victim who has not been released in twenty-four hours of his abduction has been transported in interstate commerce.

Conspiracy to kidnap is an offense under revised section 1201(c), as under existing law. However, the penalty has been modified to be commensurate with the penalty authorized for conspiracy to murder under section 117 of title 18, United States Code, added by section 102 of this Act.

Sec. 202. This section makes appropriate amendments to the analysis of chapter 55 of title 18, United States Code.

TITLE III—PROTECTION OF PUBLIC AND FOREIGN OFFICIALS

Sec. 301. This section amends section 111 of title 18, United States Code, which prohibits assaults upon the Federal employees designated in existing section 1114 of the title (concerning homicides), so as to make it co-extensive with section 1114 as revised by section 101 of this Act by applying it to Federal employees generally.

Section 111(a) makes it a Federal offense to assault or to forcibly resist, oppose, intimidate or interfere with any public official of the United States (1) while engaged in the performance of his official duties, or (2) on account of the performance of his official duties, or (3) because of his status as a public official, or to assault any member of a public official's family (1) on account of the public official's performance of his duties or (2) because of his official status. The proscribed acts are punishable by a fine up to $5,000, or imprisonment for a term of 3 years, or both, except that if a deadly weapon is used, the fine may be increased to $10,000 and the term to 10 years These penalties are identical to those which may be imposed under existing law.

The term "assaults" is used in this section in its common law sense to mean an attempted battery (*Guarro* v. *United States*, 237 F. 2d 578, 580 (D.C. Cir. 1956)), or an offer of violence which creates in the victim a reasonable apprehension thereof, (*Ladner* v. *United States*, 358 U.S. 169, 177 (1958)). The term "forcibly" modifies not only "resists" but the operative terms that follow, i.e. "opposes", "impedes", "intimidates", etc.

Section 111(b) defines "public official" and "family" as the terms are defined in section 1114(b).

Sec. 302. This section amends existing section 112 of title 18, United States Code, which proscribes assaults on specifically designated foreign officials, to make it co-extensive in coverage with new section 1116 of the title pertaining to homicides of foreign officials.

Section 112(a) makes it a Federal offense to assault, strike, wound, imprison or offer violence to a foreign official, subject to a fine up to $5,000 or imprisonment up to 3 years, or both. If a deadly weapon is used the fine may be increased to $10,000 and the term to 10 years. Identical penalties may be imposed under existing section 112.

Section 112(b) makes it a misdemeanor to wilfully intimidate, coerce, threaten or harass a foreign official or to wilfully obstruct him in the performance of his duties. There is no comparable Federal statute. However, a District of Columbia statute prohibits, among other things, the intimidation or harassment of representatives of foreign governments or interference with their peaceful pursuit of their duties. See D.C. Code, Sec. 22–1115; and *Frend* v. *United States*, 69 App. D.C. 281, 100 F. 2d 691 (1938), cert. den. 306 U.S. 640.

It is intended that such acts as the following will constitute harassment under this section, if done with intent to intimidate, alarm, or persecute a foreign officials:

1. Following him about in a public place or places after being requested not to do so;

2. Engaging in a course of conduct, including the use of abusive language, or repeatedly committing acts which alarm, intimidate or persecute him and which serve no legitimate purpose; or

3. Communicating with him anonymously by telephone, telegraph, written communication, or otherwise in a manner likely to cause annoyance or alarm, or making repeated telephone calls to him whether or not conversation ensuses, with no purpose of legitimate communication.

See New York Penal Code sections 240.25, 240.30. However, this list is not inclusive since many ways can be contrived in which to intimidate, coerce, threaten, or harass. Certain of these acts would also be violations of

Federal law under present 47 U.S.C. 223, concerning harassing telephone calls, and 18 U.S.C. 876–77, concerning the mailing of threats.

Section 112(c) prohibits congregating within 100 feet of any building or premises owned, used or occupied by a foreign government or by a foreign official, for diplomatic, consular or other official purposes, including a residence for a foreign official, or belonging to or used or occupied by an international organization, and refusing to leave at the request of law enforcement authorities, provided that the act relates to activities of the foreign government, foreign official, or international organization affected thereby. The offense is a petty offense punishable by a fine of not more than $500 or not more than six months imprisonment, or both. The purpose of the provision is to protect the peace, dignity and security of foreign officials in their embassies, consulates, missions, residences and offices.

The provision is not made applicable to the District of Columbia because a District law of long standing affords similar protection to foreign officials in the Nation's Capital. See D.C. Code, Sec. 22–1115, *supra*. Whereas the District of Columbia law prohibits congregating within 500 feet of premises used by foreign governments as embassies, consulates, or for other official purposes, without a permit, the present section prohibits such activity only within 100 foot radius of such premises outside the District of Columbia. The narrower radius has been adopted to minimize interference with the freedom of ingress and egress of individuals upon public property in the vicinity of diplomatic missions and consulates, residences of foreign officials, and offices of international organizations located in congested metropolitan areas in cities such as New York, San Francisco and Chicago.

Section 112(d) defines "foreign official", "foreign government" and "international organization" for the purpose of this section. These terms are given consistent meanings throughout the Act.

Sec. 303. This section makes appropriate amendments to the analysis of chapter 7 of title 18, United States Code.

TITLE IV—PROTECTION OF PROPERTY OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

Sec. 401. This section adds a new section 970 to chapter 45 of title 18, United States Code, which in subsection (a) makes it a Federal offense to wilfully injure, damage or destroy, or attempt to injure, damage or destroy, any real or personal property located within the United States and belonging to or utilized or occupied by any foreign government or international organization, or by a foreign official. Thus embassies, consulates, missions to international organizations, the residences of foreign officials and trade or commercial offices of foreign governments would be covered. Violations are punishable by a fine up to $10,000 or imprisonment up to 5 years, or both. The provision covers real and personal property, including automobiles and other vehicles, used for official or unofficial purposes.

There is no present law which generally proscribes malicious injury or destruction of property within the United States owned or occupied by foreign governments. But see 18 U.S.C. 844(i). Section 956 of title 18, United States Code, punishes certain conspiracies within United States jurisdiction to injure properties of foreign governments situated within foreign countries. Chapter 65 of title 18, United States Code, deals with malicious mischief with respect to property owned by the United States, and to communications facilities, property located within the special maritime and territorial jurisdiction of the United States, and property intended for export in foreign commerce. (18 U.S.C. 1361–64.)

Subsection (d) defines "foreign official", "foreign government" and "international organization" in the same fashion as elsewhere in the Act.

Sec. 402. This section makes appropriate amendments to the analysis of chapter 45 of title 18, United States Code.

TITLE V—GENERAL PROVISIONS

Sec. 501. This section makes explicit the intent of the Congress that no provision of the Act is to be construed to preempt the field, or to diminish the obligation of the States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions to prosecute crimes within their jurisdictions.

Sec. 502. This section repeals certain provisions of law which are inconsistent with this Act, or rendered unnecessary because the Act covers similar offenses against all the persons designated therein.

By Mr. FONG (for himself and Mr. INOUYE):

S. 2437. A bill to authorize a program for the development of fishery resources in the Central, Western, and South Pacific Ocean. Referred to the Committee on Commerce.

CENTRAL, WESTERN, AND SOUTH PACIFIC FISHERY DEVELOPMENT ACT

Mr. FONG. Mr. President, I am introducing for myself and Senator INOUYE today legislation to authorize a program for the development of fisheries resources in the Central, Western, and South Pacific, with particular emphasis on developing the considerable, latent tuna resources of that vast area.

The bill I offer has the same general objective as S. 3176 of the 91st Congress, which I introduced in 1969. S. 3176 was approved by the Senate in 1970, but no action on it was taken by the House.

The new bill takes into account two relevant events which occurred during the interim.

First, by Presidential Executive order, the commercial fisheries functions formerly vested in the Department of the Interior were transferred to the Department of Commerce in October 1970. The new bill, therefore would authorize the Secretary of Commerce, rather than the Secretary of the Interior, to carry out the proposed program for the development of the tuna resources.

Second, the Pacific Islands Development Commission—a cooperative effort of the governments of the State of Hawaii, American Samoa, Guam, and the Trust Territory of the Pacific Islands—was formed last year to encourage the development of the fisheries resources. Incorporated in the State of Hawaii as a nonprofit corporation, the Commission is composed of the chief executives of the four insular areas. The new bill would authorize the Secretary of Commerce to contract with the Commission to undertake a 3-year program in the Central, Western, and South Pacific.

To carry out the purposes of the legislation, $4 million would be authorized to be appropriated under the bill. The U.S. tuna industry has pledged about $212,000 toward a fisheries development fund, with contributions also expected from the Commission.

The intensified interest in tuna fisheries in the Pacific stems from two main considerations:

First. The State of Hawaii, American Samoa, Guam, and the Trust Territory of the Pacific are in need of diversified economic development and look to the development of fisheries research as a way to improve and diversify their basic economies.

The island areas at present are too heavily dependent on government employment and are eagerly seeking opportunities to create additional new jobs.

Second. The U.S. tuna fleet is providing a decreasing proportion of the world's supply of tuna, although the demand for the product is increasing rapidly. The industry's existence is being threatened by regulatory limits in the Eastern Pacific; by stiff competition from foreign fleets receiving considerable assistance from their governments; and by foreign seizures of U.S. tuna vessels.

Estimates on the size of the rich tuna resources in the Central, Western, and South Pacific range up to a total of 1 million tons. Experts figure that some 880,000 short tons of skipjack tuna can be harvested from the Pacific Ocean. At $250 per ton, 800,000 tons of skipjack would be worth about $200 million to the fisherman, $500 million to the processors, and some $800 million at the retail level. Even if only half of this resource is developed in the next decade, it would be a significant contribution.

Scientists who have conducted biological and oceanographic research in the Central, Western, and South Pacific are satisfied there are vast tuna resources throughout the area. What needs to be done now is exploratory fishing and gear research—what equipment and techniques would be most effective in harvesting the several stocks of tuna species known to be available in that area.

In the first year of the proposed 3-year program, it is contemplated that exploration in the Central and South Pacific will be conducted by large modern purse seiners and medium size bait boats; and in the Western Pacific by medium size seiners and bait boats of various types with gear modifications.

Hopefully, the results of the first year's experience would lead to more productive operations in subsequent years.

A project of this magnitude must largely be funded by the Federal Government. Neither the Pacific island governments nor the industry are able to finance the cost of such an extensive, but necessary, program. All are pledged, however, to contribute to a share of the total program.

Because the potential benefits of the tuna research program proposed in the bill I am introducing today are so promising—to the peoples of the Pacific island areas under the American flag, to the tuna industry and the U.S. fishing industry as a whole, and the entire Nation—I am hopeful that the legislation will receive favorable consideration in this Congress.

Mr. President, at this point, I request that there be printed in the RECORD the text of the tuna research bill and the contents of the several letters I have received in support of the program from the State of Hawaii, American Samoa,

Guam, the Trust Territory of the Pacific Islands, and the U.S. tuna industry.

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

S. 2437

A bill to authorize a program for the development of fishery resources in the Central, Western, and South Pacific Ocean

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 "Central, Western, and South Pacific Fishery Development Act".

SEC. 2. (a) The Secretary of Commerce (hereinafter referred to as the "Secretary") is authorized to contract with the Pacific Island Development Commission to undertake a three-year program for the development of the tuna resources of the Central, Western, and South Pacific Ocean.

(b) The program shall include but not be limited to tuna exploration and tuna stock assessment, improvement of harvesting techniques, gear development, biological resource monitoring, and an economic evaluation of the potential for a tuna fishery in such areas.

(c) (1) During the first year such program shall include exploration of the Central and South Pacific by large modern purse seiners and medium size bait boats and exploration of the Western Pacific by medium size purse seiners and bait boats of various types.

(2) Aerial survey scouting shall be used to assist in spotting fish schools.

(3) Gear modification expenses of the commercial vessels under contract shall be borne by the owners of such vessels.

SEC. 3. (a) As soon as practicable after the end of the first year of the program the Secretary shall assess the results of the program and use such results to develop the program for the second and third years.

(b) The Secretary shall submit to the President and the Congress, not later than six months after the end of the second year of such program, a complete report with respect to his activities, and any recommendations he may have as a result of such activities, including recommendations for continuing such program.

SEC. 4. There is authorized to be appropriated the sum of $4,000,000 to carry out the purpose of this Act. Sums appropriated pursuant to this section shall remain available until expended.

Hon. HIRAM L. FONG,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR FONG: I regret that I was not able to go to Washington to participate in the effort to obtain Federal funds for the all-important fisheries development project in the Central, Western and Southern Pacific. I did, however, send testimony to Chairman Dingell to be included in the hearings on HR 4380 and HR 8966.

I am in complete support of the effort to obtain $4 million to initiate the exploratory program which could lead to great economic benefits to the Island territories as well as to Hawaii.

As you know, there was an Administration bill passed in our own State Legislature which I have recently signed, Act 126, which provides $100,000 for Hawaii's contribution to a $200,000 cooperative development by Hawaii and the Island territories. This amount must be matched by the Island territories at some $33,333 each before Hawaii's portion can be expended. We expect, through the Pacific Islands Development Commission, to contribute a nominal amount from this fund toward the fisheries development project as outlined in the report, "An American Fisheries Opportunity in the Central and Western Pacific," which I understand is in your possession. This amount will probably be in the order of $30,000 to $40,000 by the Commission which compares with the individual contributions by tuna companies. Their pledge, as you know, totals $212,500 and consists of some 5 or 6 companies as well as two boat owners associations.

My fellow commissioners and I believe that the project should be under the policy direction of the Pacific Islands Development Commission with its Marines Resources Development Committee having the direct jurisdiction over the operation of the project. For your information, I am enclosing a copy of the list of members of the Marine Resources Development Committee.

I would again emphasize Hawaii's complete support of this effort, together with our friends in the Island territories. We are ready to provide you with whatever information that you need to help you in your efforts to raise the necessary money in the Congress and the Administration.

Warmest personal regards. May the Almighty be with you and yours always.

Sincerely,

JOHN A. BURNS,
Governor of Hawaii.

PACIFIC ISLANDS DEVELOPMENT COMMISSION
MARINE RESOURCES DEVELOPMENT COMMITTEE

Hawaii: Mr. Michio Takata, Director, Division of Fish and Game, Department of Land and Natural Resources, 530 South Hotel Street, Honolulu, Hawaii.

Guam: Mr. Isaac Ikehara, Chief, Fish and Wildlife Division, Department of Agriculture, Government of Guam, Agana, Guam 96910.

Trust Territory: Mr. Peter Wilson, Chief, Marine Resources, Trust Territory of the Pacific Islands, Koror, Palau, Western Caroline Islands 96940.

American Samoa: Dr. Stanley Swerdloff, Director of Marine Resources, Government of American Samoa, Pago Pago, Tutuila, American Samoa 96920.

Bumble Bee: Mr. Ora Kerns, Fishery Biologist, Bumble Bee Seafoods, Inc., Box 30, University Station, Seattle, Washington 98105.

Del Monte: Mr. Clifton D. Day, Manager, Seafood Development, International, Del Monte Corporation, P.O. Box 3575, San Francisco, California 94119.

Star-Kist: Mr. Edward Ryan, Director of Fish Procurement Operations, Star-Kist Foods, Inc., Terminal Island, California 90731.

Van Camp Seafood: Mr. Glenn H. Copeland, President, Van Camp Seafood Division, Ralston Purina Company, P.O. Box 3208, Terminal Island, California 90731.

Westgate-California: Mr. Jack Gorby, Executive Vice President, Production and Marketing, Westgate-California Foods, Inc., 1995 Bay Front, San Diego, California 92112.

American Tunaboat Association: Mr. August Felando, General Manager, American Tunaboat Association, 1 Tuna Lane, San Diego, California 92101.

Western Fishboat Owners Association: Mr. F. Robert Insinger, General Manager, Western Fishboat Owners Association, 4904 N. Harbor Drive, San Diego, California 92106.

Scientific Community Representative: Dr. Albert Tester, Senior Professor, Zoology, University of Hawaii, Honolulu, Hawaii 96822.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 18, 1971.

Hon. HIRAM L. FONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FONG: Thank you very much for your support of the Pacific Islands Development Commission and its proposal to utilize the skip jack tuna resources now unutilized in the Pacific.

American Samoa, as a member of P.I.D.C. with Guam, the Trust Territory and Hawaii, fully supports the proposal presented to members of Congress and various Federal agencies this past week. We already know what tremendous economic impact a strong fishery can make and believe the use of the cannery operations and provide new jobs for us, as well as for the other three areas involved.

Your support of this proposal, again, is deeply appreciated.

Sincerely yours,

JOHN M. HAYDON,
Governor of American Samoa.

GOVERNMENT OF AMERICAN SAMOA,
Washington, D.C., June 28, 1971.

Hon. HIRAM L. FONG,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR FONG: I wish to congratulate and thank you for your strong support of the proposed tuna fisheries research program in the Pacific. In this connection, I wish to let you know that I am fully in accord with your views.

Governor John M. Haydon has expressed the true position of our Government and people in this matter. The United States share of the tuna supply has decreased greatly each year and the only hope for recouping and increasing this serious loss is in developing a skipjack tuna fisheries industry in the Central, Western and South Pacific.

With best regards and aloha, I remain

Sincerely yours,

A. U. FUIMAONO,
Delegate-at-Large.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 17, 1971.

Hon. HIRAM L. FONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FONG: I am writing to indicate the complete support of the Government of the Trust Territory of the Pacific Islands of efforts to obtain Federal funds for development of the fishing industry in the Central, Western, and South Pacific.

As a member of the Pacific Islands Development Commission, I am most anxious to do everything in my power to harvest the rich potential of marine resources in the four Pacific Island areas in which the United States has an interest—Hawaii, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

As we discussed yesterday, each of the three territories will, hopefully, contribute $33,333 to the Pacific Islands Development Commission within the next year to match the $100,000 already authorized by the State of Hawaii. This has been discussed with members of the Congress of Micronesia and a bill to this effect will definitely be introduced at the next regular session which convenes in January 1972.

We deeply appreciate your assistance in this project and your continued interest in the welfare of all Pacific Island people.

Sincerely yours,

EDWARD E. JOHNSON,
High Commissioner, Trust Territory of the Pacific Islands.

JUNE 30, 1971.

Hon. HIRAM L. FONG,
U.S. Senator,
Washington, D.C.

DEAR SENATOR FONG: Guam is concerned with the utilization of the Western Pacific Skipjack tuna population which is presently being harvested by the Japanese to the tune of 220,000 tons per year. We are seeking to get a piece of this action and we are hopeful that this will take place utilizing U.S. vessels.

I am informed that the U.S. tuna industry in the eastern Pacific is faced with serious problems such as 1), reaching their Yellowfin tuna catching quota after three months of operation each year; 2) they are also faced with vessel seizures in Central and South American waters; 3) and lately with tuna in mercury problems. The solution to these

problems, I believe, is to develop new grounds in the other parts of the Pacific, which I am informed may entail modification of gear and techniques to cope with the clear waters and fast moving Skipjack of the tropical Pacific waters.

Guam is uniquely located so that U.S. Skipjack fishing purse seiners can range as far west as the Philippines, south of New Guinea, east to the Marshalls and North to Japanese waters. Our deep water port can accommodate a fleet of fishing vessels; bunkering and repair facilities and excellent transportation and communications are available.

The potentials for the development of the Skipjack tuna resource of this area for the benefit of Guam and the U.S. are within our sight. We are hopeful that because of our limited financing, the Federal government can come to our help, for the sake of helping ourselves in the future.

I wish to take this opportunity to thank you for your past cooperation in this matter, and pledge to you our complete support in any future effort you may undertake in behalf of the tuna research program.

Sincerely,

CARLOS G. CAMACHO,
Governor of Guam.

TUNA RESEARCH FOUNDATION, INC.,
Terminal Island, Calif., June 23, 1971.

Hon. HIRAM L. FONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FONG: This will refer to the Program of Economic Development envisaged by the Pacific Island Development Commission.

The United States tuna industry considers this to be a program which will be highly beneficial to the economies of the State of Hawaii, American Samoa, Guam, and the Trust Territories of the Pacific Islands. The U.S. tuna industry would hope to share in this benefit.

After considerable consultation with the executives of the above mentioned political entities, the tuna industry has pledged a contribution of $212,500 toward the Program for the development of fisheries in the Pacific Basin.

The pledge of $212,500 is contingent, however, on there being made available from other sources a sum sufficient to insure the mounting of a program of a size that will give some reasonable assurance of success to the effort.

We are informing you of this pledge in order that you may know that the tuna industry is indeed sincere in its desire to contribute to and participate in the program.

Yours sincerely,

CHAS. R. CARRY,
Executive Director.

By Mr. HATFIELD:

S. 2438. A bill to provide a tax credit for contributions made directly to individuals and families whose income is below the poverty level. Referred to the Committee on Finance.

Mr. HATFIELD. Mr. President, since the war on poverty was officially declared in the early 1960's, various proposals have been made which were intended to deal the final blow to this adversary. Most particularly, attention has been increasingly paid to welfare—its present shortcomings, its rightful role, if any, in our society, and possible alternatives to the present system. The irony of the richest nation in the world's history having nearly one out of every eight of its citizens living below the poverty line has been frequently pointed to. In a country with such great wealth, this fact is appalling, but the essential question that has continually plagued us is how to best alleviate, if not completely solve, this problem.

The Federal Government was turned to, to lead the way. Government expenditures have increased expotentially, the number of poor has varied. Between 1961 and 1971, for instance, total Federal, State, and local expenditures for welfare nearly quadrupled. Between 1960 and 1969, the number of people living below the poverty line decreased steadily from 39.8 to 24.3 million—a decrease of 15.5 million people. Yet, between 1969 and 1970, the number of poor increased to 25.5 million—an increase of 1.2 million people. A large portion of this increase can probably be explained as a result of inflation: During the past 2 years the Federal budget has increased, but in constant dollars it has decreased. Generally, there is a positive correlation between the increase in Government expenditures related to alleviating poverty and the decreasing number of poor.

Be that as it may, there still remain roughly 13 percent of our country's citizens living below the official poverty level—$3,968 for a family of four. And if these people are to be brought up to nonpoverty conditions, no matter how defined, a great deal more must be done.

Much has been said about those living below the poverty line and living in poverty. But what is this line? And what is poverty? The usually accepted definition of "poverty line," and the one used by the Federal Government, was developed in 1964 by the Social Security Administration. The core of the definition is the 1963 cost of items for nutritionally adequate food plans developed by the Department of Agriculture. Since 1964, the cost has been adjusted annually by the Bureau of Labor Statistics' Consumer Price Index—CPI. The 1970 poverty line for a family of four based on the Social Security Administration's definition of poverty was $3,968. The Department of Health, Education, and Welfare estimated that to bring everyone up to this line under a Federal program introduced during the 91st Congress would cost in the neighborhood of $24 to $37 billion more than is presently being spent. This expenditure would be needed to provide everyone with a cash income of at least the poverty level for a total of $11.4 billion. In other words, to get $11.4 billion into the pockets of the poor would cost the Federal Government at least $26 billion and perhaps $39 billion.

A second definition of "poverty line" that is sometimes used is one based on data of the Bureau of Labor Statistics—BLS. The BLS developed budgets for three categories of life-style: Lower budget, intermediate budget, and higher budget. The differences between them is reflected by the following statement of BLS:

> The manner of living represented by the lower budget differs from that in the moderate and higher budgets primarily in the specifications that the family lives in rental housing without air conditioning; performs more services for itself; and utilizes free recreation facilities in the community. The elite style reflected by the higher budget, on the other hand, specifies a higher level of home ownership, compared with the moderate; more complete inventories of household appliances and equipment; and more extensive use of services for a fee. For a majority of the items in the list of goods and services that are common to the three budgets, both the quantity and quality levels in the lower budget are below, while those in the higher budget are above, the levels specified for the moderate budget.

Taking the lower budget estimate and eliminating costs such as physical services, hospital care, and taxes, the poverty level would have been $5,500 in 1970 for a family of four. This year, however, that cost has risen to $6,500 as estimated by the National Welfare Rights Organization, reflecting the rising cost of living and inflation. Whereas the cost of implementing a $5,500 Federal program would have cost roughly $55.8 billion for fiscal year 1971 as estimated by the Department of Health, Education, and Welfare, the cost of implementing the $6,500 level would be in the neighborhood of $80 to $85 billion with the ratio of administrative, child care, job training, and old age benefits of presently contemplated magnitude projected into this level. Of these funds, perhaps as much as $7 billion would go for administration assuming the present ratio of expenditures and administrative costs. Looked at another way, the cost of a poverty program of this magnitude would entail an administrative budget larger than our national budget in 1940—$9.055 billion—and a total budget of approximately the same size as the Gross National Product one year earlier—1939 GNP: $87.6 billion.

The family assistance plan offered by the administration uses a third definition of $2,400 for a family of four. And it would cost nearly $15 billion the first year. If the Federal Government is to bear the responsibility of eliminating poverty through federally controlled programs, then it will cost between $15 and $85 billion the first year depending upon which definition of poverty line one accepts.

But poverty has more than economic implications. Oscar Lewis, a noted author and researcher, has stated this very well in his book, "Five Families:"

> Although poverty is quite familiar to anthropologists, they have often taken it for granted in their studies of preliterate societies because it seemed a natural and integral part of the whole way of life. In fact, many anthropologists have taken it upon themselves to defend and perpetuate this way of life against the inroads of civilization.
>
> But poverty in modern nations is a very different matter. It suggests class antagonism, social problems, and the need for change . . . Poverty becomes a dynamic factor which affects participation in the larger national culture and creates a subculture of its own. One can speak of the culture of the poor, for it has its own modalities and distinctive social and psychological consequences for its members. It seems to me that the culture of poverty cuts across regional, rural-urban, and even national boundaries. For example, I am impressed by the remarkable similarities in family structure, the nature of kinship ties, the quality of husband-wife and parent-child relations, time orientation, spending patterns, value systems, and the sense of community found in lower-class settlements in London . . . in Puerto Rico . . . in Mexico City slums and Mexican villages and among the lower class Negroes in the United States.

Alleviating the economic plight of those individuals living in poverty would not solve the problem, although it is central to it. Poverty has psychological and sociological implications as well which must be dealt with if any welfare program is to be successful. It is these factors which determine the parameters of any constructive solution to poverty. Education, housing, transportation, health facilities, nutrition, family, and friends are intricate components of any meaningful program. To effectively deal with poverty, an entire subculture must be altered, as Oscar Lewis points out. This implies not only a substantial investment, as I pointed out earlier, but also will take considerable length of time due to the deeply rooted nature of the problem.

The first step that must be taken is in the economic realm. The United States has a trillion-dollar Gross National Product, having increased more than 10 times its size over the past 3 decades—$109.4 billion in 1941 and $1,005 billion in 1971. The Federal budget has also seen an increase roughly proportionate to the GNP. The Federal budget, for instance, has increased from $13.25 billion in 1941 to $164.7 billion in 1971, a more than twelvefold increase over the past 30 years.

If this Nation were to make a firm commitment to eliminate poverty, what would be the economic implications? Depending upon the definition of poverty one assumes for a family of four and the inclusiveness of such a definition the cost for a totally federalized program of income supplements would range between $3 billion and $85 billion—from a $1,600 to a $6,500 level for a family of four—as presently contemplated. As the poverty line increases, however, the tax base decreases. At present, with no change in the welfare level, the tax base would be $545 billion. If the level were increased to $2,400, the tax base would be decreased to $468 billion. And if the level were increased to $5,500, the tax base would decrease to $246 billion. What this means is that a greater burden would be borne by fewer people for the cost of welfare as the income level defined as the poverty line increases. At the $5,500 level, for instance, almost three-fifths of the citizens of the United States would keep welfare benefits. In order to continue other programs at present levels, calculating the additional burden of increasing welfare payments, average tax rates would have to increase between 0.7 to 68.9 percent—again using the $1,600 and $5,500 range.

Mr. President, I would like at this time to ask unanimous consent that a table utilized by Mr. Edward Moscovitch in an article written for the January/February edition of the New England Economic Review indicating the increased tax burdens for differing poverty levels be printed at the end of my remarks.

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

(see exhibit 1.)

Mr. HATFIELD. Mr. President, this would consequently affect the amount of disposable income that individuals would have. For example, with a $2,400 basic allowance for a family of four, a family of four with a $10,000 income would have a disposable income of $8,700. A family of four with an income of $30,000 would have a disposable income of $16,900 with a poverty level of $5,500.

In the same article quoted earlier there appears another table delineating this in greater detail and I, therefore, ask unanimous consent that the table appear at the end of my remarks.

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

(See exhibit 2.)

Mr. HATFIELD. Mr. President, having examined some of the economic implications of this type of income maintenance program at differing poverty levels, there are some critical choices to be made. Any changes put forth must take these factors into consideration, as well as the shortcomings of the present system, for instance, the cost of administering such a large program on a national basis—administration absorbs approximately $1 for every $12 of aid; the degradation of the recipients under the current program; today only 40 percent of those under the officially designated poverty line receive aid; work is discouraged in many instances; aid levels vary disproportionately from State to State.

Mr. President, any national program should supplement local efforts to cope with the problems of poverty—not the reverse, as seems to be the current trend. By "local," I do not mean even State or city, but the community and neighborhood. Not that the various levels of State and Federal Governments do not have a role to play, but help for those in less fortunate circumstances than others through no fault of their own, should be helped on an individual, neighborhood level primarily with larger regional governments becoming involved secondarily. The proposal I am introducing today, I believe to be a step in the direction of accomplishing these ends, as well as helping eliminate the problems inherent in the present and/or any national welfare program organized and controlled by the Federal Government.

The bill would allow tax credits to individuals or organizations who donate funds to others whose income is below the poverty level—to be defined on an annual basis by the Secretary so that inflation, cost of living, and other factors could be taken into consideration. The credits would progress over a 10-year period starting at 10 percent the first year and increasing at 10-percent increments each year to 100 percent the last year. The credits would be cumulative on an annual basis so that an individual could pay out more in 1 year than his total income tax for the same year, but be credited for whatever his future income tax might be.

The individuals receiving these funds from other individuals would have to qualify with local agencies and receive the funds on a prorated basis during each fiscal year. At the end of each fiscal year during the 10-year implementation period, the Secretary will report to the Congress the effects of the next year's credit increase on the Federal budget and the general economy.

I believe the potential consequences of this proposal would be profound. It would most importantly bring the problems of poverty back to the human level, involving people with one another to solve a mutual problem rather than having to deal with an impersonal bureaucracy and the dehumanizing effects that follow. Second, this proposal would significantly cut the administrative costs to the Federal Government by placing more responsibility with the potential recipient and the individual or organization interested in involving himself in the problems of poverty.

Before examining the budgetary and other implications of my proposal, a word must be said regarding the data available for analyzing and projecting the numerous, complex aspects of poverty, and any welfare program. With few exceptions, the necessary data is only estimated in the roughest of terms. In many cases, as in the following material, new and more valid data is needed before an ultimate choice is made. Be that as it may, the figures I am utilizing today are from official records of hearings or from various Government agencies unless otherwise indicated. From these figures, various projections were made, and if shortcomings in the mathematical analysis can be brought forth, they would be most welcome.

One of the first questions that comes to mind regarding the proposal I am making today is the possibility of depleting the income tax revenues for the operation of the Federal Government. Mr. President, I would like to ask unanimous consent that two charts, labeled exhibit 3 and exhibit 4, indicating the possible consequences of this program on revenue sources between fiscal years 1973–82 be printed in the RECORD at the conclusion of my remarks.

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

(See exhibits 3 and 4.)

Mr. HATFIELD. Mr. President, the first chart, exhibit 3, projects the anticipated incoming revenues to the Federal Government for each of the next 10 fiscal years at various poverty levels, if the full tax credit were used each year. The GNP was assumed to be increasing at an average rate of 8 percent, welfare expenditures were held constant, and an 11 percent GNP figure was used to project anticipated income taxes. For both exhibits 3 and 4, a poverty gap, which I described earlier, for each poverty level was determined to be roughly two-thirds the required gross Federal outlay for each level. The poverty gaps utilized are as follows:

[In billions]

	Poverty gap
$1,600	$2.3
$2,400	4.2
$4,000	1.4
$5,500	40.5
$6,500	50.0

As will be noted, even for fiscal year 1973 at the $6,500 level, the income taxes remaining for utilization of the Federal Government by the most conservative estimates is more than $5 billion above the estimated income taxes for fiscal year

1972—$135.4 billion as compared to $130.4 billion.

Exhibit 4 is based on the same data as exhibit 3, but instead of assuming a constant Federal outlay for welfare expenditures increases in the poverty ranks were assumed at a rate relative to population growth over the next decade. Again, if one will note the anticipated income revenues remaining in fiscal year 1973 at the $6,500 level, the figure is still above the projected income taxes through fiscal year 1972—$130.9 billion as compared to $130.4 billion. And as time progresses, the difference becomes greater. In order to make this comparison more clear, I ask unanimous consent that at the conclusion of my remarks a chart indicating the projected income taxes through fiscal year 1982 be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 5.)

Mr. HATFIELD. Mr. President, by fully utilizing a program of this nature, great savings could be anticipated. If by 1982, full advantage were taken of the tax credits, the Federal Government would not have to be making any expenditures for income maintenance and consequently have more flexibility in its budget. But even if this were not the case and the credits were not fully utilized, the opportunity would still be present and without jeopardizing the Government's revenue sources.

A further word, I feel, must be said about the cost of eliminating or significantly diminishing, poverty from our country. The Federal programs put forth during the 91st and 92d Congresses to date have been relatively small in comparison to the magnitude of the problem. For instance, child care must be provided if parents are to work. Jobs must be found if those living in poverty, no matter how defined, are to become self-supporting. Training must be forthcoming if those below the poverty line are to be able to obtain jobs. None of the programs put forth to date have really taken on this problem, the rationale utilized being that our country cannot afford it. I would not question that assertion if the programs emanated from and were directed by the Federal Government. The cost would be highly prohibitive. For instance, by combining only the gross outlays, administrative, and full child-care costs—not including land purchase, construction or renovation—the expenditures would be as follows:

[*For fiscal year 1972 in dollar billions*]

Poverty level:	Federal expenditure
$1,600	$19.2
$2,400	16.3
$4,000	76.6
$6,500	125.2

And I reiterate, these figures do not include job training, medical aid, or job creation and it assumes that parents would pay one-half the cost of child care programs—not including land purchase, construction or renovation.

Yet the problem can be met, if coordinated, integrated programs emanate from the local level and are supplemented by the Federal and State governments. This might be viewed as anachronistic and/or archaic, but a large Federal program, with the leadership attempted at the Federal level, cannot do the job—it can help. If this does not occur, I do not see any reasonable hope for breaking the poverty cycle and freeing millions of Americans today or in the foreseeable future.

Theoretically, this program could completely replace any of the welfare programs which are not operating, but its success would depend completely on the citizens within our country. The responsibility could rest more with the individual; he could truly be his brother's keeper and not only be involved in a purely financial transaction, but serve as a base for helping the less fortunate find other sources of income, jobs, education, and all of the other benefits in which the majority of Americans presently participate.

There have been examples in our history of programs of this nature operating successfully. The first that comes to mind is the communal programs developed by the Mormons. Each member of the local church contributes what he can to a community fund in case a member of his group runs into hard times. If this does happen, he and his family can use the community fund until he is back on his feet. It is only through this type of involvement that a program dealing with such personal and vital aspects of an individual's life can be successful. All of the money and resources in the world cannot begin to cope with the complex problems of poverty without personal involvement and dedicated effort. This bill I am proposing today is an attempt to provide the opportunity for such an endeavor.

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

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

S. 2438

A bill to provide a tax credit for contributions made directly to individuals and families whose income is below the poverty level.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. DIRECT ANTIPOVERTY CONTRIBUTIONS.

"(a) General Rule.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to a percentage (determined under subsection (c)) of the amount of certified direct antipoverty contributions made by such individual during the taxable year.

"(b) Limitations.—

"(1) Application with other credits.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

"(2) Verification.—The credit under subsection (a) shall be allowed with respect to any certified direct antipoverty contribution only if such contribution is verified in such manner as the Secretary or his delegate prescribes by regulations.

"(c) Determination of percentage.—The percentage of the amount of certified direct antipoverty contributions made by an individual during a taxable year for which he may claim a credit under subsection (a) shall be—

"(1) 10 percent for taxable years beginning after December 31, 1972, and before January 1, 1973;

"(2) 20 percent for taxable years beginning after December 31, 1973, and before January 1, 1974;

"(3) 30 percent for taxable years beginning after December 31, 1974, and before January 1, 1975;

"(4) 40 percent for taxable years beginning after December 31, 1975, and before January 1, 1976;

"(5) 50 percent for taxable years beginning after December 31, 1976, and before January 1, 1977;

"(6) 60 percent for taxable years beginning after December 31, 1977, and before January 1, 1978;

"(7) 70 percent for taxable years beginning after December 31, 1978, and before January 1, 1979;

"(8) 80 percent for taxable years beginning after December 31, 1979, and before January 1, 1980;

"(9) 90 percent for taxable years beginning after December 31, 1980, and before January 1, 1981;

"(10) 100 percent for taxable years beginning after December 31, 1981.

"(d) Definitions.—

"(1) Certified direct antipoverty contribution.—For purposes of this section, the term 'certified direct antipoverty contribution' means a contribution of money to an individual or family who, at the time such contribution is made, is certified as an eligible recipient under subsection (e), but only to the extent such contribution or gift is certified under subsection (f).

"(2) Total economic income.—For purposes of this section, the term 'total economic income' means all income from whatever source derived, including (but not limited to) the cash value of food stamps or other non-monetary benefits received from the Federal government or the government of any State or political subdivision thereof, wages, net earnings from self-employment, payments received as an annuity, pension, retirement, or disability benefit (including veterans' compensation and pensions, workmen's compensation payments, old-age, survivors, and disability insurance benefits, railroad retirement annuities and pensions, and unemployment benefits), prizes and awards, life insurance proceeds (less medical and burial expenses of the deceased paid from such proceeds), gifts, support and alimony payments, inheritances, and rents, dividends, interest, and royalties.

"(e) Certification of Eligible Recipients.—

"(1) Eligibility requirement.—An individual, who is 18 years of age or older, or a family may be certified as eligible to receive certified direct antipoverty contributions of his, or their, total economic income (other than income from certified direct antipoverty contributions) for the taxable year is expected to be less than that determined by the Director of the Office of Management and Budget to be a poverty level income.

"(2) Certification procedure.—The Secretary or his delegate shall provide for the voluntary registration of individuals and families who wish to receive certified direct contributions and for the periodic certification of those determined to be eligible to receive such contributions. Any agency of the Federal government, or of the government of any

State or political subdivision thereof, which is designated by the Secretary or his delegate for such purpose may certify individuals and families as eligible under this subsection in accordance with procedures established by the Secretary or his delegate by regulation. Any denial of certification by any such agency may be appealed to the Secretary, whose determination shall be final.

"(f) Certification of Contributions.—The Secretary or his delegate shall provide for the certification of contributions to individuals and families who are certified as eligible recipients under subsection (e). A contribution to an individual or family may be certified only to the extent that such contribution, when added to—

"(1) the amount of certified direct antipoverty contributions previously received by the individual or family during the taxable year, and

"(2) the total economic income (other than income from certified direct antipoverty contributions) expected to be received by the individual or family during the taxable year, does not exceed the poverty level income for the individual or family as determined by the Director of the Office of Management and Budget.

"(g) Carryover.—If the amount of certified direct antipoverty contributions paid by an individual during any taxable year exceeds the amount of the credit allowable under this section for such taxable year, such excess shall be treated as a certified direct antipoverty contribution the payment of which is made in the next taxable year.

"(h) Poverty Level Income.—For purposes of this section, the Director of the Office of Management and Budget shall determine poverty level incomes for individuals and families on a uniform basis throughout the United States.

"(i) Regulations.—The Secretary or his delegate is authorized to prescribe such regulations as may be necessary to carry out this section.

"(j) Cross Reference.—

"For disallowance of credit to estates and trusts, see section 642(a)(3)."

(b) The table of sections for such subpart is amended by striking out "Sec. 40. Overpayments of tax." and inserting in lieu thereof:

"Sec. 40. Direct antipoverty contributions.
"Sec. 41. Overpayments of tax."

(c) Section 642(a) of such Code (relating to credits against tax for estates and trusts) is amended by adding at the end thereof the following new paragraph:

"(3) Direct antipoverty contributions.—An estate or trust shall not be allowed the credit against tax for direct antipoverty contributions provided by section 40."

(d)(1) Part II of subchapter B of chapter 1 of such Code (relating to items specifically included in gross income) is amended by adding at the end thereof the following new section:

"SEC. 84. AMOUNTS RECEIVED AS DIRECT ANTIPOVERTY CONTRIBUTIONS

"Gross income includes the amount of any certified direct antipoverty contribution (as defined in section 40(d)) received by the taxpayer during the taxable year."

(2) The table of sections for such part is amended by adding at the end thereof the following:

"Sec. 84. Amounts received as direct antipoverty contributions."

SEC. 2. The amendments made by the first section shall apply to taxable years ending after December 31, 1971, but only with respect to certified direct antipoverty contributions the payment of which is made after such date.

SEC. 3. On or before the first day of August of each year from 1973 through 1982, the Secretary of the Treasury shall report to the Congress an evaluation of the effect of the tax credit for contributions under section 40 of the Internal Revenue Code of 1954 upon poverty in the United States and upon the economy of the United States during the fiscal year ending on the thirtieth day of June next preceding such report, together with such additional comments and recommendations, including recommendations for legislation, as he may have with respect to the effects of such section.

EXHIBIT 1.—TAX RATES REQUIRED TO FINANCE INCOME-SUPPLEMENT PROGRAMS

This table shows the calculation of the average personal income tax rates required by income-supplement programs. These rates appear in row O at the bottom of the table. They are derived by dividing total revenue requirements of the Federal Government by the personal income tax base. The net increase in Federal expenditure implied by income-supplement programs consists of the cost of the supplements themselves, plus the cost of aid to the disabled and the Federal share of temporary assistance, less current Federal welfare expenditure. Total revenue requirements include the costs of income supplements, the income tax revenues now going to other programs, and social security personal contributions, less savings made possible by introduction of income supplements.

[Amounts in billions of dollars]

Basic allowance rate	No welfare reform	$1,600 50 percent	$2,000 50 percent	$2,400 50 percent	$3,000 50 percent	$3,600 50 percent	$4,000 50 percent	$5,000 50 percent	$5,500 50 percent	$2,400 40 percent
(A) Income supplement payments		6.2	8.2	11.1	17.3	25.8	33.0	56.1	70.2	13.8
(B) Plus Federal share of temporary assistance		2.2	1.5	.8	.3	.1				.8
(C) Plus full cost of aid to disabled and blind		1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6
(D) Equals total Federal payments to poor		10.0	11.3	13.5	19.2	27.5	34.6	57.7	71.8	16.2
(E) Less current Federal share of welfare		5.7	5.7	5.7	5.7	5.7	5.7	5.7	5.7	5.7
(F) Equals net increase in Federal expenditure		4.3	5.6	7.8	13.5	21.8	28.9	52.0	66.1	10.5
(G) Savings to the States [1]		2.7	3.4	4.1	4.6	4.8	4.9	4.9	4.9	4.1
(H) 1971 income tax revenues	91.0	91.0	91.0	91.0	91.0	91.0	91.0	91.0	91.0	91.0
(I) Plus personal share of social security tax	23.1	23.1	23.1	23.1	23.1	23.1	23.1	23.1	23.1	23.1
(J) Plus net increase in Federal expenditure		4.3	5.6	7.8	13.5	21.8	28.9	52.0	66.1	16.2
(K) Equals gross Revenue requirements	114.1	118.4	119.7	121.9	127.6	135.9	143.0	166.1	180.2	124.6
(L) Less savings on other Federal programs		.5	1.0	2.8	5.2	6.7	9.0	10.7	10.7	2.8
(M) Equals net revenue requirements	114.1	117.9	118.7	119.1	122.4	129.2	134.0	155.4	169.5	121.8
(N) Personal income tax base [2]	545	546	506	468	413	366	337	275	246	415
(O) Required average tax rate in percent (M/N)	20.9	21.6	23.5	25.4	29.6	35.3	39.8	56.5	68.9	29.3

[1] Total State and local expenditure on welfare is now $4,900,000,000.
[2] Includes adjustments for under-reporting of income in Consumer Income survey ($32,200,000,000) and for capital gains ($20,000,000,000).

Source: Calculations of the cost of income-supplement payments (line A) are based on estimates of the 1971 income distribution prepared by the Urban Institute. Figures on welfare expenditure and tax revenue are for calendar year 1971 and were obtained by averaging the expenditure estimates for fiscal years 1971 and 1972 which appear in the U.S. Budget in Brief, for fiscal year 1972.

EXHIBIT 2.—HOW INCOME-SUPPLEMENT PROGRAMS AFFECT YOU—SOME ILLUSTRATIVE EXAMPLES

The table illustrates the effect on 4-person households at various income levels of adopting the income-supplement programs discussed here. The columns show the disposable income and tax or net benefit of families at various income levels; the rows are for different levels of income supplements. With a $2,400 plan, for instance, a family earning $3,000 would have a net benefit of $900; when this is added to income of $3,000, it means a disposable income of $3,900. Under a $5,500 plan, a family earning $20,000 would pay taxes of $6,200. When subtracted from income of $20,000 this leaves disposable income of $13,800. In calculating required taxes, the table uses the rates shown in table 3—rates just high enough to raise the revenues required to finance the income-supplement plans. To facilitate comparisons with existing tax levels, line A shows the taxes that will actually be paid in 1971, and line B shows what families would pay in 1971 if the same type of flat tax used in lines C—H were in effect.

Type of plan	Family income $0		$1,500		$3,000		$6,000		$10,000		$15,000		$20,000		$25,000		$30,000	
	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income
(A) No reform	0	0	−80	1,420	−160	2,840	−650	5,350	−1,400	8,600	−2,200	12,800	[3] −3,200	16,800	[3] −4,400	20,600	[3] −5,700	24,300
(B) 1968 flat tax [4]	0	0	0	1,500	−80	2,920	−700	5,300	−1,550	8,450	−2,600	12,400	−3,600	16,400	−4,700	20,300	−5,700	24,300
(C) $2,400 basic allowance (50 percent)	2,400	2,400	1,650	3,150	990	3,900	−300	5,700	−1,300	8,700	−2,600	12,400	−3,900	16,100	−5,100	19,900	−6,400	23,600
(D) $3,000 basic allowance (50 percent) [4]	3,000	3,000	2,250	3,750	1,500	4,500	0	6,000	−1,200	8,800	−2,700	12,300	−4,100	15,900	−5,600	19,400	−7,100	22,900
(E) $3,600 basic allowance (50 percent) [4]	3,600	3,600	2,850	4,350	2,100	5,100	600	6,600	−1,000	9,000	−2,800	12,200	−4,500	15,500	−6,300	18,700	−8,000	22,000

Footnotes at end of table.

Type of plan	$0 Tax (−) or net benefit (+)	$0 Disposable income	$1,500 Tax (−) or net benefit (+)	$1,500 Disposable income	$3,000 Tax (−) or net benefit (+)	$3,000 Disposable income	$6,000 Tax (−) or net benefit (+)	$6,000 Disposable income	$10,000 Tax (−) or net benefit (+)	$10,000 Disposable income	$15,000 Tax (−) or net benefit (+)	$15,000 Disposable income	$20,000 Tax (−) or net benefit (+)	$20,000 Disposable income	$25,000 Tax (−) or net benefit (+)	$25,000 Disposable income	$30,000 Tax (−) or net benefit (+)	$30,000 Disposable income
(F) $5,500 basic allowance (50 percent)[4]	5,500	5,500	4,750	6,250	4,000	7,000	2,500	8,500	500	10,500	−2,800	12,200	−6,200	13,400	−9,600	15,400	−13,100	16,900
(G) $2,400 basic allowance (40 percent)[4]	2,400	2,400	1,800	3,300	1,200	4,200	0	6,000	−1,150	8,850	−2,600	12,400	−4,100	15,900	−5,600	19,400	−7,000	23,000
(H) $2,400 basic allowance (35.3 percent)[4 5]	2,400	2,400	1,875	3,375	1,350	4,350	300	6,300	−1,100	8,900	−2,900	12,100	−4,600	15,400	−6,400	18,600	8,100	21,900

[1] The tax figures on this line include Social Security contributions (5.2 percent of income up to $7,800). It is assumed that taxpayers with incomes of $6,000 or less took the standard deduction and that taxpayers with higher incomes itemized deductions equal to 15.5 percent of income. This is the average deduction for these income classes as reported in the IRS Statistics of Income, 1968.

[2] Many families in this bracket may have paid less because their income was in the form of capital gains or tax-exempt interest.

[3] The result of raising actual 1971 revenues, including Social Security personal contributions, from a flat tax on all income above exemptions. No deductions are allowed. This is comparable to the tax system used in the examples below.

[4] Treatment of capital gains under these plans is the same as under present tax laws.

[5] This is the credit income tax, where the positive tax rate equals the offsetting rate.

EXHIBIT 3.—INCOME TAXES REMAINING[1]

[In billions]

Fiscal year	$1,600	$2,400	$4,000	$5,500	$6,500
1973	$140.2	$140.0	$139.3	$136.4	$135.4
1974	151.1	150.8	149.3	143.5	141.6
1975	163.0	162.4	150.3	151.5	148.7
1976	175.9	175.1	172.2	160.6	156.8
1977	189.6	188.7	185.1	170.6	155.8
1978	182.3	213.6	199.3	181.8	176.1
1979	221.0	219.7	214.6	194.2	187.6
1980	223.2	238.2	232.5	209.2	201.6
1981	258.8	257.1	250.6	224.2	215.9
1982	279.5	277.6	270.4	241.3	231.8

[1] United States GNP is anticipated to increase 8 percent annually. Income taxes have varied between 11 percent and 13 percent of the GNP since 1945. Projecting the 8-percent GNP growth and the lowest tax base, these figures represent the projected income taxes minus the 10-percent increments for welfare payments, if the costs for various poverty programs were to remain constant.

EXHIBIT 4.—INCOME TAX REVENUE REMAINING AT CONSTANT RATIO OF POVERTY[1]

[In billions]

Fiscal year	$1,600	$2,400	$4,000	$5,500	$6,500
1973	$135.6	$135.4	$134.7	$131.9	$130.9
1974	149.8	145.5	144.1	138.5	136.6
1975	156.2	155.6	153.6	145.1	142.5
1976	168.9	168.1	165.3	154.2	150.5
1977	183.0	182.1	178.6	164.6	150.4
1978	176.8	207.2	191.3	176.4	170.8
1979	214.4	211.3	208.2	188.4	185.4
1980	232.6	231.1	225.5	202.9	195.6
1981	251.0	249.4	243.1	217.5	209.4
1982	271.1	269.3	262.3	234.1	224.8

[1] This chart projects the anticipated revenue remaining with a varying number of people below the various poverty lines. Figures utilized for fiscal year 1973–76 for $1,600 level are from the Senate Finance Committee hearings. They were projected into the other levels, a 3.5 percent increase was assumed for fiscal year 1977, and 3.0 percent for fiscal year 1978–82. The chart also makes the assumptions made in exhibit 3.

EXHIBIT 5.—LIKELY TAXES 1971–83

[In billions of dollars]

	11 percent GNP	12 percent GNP	13 percent GNP
1971	[1] 118.4		
1972	[1] 130.4		
1973	140.4	153.2	166.0
1974	151.6	165.2	178.8
1975	163.7	188.5	203.3
1976	176.8	192.9	209.0
1977	190.8	208.2	225.6
1978	206.1	224.8	243.5
1979	222.6	242.8	263.0
1980	241.6	263.6	285.6
1981	260.1	284.6	308.3
1982	281.8	307.4	333.1

[1] Estimate.

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

S. 2440. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes. Referred to the Committee on Public Works.

BICYCLE TRANSPORTATION ACT OF 1971

Mr. CRANSTON. Mr. President, I introduce today, for appropriate reference, a bill called the "Bicycle Transportation Act of 1971." I am pleased to have Senator TUNNEY as a cosponsor of this proposal.

The bicycle is currently enjoying the biggest wave of popularity that has occurred at any time in its 154-year history. Environmentalists are praising the bicycle as a solution to one of our most pressing pollution problems: the internal combustion engine. It has been said, in fact, that the bicycle is the only known means of transportation that doesn't pollute—and that includes the horse.

Health enthusiasts have turned to the bicycle as a means of exercising the heart and maintaining general fitness. Since Dr. Paul Dudley White first recommended that President Eisenhower make regular use of the bicycle to build up his heart, doctors have increasingly turned to the bicycle as a means of counteracting the unhealthy aspects of our sedentary way of life. Regular bicycling, as a matter of fact, has been found to aid our digestion, aid the nerves by improving sleep and maintaining equanimity and sanity, aid the lungs through good tone of the diaphragm, and aid the heart by improving circulation.

Now we find a new trend in the use of the bicycle, one which I find most encouraging: the bicycle as transportation. Increasingly, urban dwellers are turning to the bicycle in an effort to escape traffic congestion and to avoid downtown parking woes. All over the Nation, in communities of all sizes, efforts are currently underway to develop bicycle transportation systems that will augment and improve existing modes of intracity transportation. Rush hour races among automobile, bus and bicycle commuters in several cities have focused attention on the advantages of the bicycle: it is fast, clean, healthy, and easy to park.

Already, some 15,000 miles of bike paths are in use, including the 332-mile Wisconsin bikeway that stretches from the eastern edge of Wisconsin at Lake Michigan to the Mississippi River. San Francisco has recently opened the Golden Gate Bridge to cyclists. New York City is investigating ways to make the bicycle a viable alternative to current modes of transportation. The Secretary of Transportation, John Volpe, has announced that his Department is "excited about bicycles," and he has expressed his intention to make Washington, D.C. a model city for bicycles. Palm Springs, Calif.; Lincoln, Nebr., Chicago, Boston, and Buffalo, N.Y., all have in common the development of bicycle transportation networks. The Bicycle Institute of America, based in New York City, estimates that bikeways are opening in cities across the Nation at the rate of 100 a month.

Perhaps the best known example of an intracity bicycle transportation network is the one instituted in Davis, Calif., in 1966. Probably no other city in the Nation has as high a proportion of its citizens owning and using bicycles as a regular means of transportation. In a city of 24,000 citizens, there are approximately 18,000 bicycles. It has been found that on one heavily traveled street in Davis, bicycles represented 40 percent of all traffic. During the rush hour, 90 percent of all bicycle riders were adults. While a number of features have contributed to the success of the bicycle in Davis—the presence of many students attending the University of California at Davis, the flat terrain, the mild weather, and the wide streets—it has been well documented that the major reason for the success of the bicycle is the existence of a safe, carefully designed bicycle commuter system.

Mr. President, despite all the interest in bicycle transportation and the exciting developments I have just mentioned, it is clear that the potential of bicycle transportation cannot be realized without the necessary environmental support system. Just as highway building spurred the automobile industry, construction of bikeways is expected to boost bicycling. We need to develop and construct special bike facilities and regulations, based on the unique requirements of the bicycle and its relationship to the overall intracity and intercity transportation network.

The bill which I am introducing today is identical to H.R. 9369, introduced by Congressman EDWARD KOCH on June 23, 1971. It would allow States and communities to use Federal highway trust fund money to develop bicycle commuter systems. It would provide Federal aid for the construction of exclusive or preferential bicycle lanes, or paths, bicycle

traffic control devices, and shelters and parking facilities to serve bicycles and persons using bicycles.

I believe the bicycle is an important, healthful, and pollution-free alternative to traditional modes of transportation. Its use should be encouraged, not only to improve our individual health, but also to promote the health and welfare of the entire community by reducing pollution and congestion. I am hopeful that this bill will enable States and communities to construct safe, well-designed bicycle commuter networks so that the bicycle can truly become a meaningful component of our total transportation system.

Mr. President, 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. 2440

A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bicycle Transportation Act of 1971."

SEC. 2. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"Section 145. Bicycle transportation

"(a) To encourage the development, improvement, and use of bicycle transportation on highways for the transportation of persons so as to increase the traffic capacity of the Federal-aid systems, sums apportioned in accordance with subsection (b) of section 104 of this title shall be available to finance the Federal share of the cost of projects for the construction of exclusive or preferential bicycle lanes, or paths, bicycle traffic control devices, and shelters and parking facilities to serve bicycles and persons using bicycles.

"(b) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"145. Bicycle transportation."

By Mr. JORDAN of North Carolina (for himself, Mr. BYRD of Virginia, Mr. SPONG, and Mr. ERVIN):

S. 2441. A bill to authorize the Secretary of the Interior to conduct a study to determine the best and most feasible means of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal. Referred to the Committee on Interior and Insular Affairs.

Mr. JORDAN of North Carolina. Mr. President, I am introducing today a bill to authorize the Secretary of the Interior to conduct a study to determine the best and most feasible means of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal. The distinguished junior Senator from Virginia joins me in sponsoring this legislation and I am particularly grateful for the leadership of the Honorable Robert W. Scott, who brought to my attention the need for the bill.

This historic wilderness area, spanning 750 square miles in North Carolina and Virginia, was named by Col. William Byrd, a member of the 1728 expedition which charted the dividing line between the two Colonies.

In his "Description of the Dismal," written about 1730, Colonel Byrd pictured his desolate wilderness as a place where ". . . every season look(s) like spring, and every month like May."

George Washington was a member of the party which surveyed the swamp in 1763. He described it as a "paradise," and later became one of the stockholders in a company which hoped to reclaim the land and provide transportation facilities between Hampton Roads in Virginia and the rivers and sounds of the Tar Heel State. And between 1790 and 1822 the Dismal Swamp Canal was constructed, and is today the oldest surviving artificial waterway in the United States and an important link in the Atlantic Intracoastal Waterway System.

Despite extensive lumbering activities and devastating peat bog fires which sometimes have raged literally for years, the swamp remains heavily wooded with cypress, black gum, juniper, and water ash, and a tangle of honeysuckle and woodbine. It is populated by many rare birds, including the ivory-billed woodpecker. Snakes of various kinds are numerous. The swamp is noted for hunting and fishing, especially in the nearly inaccessible Coldwater Ditch area where deer, bear, raccoons, and opossum abound.

Lake Drummond, a fresh-water lake connected with the Dismal Swamp Canal, lies in the middle of the wilderness. It is the basis of the Irish poet Thomas Moore's poem, "The Lake of the Dismal Swamp."

Mr. President, I believe it is imperative that the remaining 750 square miles of this once-vast wilderness, the inspiration of writers, explorers and conservationists throughout our history, be protected and preserved in the public interest. The first step in this direction is a thorough and complete study of all available alternatives, and that is the purpose of my bill, which I commend to the careful attention of my colleagues, of all residents of North Carolina and Virginia, and of conservations and interested citizens throughout the country.

By Mr. TOWER (for himself, Mr. BELLMON, Mr. DOLE, Mr. FANNIN, Mr. HANSEN, Mr. PEARSON, and Mr. STEVENS):

S. 2442. A bill to provide that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to persons engaged in the production or gathering and sale but not in the transmission of natural gas. Referred to the Committee on Commerce.

Mr. TOWER. Mr. President, I am introducing today a bill designed to help insure the Nation's consumers of an abundant supply of natural gas.

Natural gas is one of our most important energy resources. At the present time, natural gas supplies approximately one-third of our energy demands. The Interior Department estimates that by 1985, gas will supply 29.5 percent and by 2000, 26.4 percent of our national requirements.

Also, natural gas is the ideal fuel because it pollutes the environment least. Consistent with our efforts to maintain a clean environment, we should also act to provide adequate supplies of this cleanest burning of all fuels.

At the present time the Nation's consumers are faced with shortages of natural gas. We should, therefore, take the actions necessary to alleviate this critical shortage. The bill I offer today is one such action.

The preamble of this bill states what I believe to be the fundamental concepts concerning natural gas shortages. The essential elements are that these serious shortages are the direct result of price regulation by the Federal Power Commission, and that, therefore, pricing of this vital energy resource must be taken from the FPC and returned to the free market. The bill is designed to relieve the FPC of its current responsibility of setting the price of natural gas.

This deregulation would be accomplished by redefining the term "natural gas company" as used in the Natural Gas Act to exclude the independent producer. Further, pipeline companies would be allowed to include the deregulated price in their cost base without FPC approval. Thus, the FPC would be unable to regulate the price either directly or indirectly.

The responsibility to regulate the price paid to the independent producer was imposed upon the Federal Power Commission by the Supreme Court in the 1954 decision entitled Phillips Petroleum Co. against Wisconsin, and others. In this decision the Court held that the term in the Natural Gas Act, "sale for resale," applied to the sale by a producer of natural gas to the pipeline company.

The decision shocked both Government and industry. Most felt that the Court had erred.

The next year both Houses of Congress passed the Harris-Fulbright Act. This legislation would have redefined the term "natural gas company" to exclude the independent producer from coverage by the Natural Gas Act. However, President Eisenhower vetoed this corrective legislation. He said that he did so for reasons other than those pertaining to the merits of the legislation. He made this statement when he vetoed the bill:

> Legislation . . . is needed because the type of regulation of producers of natural gas which is required under present law will discourage individual initiative and incentive to explore for and develop new sources of supply.
>
> In the long run this will limit supplies of gas which is contrary not only to the national interest but especially to the interest of consumers.

Others echoed these views.

Unfortunately, but not unexpectedly, these predictions of shortages resulting from FPC price regulation have come true. These shortages are not surprising since the Supreme Court assigned the FPC the impossible task of having to determine "just and reasonable" prices while operating under the confines and

restrictions of normal regulatory procedures.

There are certain inherent defects in price regulation by a governmental agency which result in unrealistically low prices and uncertainty in these prices.

For example, price setting by a regulatory agency is by design a slow process. The proceedings established by law are purposefully deliberate in order to assure ample opportunity for notice, a fair and impartial trial and review of the decision.

In setting gas prices, the Commission receives testimony pertaining to the cost of locating and producing natural gas. The statistics relating to any one year require at least a year to compile and publish. If one adds to this time the several years required by the normal rate proceeding, it is obvious that the statistics upon which rates are based can be completely outdated by the time they take effect. Since costs have been generally rising over the past 17 years of FPC regulation, the years of delay consumed in the normal hearing and court review virtually assured that the prices set by the FPC will be unrealistically low.

The probability of subsequent court review points up another inherent defect in regulatory price setting.

Subsequent court decisions could result in the price being lowered by court order. This has happened in many FPC area rate hearings. This in turn could result in the producer being forced to refund a portion of the revenues received from sales of gas at the prices permitted by a decision.

Thus, the final result of a decision remains uncertain in the minds of producers as to the actual price he will receive for his gas.

And, uncertainty leads to a reluctance to commit the large sums of risk capital necessary to explore for new reserves of natural gas.

These two defects in price regulation have contributed substantially to a steady decline in exploration for new reserves of gas. Consequently, many potential customers are being denied supplies of this ideal, nonpolluting fuel.

Thus, over the long term, the consumer has not benefited by the regulation of the price of natural gas.

Instead of a plentiful supply of a relatively inexpensive fuel, the consumer has been denied the full use of the clean-burning energy resource.

Not only did the low prices depress exploration activity; it also stimulated demand by the consumer. Natural gas under FPC regulation has been a bargain. For example, on a British Thermal Unit basis, natural gas is priced at about half the price of crude oil. This bargain price has led to expanded uses of natural gas.

These consequences of FPC regulation have led to the present dangerous shortages. In all probability, these shortages will increase. Leadtime of from 3 to 7 years is required to find and develop a new gas reserve. Thus, even if exploration activity were dramatically increased this very day, we would not benefit from this activity for at least 3 years.

Natural gas shortages are especially unfortunate. We possess abundant supplies of undiscovered reserves of natural gas. The gas supply committee, and official organ of the Colorado School of Mines, estimated that as of last December 31, this Nation possesses approximately 1,178 trillion cubic feet of gas in reservoirs yet to be discovered. This Nation presently consumes gas at an annual rate of about 22 trillion cubic feet of gas. So, it is evident that we could supply our own requirements from indigenous sources for several decades. Also, as I noted earlier, natural gas pollutes the environment least of all fuels. We should be striving to provide abundant supplies of this clean-burning fuel in an effort to clean up our environment.

As we consider our natural gas problem, it would be useful to examine the FPC brief in the *Phillips* case. The arguments used in that brief apply today. The Chief Justice of the Supreme Court, Warren E. Burger, participated in arguing this brief as Assistant Attorney General. In this brief, the FPC presented three main arguments against regulating prices for the independent producer. I would like to quote from this brief. It said that the legislative history of the Natural Gas Act:

> Plainly reveals Congress' recognition of three functional divisions of the natural gas industry, (1) production and gathering, (2) transportation and sale in interstate commerce, and (3) distribution to local consumers, and a repeatedly reiterated intention to deal only with the abuses resulting from monopolistic control by the pipeline companies of the strategic middle link of the industry, evils revealed by the Federal Trade Commission report of 1935, from which the Gas Act stemmed. The history, however, contains no suggestion that the evils of monopolistic control were prevalent among the independent producers of natural gas. . . .
>
> It is highly significant in itself that the legislative discussions are bare of any mention of even the possibility of imposing federal regulation upon the substantial proportion of the natural gas industry represented by the independent producers and gatherers of gas. In addition, there are affirmative manifestations of Congressional intent *not* to regulate sales by producers and gatherers.

This was the first argument used by the Commission.

The second argument involved the administrative practice of the FPC not to regulate the producers prior to this decision. Quoting again from the FPC brief:

> Beginning with [the] *Columbian Fuel Corporation* [decision] issued two years after the Gas Act was approved, at a time when four of the five Commissioners had been in office both when the Act was passed and when the predecessor bills were under consideration in Congress, the Commission has consistently held that Congress had not delegated to it power to regulate the business of production and gathering. . . .

Quoting from the *Columbian Fuel* case, the FPC brief continued:

> In no case in its history has the commission held that the Act gives it jurisdiction over a company solely by reason of its movement of gas in interstate commerce on sales in interstate commerce for resale, where such movement on sales in interstate commerce take place in the process of production or gathering.

The brief continued:

> Under well-established principles, such consistent refusal by an agency charged with administering a statute to assert a questioned power is a powerful indication that the authority is lacking.

The third argument involved the Commission's expert judgment in defining terms of an act:

> By omitting from the Act a definition of "gathering" or of the elements for fixing the character of "production or gathering" in relation to the Act's coverage, Congress left to the Commission's expert judgment the determination of the term's scope, based upon an appraisal of its specialized meaning in the industry. Many decisions of this Court hold that where the question is one of specific application of a broad statutory term, the function of the reviewing court is limited to ascertaining whether the administrative conclusion has a reasonable basis in law and is supported by the evidence.

These are all cogent arguments today.

Basic conditions of the natural gas industry have not changed significantly since the *Phillips* decision was handed down. Predictions concerning the effect of the *Phillips* decision have come to pass. Shortages presently exist.

Mr. President, this bill is designed to reverse the unfortunate trend which the Phillips decision initiated. Action is long overdue, and I urge prompt consideration of my bill.

Pursuant to Senate Resolution 45, there is presently an energy study in process. This study is being conducted by the Senate Interior and Insular Affairs Committee, of which Senator JACKSON is chairman. On June 14, Senator JACKSON stated in committee hearings that action should be taken in regard to some parts of our energy situation without further study and that the natural gas situation was one such part. I agree.

But, some are opposed to price deregulation. They maintain that with deregulation, natural gas prices will substantially increase and that such an increase would not be in the best interest of the consumer. The important point is, however, that the consumer's best interest has not been served by the past 17 years of FPC regulation. The result of this regulation is that supplies of natural gas have been effectively dried up to the point that many consumers are presently being denied the use of this fuel, and more consumers will be injured as this regulation persists.

I anticipate, and indeed hope, that deregulation will cause some beneficial changes. For example, the price of gas would most probably rise. Artificially contrived pricing distinctions, such as "old-new" and "off-shore-on-shore," would be abolished. The price of gas would be based on BTU content on a competitive basis with other fuels.

Moreover, when a gas purchase contract expired, the producer and the pipeline company would be at liberty to negotiate a new price. These negotiations would take into account the normal factors of the free market such as the availability of gas in relation to demand, the relative ease and convenience of handling and transporting it, and polluting characteristics. I would anticipate that the free market negotiations which take these factors into account would probably result in a reasonable price being paid for this ideal fuel. And this higher,

reasonable price would result in increased quantities of natural gas for consumers.

I am certain that by returning the pricing of natural gas to the free market, the necessary amounts of risk capital will be forthcoming to explore for and develop our abundant undiscovered reserves of this ideal fuel.

Then and only then will the best interests of the consumer be protected. Any compromise short of complete price deregulation will only result in continued and intensified shortages.

Again, I urge prompt consideration of my bill.

Mr. HANSEN. Mr. President, I am happy to join my distinguished colleague, the Senior Senator from Texas (Mr. TOWER) in the introduction of this sorely needed legislation.

The entire history of producer wellhead regulation of the price of gas proves beyond any doubt that the system has failed. As any economist knows, the surest way to create a shortage of any commodity is to put a price ceiling on it.

The able Senator from Texas and I have warned time and again during the past few years that the Nation is facing an energy crisis. We have repeatedly called attention to the warning of experts in the field of energy, both in and out of government, that this Nation's self-sufficiency in energy is fast disappearing.

Last winter there was a very real threat of actual fuel shortages in parts of the country. A concerted and coordinated effort by government and industry prevented any actual suffering.

But the gas shortage is not simply threatening, it is here as Forbes Magazine pointed out in its issue of August 1. Last winter, cities like Cleveland were so short of supplies that industry had to shut down for brief periods to conserve fuel for space heating. One after another of the major gas companies have announced they will take on no new large industrial customers for lack of additional supplies. New York State, a recent Public Service Commission study indicated, will be short by 25 billion cubic feet of gas this year and probably 50 billion in 1972.

A number of companies, headed by El Paso Natural Gas, are attempting to supplement their supplies by importing high-cost liquefied natural gas from places like Algeria and Nigeria. This in a recession year.

Last week the Senate Interior Committee held hearings on legislation to establish a Coal Gasification Development Corp. intended to provide a framework for government and industry to cooperate in the vital task of bringing the technology of coal gasification to commercial realization.

Undoubtedly all available sources of energy will be needed in the future if this country is to continue as the world's industrial leader but for the immediate and short-term future, coal gasification and imported liquefied natural gas would be strictly supplemental to domestic natural gas and would cost substantially more.

But, as my able colleague from Texas has pointed out, we have the gas and the ability to develop it if we are willing to face reality.

Reliable sources—the American Association of Petroleum Geologists, the National Petroleum Council, the Colorado School of Mines, and others—maintain that more oil and gas remains to be discovered in the continental United States and Alaska than has been produced. But it will not be discovered and produced at prevailing prices.

The headline on the Forbes magazine article on U.S. self-sufficiency in raw materials and energy expressed the problem briefly and succinctly:

You Get What You Pay For—

"The price of self-sufficiency is high. But if we are not prepared to pay it, the price of dependence could be higher."

The Eastern oil bloc countries—the Organization of Petroleum Exporting Countries—control more than three-fourths of the world's present known oil reserves and they have the power to turn this vital resource off or on at will.

Last winter's threat was brought on by events in that area resulting in a tanker and actual oil shortage. A crisis was prevented by the ability and flexibility of the U.S. domestic industry and a cushion of producing capacity that is fast disappearing.

Until nuclear power becomes a real factor in supplying the Nation's insatiable energy appetite, the development of our own fossil energy resources is the only real answer to our energy problems for the next 2 or 3 decades.

This bill would allow natural gas to compete with other fuels in the open market and determine its true market value in relation to the cost of discovering and producing the abundant supplies still remaining but which cannot and will not be produced under a cumbersome and discriminatory regulatory system.

I hope other Senators will join in support of this legislation which offers one of the quickest and simplest solutions to the Nation's energy problems.

By Mr. McGOVERN:

S. 2443. A bill to amend section 214 of the Foreign Assistance Act of 1961 to authorize assistance to schools and hospitals abroad which are under the administrative responsibility of United States citizens. Referred to the Committee on Foreign Relations.

AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961

Mr. McGOVERN. Mr. President, the work being done in foreign nations by Americans who have founded and now administer hospitals and schools deserves the support of this Government. Such support was granted by the Foreign Assistance Act of 1961, but was restricted to those institutions founded or sponsored by Americans. Those schools and hospitals founded under other auspices but which nevertheless are run by Americans similarly merit assistance from this country. This bill would amend the foreign assistance act in order to make it possible for such institutions to receive funds from this Government for their work.

This course of action would help forge links of cooperation between this country and developing nations. It would permit the continuation and expansion of many worthwhile endeavors. For example, the University of Bombay schools of social work has been training Indian social workers for 13 years, but the American administrator's efforts are hampered by a severe lack of funds. Directing this country's attention and aid toward this situation and that of other Americans who are trying to aid developing peoples is necessary and proper. The most effective foreign aid is administered not from one nation to another, but from one person to another, and this action would allow more complete operation of this concept in foreign aid.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD at this point.

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

S. 2443

A bill to amend section 214 of the Foreign Assistance Act of 1961 to authorize assistance to schools and hospitals abroad which are under the administrative responsibility of United States citizens.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 214 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting in subsection (a), after "United States citizens", a comma and the following: "or administered by United States citizens who assure the President that they will have responsibility for administering the funds made available under this section,"; and

(2) by inserting before the period at the end of subsection (b) a comma and the following: "or administered by United States citizens who assure the President that they will have responsibility for administering the funds made available under this section".

By Mr. SYMINGTON:

S. 2444. A bill to protect producers' income when rebuilding reserve stocks of feed grains and wheat, and for other purposes. Referred to the Committee on Agriculture and Forestry.

A BILL TO HELP AGRICULTURE

Mr. SYMINGTON. Mr. President, students of agricultural programs and legislation are concerned that the expected overproduction and possible record crops of wheat and feed grains will result in a sharp drop in market prices when the new crops of corn, barley, oats, rye, and grain sorghums are harvested this year.

Already the futures markets for these commodities show signs of weakness, as traders begin to sell contracts.

To provide a protection against possible ruinous grain prices in those years when the Secretary of Agriculture has instituted a crop adjustment program, the legislation I propose would provide a floor price for feed grains and wheat to protect farmers from low prices caused by excessive overproduction.

This bill also would permit the producer to store his crop for 3 years instead of 1; and repay his price support loan at any time during that period. If at any time during that period that the pro-

ducer has his crop in storage, the price of the commodity reaches 100 percent of parity, the Secretary of Agriculture can call the loans.

In order that Senator TALMADGE and members of the Senate Agriculture Committee may have an opportunity to study this bill, I am introducing said bill for proper reference and ask unanimous consent that it be printed in the RECORD.

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

S. 2444

A bill to protect producers' income when rebuilding reserve stocks of feed grains and wheat, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Section 105(a)(1) of the Agricultural Act of 1949, as amended by section 501 of the Agricultural Act of 1970, is amended by inserting after "United States" the following: "Whenever the Secretary announces any feed grain adjustment program which will result in an addition to reserve stocks (of corn, barley, oats, rye, or grain sorghums), the minimum loan rates available to producers (of corn, barley, oats, rye, or grain sorghums) during that crop year shall be increased by at least 25 per centum".

(b) Such section 105(a)(1) is further amended by adding at the end thereof the following: "Each loan made pursuant to the provisions of this subsection shall provide for a repayment period of three crop years unless the debtor requests a repayment period of less than three crop years. However, any such loan may be terminated by the Secretary if the national average market price received by farmers, for the feed grain for which such loan was made, during the first five months of any marketing year for such feed grain which falls within such three-year period is at least equal to the full parity price of such feed grain as of the beginning of such marketing year."

SEC. 2. (a) Section 107(a) of the Agricultural Act of 1949, as amended by section 401 of the Agricultural Act of 1970, is amended by inserting after "$1.25 per bushel" the following: ": *Provided further*, That whenever the Secretary announces any wheat adjustment program which will result in an addition to reserve stocks, the minimum loan level available to producers during that crop year shall be increased by at least 25 per centum".

(b) Such section is further amended by adding at the end thereof the following: "Each loan made pursuant to the provisions of this subsection shall provide for a repayment period of three crop years unless the debtor requests a repayment period of less than three crop years. However, any such loan may be terminated by the Secretary if the national average market price received by farmers during the first five months of any marketing year which falls within such three-year period is at least equal to the full parity price of wheat as of the beginning of such marketing year."

SEC. 3. The amendments made by sections 1 and 2 of this Act shall take effect with respect to 1971 crops of corn, barley, oats, rye, grain sorghums, and wheat.

By Mr. HUMPHREY:

S. 2445. A bill to provide for the nationwide registration of voters for Federal elections. Referred to the Committee on Post Office and Civil Service.

FEDERAL VOTER REGISTRATION ACT

Mr. HUMPHREY. Mr. President, I introduce the Federal Voter Registration Act which will enable citizens to register to vote in Federal elections at the same time they file their Federal income tax returns.

This act directs the Secretary of the Treasury to mail all taxpayers voter registration forms with the IRS 1040 forms. After the form is completed, forwarded and checked for compliance with State election laws, the taxpayers would be sent a Federal Voter Registration Certificate. Citizens who do not file a tax return could obtain a voter registration application to be mailed to the Internal Revenue Service at their local post office.

Mr. President, I believe that this legislation is in the best interest of taxation with representation.

I also want to point out that the Federal Voter Registration Act will not eliminate constitutional State registration laws. State registration channels will continue to be available. But this new act will provide an additional and simplified way of registering, removing obstacles to registration and bringing more citizens into polling places across the country.

Mr. President, I ask unanimous consent that the Federal Voter Registration Act 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. 2445

A bill to provide for the nationwide registration of voters for Federal elections

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Federal Voter Registration Act".

REGISTRATION FORMS

SEC. 2. (a) The Secretary shall prepare, in consultation with the Attorney General and the election officials of the various States, a standard form which may be used to register to vote in Federal elections by any citizen who is qualified to register for voting in such elections. Two copies of such form shall be included with each income tax return mailed to a taxpayer by the Internal Revenue Service and additional copies of such form shall be available at any Internal Revenue Service office. The Secretary shall enter into arrangements with the Postmaster General under which additional copies of such form shall be available in each post office. The Secretary shall undertake to notify persons who do not receive such forms by mail of their right to register to vote by using such forms. Such notification shall be by public advertisement or such other means as may be effective. Where appropriate, such notification and such forms shall be in English and in the predominant non-English language used in an area:

(b) Any person who elects to register for voting in Federal elections using the form provided under subsection (a) shall complete such form and sign it. The completed form shall be returned to the Internal Revenue Service and such person shall be registered to vote in Federal elections in the State in which he resides, in accordance with such procedures as may be prescribed by the Secretary, if such person is otherwise qualified to vote in such Federal election.

(c) The Secretary shall issue to any person registered to vote in Federal elections under this section a certificate of registration which shall be held and considered to be prima facie evidence of such registration.

NOTICE TO STATE ELECTION OFFICIALS

SEC. 3. (a) Under such regulations as the Secretary may prescribe, there shall be furnished to the appropriate election officials of any State all necessary and appropriate information regarding persons registered under section 3 to vote in Federal elections held in such State. On and after the time such information has been so furnished to the appropriate election officials of any State in the case of any person, such person shall be deemed to have met all the requirements for registration for voting in Federal elections held in such State. Any such registration for voting shall continue in effect for the same period of time it would have been in effect had such person registered under the applicable State law.

(b) Registration under this section of any person for voting in Federal elections held in any State shall constitute valid registration for voting in elections held in such State other than Federal elections whenever the laws of such State so provide.

PROHIBITION OF NATIONAL REGISTRY

SEC. 4. No national registry of persons shall be compiled or maintained from information derived under this Act.

REPORT BY SECRETARY

SEC. 5. The Secretary shall report to the Congress one year from the date of enactment of this Act with respect to registration of voters under this Act together with any recommendations he may have, including recommendations for additional legislation, for the more effective administration of voter registration under this Act.

PENALTIES

SEC. 6. (a) The provisions of section (11)(C) of the Voting Rights Act of 1965 shall apply to false registration under this Act and other fraudulent acts and conspiracies in connection with this Act.

(b) Whenever the Attorney General has reason to believe that a State or political subdivision is denying or attempting to deny to any person the right to vote in any election in violation of this Act, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

(c) Any person who deprives, or attempts to deprive, any other person of any right secured by section 2 of this Act shall be fined not more than $5,000, or imprisoned not more than five years, or both.

REGULATIONS

SEC. 7. The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this Act.

DEFINITIONS

SEC. 8. As used in this Act, the term—

(1) "State" means each of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

(2) "Federal election" means any general, special, or primary election held for the purpose of nominating any candidate for election, or electing any candidate, as President, Vice President, presidential elector, Senator, Representative, or Delegate or Resident Commissioner to the Congress; and

(3) "Secretary" means the Secretary of the Treasury or his delegate.

By Mr. INOUYE:

S. 2446. A bill to establish a special fund in the Treasury, consisting of excess

sugar excise tax collections, to enable the Secretary of Agriculture to conduct research into environmental problems arising in the production, processing, and refining of sugar. Referred to the Committe on Finance.

SUGAR ENVIRONMENTAL RESEARCH

Mr. INOUYE. Mr. President, several days ago, the Congress passed a measure which would extend for 3 years the U.S. sugar program. At that time, I pointed out that this program operates on two key mechanisms which serve to make it unique and to distinguish it from any other agricultural program currently operating in this country. Today, I am introducing a measure which will capitalize on the uniqueness of this policy and will benefit not only the sugar industry but the entire agricultural community and the American consumer.

The purpose of this legislation is to establish a special fund in the Treasury to enable the Secretary of Agriculture to conduct research into the environmental problems arising in the production, processing, and refining of sugar. Before going into an explanation of the legislation, I would like to briefly outline that part of the sugar program which makes this proposal possible. I am referring to the tax payment provision in the Sugar Act. This mechanism operates as follows:

The sugar industry pays an excise tax of 50 cents on every 100 pounds of sugar it produces. The revenue from this tax goes into the general treasury, but is then returned to the producer who complies with certain regulations which are set forth in the act. As I mentioned before, the tax payment provision of the Sugar Act is unique and cannot be compared to any other agricultural support program. Not only is the program self-supporting, but it actually contributes to the Treasury. Over the life of the Sugar Act, the revenues from the tax have exceeded the payments to the growers by $630 million. The House Agriculture Committee estimated that the operation of the program during the next 3 years will generate between $78 and $83 million of revenue to the U.S. Treasury. The bill I am introducing today establishes a trust fund in the U.S. Treasury to be called "Sugar Environmental Research Fund." It authorizes the Secretary of the Treasury to transfer from the general fund of the Treasury to the fund, the amount by which the excise tax on sugar paid by the processor exceeds the amount paid to the producers in compliance payments. The moneys are then to be used by the Secretary of Agriculture to conduct research into the environmental problems arising in the production, processing, and refining of sugar.

This legislation addresses itself to a subject which has recently become a major issue in our country—the environment. There has been a great deal of controversy lately over the environmental dangers which are a byproduct of the process of production. Agricultural production has not escaped this assault. The American farmer is presently confronted with a wide array of problems in this area. He is being forced to adapt his production methods to comply with water and air pollution standards, in addition to being deprived of the use of many chemicals which have become an essential factor in successful crop production.

I, as much as any American, am extremely concerned over the present state of our environment and I am eager to make progress toward the restoration and preservation of the ecological balance we have destroyed. However, I am inclined to think that we are approaching the problem we have created in the wrong way. I believe, we should attack the environmental problem from a positive rather than a negative standpoint. Instead of devoting our energies to discovering and then outlawing the technical, industrial, and agricultural processes we find environmentally hazardous, why not work to discover the pollutants and then develop an alternative procedure or material to which will serve the same purpose without having detrimental effects.

For example, we have determined through scientific research that several of the chemicals we have developed to control crop pests are environmentally hazardous and have subsequently taken steps to ban the use of such products. This action provides protection for the environment but at the same time leaves the farmer and his crop totally unprotected. The farmer is dependent on certain chemical agents to grow his crop; when he is confronted with the loss of the chemical and no viable substitute, he must sit back and watch his acreage yield drop, the quality of his product decline and his profits go down the drain. He is unable to remedy his situation because he has neither the funds nor the scientific background to conduct studies to develop an alternate method to provide protection for his crops.

The plight of the farmer has been grossly overlooked by those who are concerned only with eliminating polluting agents. We have a responsibility not only to the agricultural world but to all industry to go one step further in this matter. If we are going to prohibit the use of a particular product or process, we must direct our efforts toward providing the victim with an alternative which will enable him to continue his operation. I sincerely believe that we will make much more rapid progress toward finding a workable solution to our environmental problems if we begin to approach the subject in a positive manner. The legislation I am introducing today accomplishes this purpose. Although the measure is directed toward the sugar industry in particular, the end results of the research made possible by this legislation, will have highly significant effects on the agricultural industry as a whole. The environmental problems involved in the production, processing, and refining of sugar are not unique to that industry. There are many problems which are common to crop production and processing of any kind. Any discovery which enables the sugar industry to more adequately cope with these problems, will also benefit millions of other American farmers, will have far-reaching effects in the entire realm of agricultural production.

Furthermore, the ultimate recipient of the benefits of such research is the American consumer. Application of new techniques in crop production and processing will save him from the dangers of environmental side effects and provide him with commodities of high quality at reasonable costs.

Mr. President, I cannot estimate the importance of research of this nature. If we are truly concerned with the state of our environment we should be willing to take steps which will provide us with some answers to our problems. I am introducing this measure as a step in that direction. I hope you see fit to join me in my efforts to take positive actions to rectify the environmental damage we have done. Merely expressing concern over a problem is hardly an effective way to find a solution; we must follow up with constructive actions directed toward discovering a cure for the problem. This legislation provides us with an opportunity to do just that. I hope that we will take advantage of this opportunity.

By Mr. INOUYE:

S. 2447. A bill to permit a noncontiguous State to elect to use and allocate funds from the highway trust fund to achieve a balanced transportation system responsive to the unique transportation needs and requirements of such a noncontiguous State. Referred to the Committee on Finance.

NONCONTIGUOUS STATE TRANSPORTATION ACT

Mr. INOUYE. Mr. President, I rise today to introduce the Noncontiguous State Transportation Act." The proposed act would permit the Governor of any noncontiguous State of the United States to elect to use and allocate funds from the highway trust fund in order to achieve a balanced transportation system responsive to the unique transportation needs and requirements of such a noncontiguous State.

The act is designed to help solve those grave problems which arise from the fact that the unique geographical situation of the noncontiguous States inevitably creates and generates unique transportation needs and requirements in such noncontiguous States. Almost everyone who visits the noncontiguous States of our vast country realizes that their unique transportation needs and requirements are qualitatively substantially different from the transportation needs of the contiguous States.

Due to understandable but nevertheless insufficient awareness of the unique circumstances of the noncontiguous States, the allocation of Federal fiscal assistance among the several modes of transportation in the noncontiguous States has been and still remains imbalanced. Such transportation imbalances in Federal fiscal assistance have produced the harmful economic decline of some modes of transportation and the excessive development of other modes of transportation in the noncontiguous States. Such developments have caused and will continue to cause increasing hardship to large segments of the population of and economic and social disruption to many communities in the noncontiguous States.

I am proposing the above act today because I believe that the harmful conditions which I have described can be remedied only by according to the noncontiguous States greater flexibility in the use and allocation of Federal fiscal transportation assistance. Assuring the provision of economic, effective, and coordinated transportation suitable to the varying needs of travelers, shippers, and communities requires that the noncontiguous States be able to plan, design, and construct transportation facilities and systems without bias resulting from the present funding levels and methods of providing Federal assistance.

The original policy declaration of existing Federal highway legislation, embodied in section 101(b) of title 23, United States Code, states that "local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce." Since the unique local and interstate commerce needs of the noncontiguous States require especial consideration and treatment, it is, therefore, the purpose of the proposed act, consistent with existing policy, to assist in correcting these transportation imbalances, inequities, and deficiencies by permitting the noncontiguous States to elect to use and allocate funds from the highway trust fund in order to achieve a balanced transportation system responsive to the unique transportation needs and requirements of such noncontiguous States.

As a last comment, I would now like to emphasize to my distinguished colleagues that the proposed act does not call for new and expanded Federal transportation funding, but merely for the more efficient use of existing Federal transportation funding for the noncontiguous States. Speaking for the noncontiguous State of Hawaii, I can state without any hesitation that a nationwide Interstate Highway System has only a very limited applicability to Hawaii's unique transportation needs. The proposal which I introduce today accommodates Hawaii's unique needs while it in no conceivable way jeopardizes the success of the Nation's Interstate Highway System.

Mr. President, I ask for unanimous consent that the bill be printed in the RECORD at this point.

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

S. 2447

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 "Non-contiguous State Transportation Act".

FINDINGS AND PURPOSE

SEC. 2. (a) Findings. The Congress hereby finds that the unique geographical situation of the non-contiguous States creates and generates unique transportation needs and requirements in such non-contiguous States; that such unique transportation needs and requirements of the non-contiguous States are qualitatively substantially different from the transportation needs of the contiguous States; that the allocation of Federal fiscal assistance among the several modes of transportation in the non-contiguous States has been and still remains imbalanced; that such transportation imbalances in Federal fiscal assistance have produced the harmful economic decline of some modes of transportation and the excessive development of other modes of transportation in the non-contiguous States; that such developments have caused and will continue to cause increasing hardship to large segments of the population of and economic and social disruption to many communities in the non-contiguous States; that these harmful conditions can be remedied only by according to the non-contiguous States greater flexibility in the use and allocation of Federal fiscal transportation assistance; and that assuring the provision of economic, effective, and coordinated transportation suitable to the varying needs of travelers, shippers, and communities requires that the non-contiguous States be able to plan, design, and construct transportation facilities and systems without bias resulting from the present funding levels and methods of providing Federal assistance.

(b) Purpose. Since the original policy declaration of section 101(b) of title 23, United States Code, states that "it being the intent that local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce", and since the unique local and interstate commerce needs of the non-contigious States require especial consideration and treatment, it is therefore the purpose of this Act, consistent with existing policy, to assist in correcting these transportation imbalances, inequities and deficiencies by permitting the non-contiguous States to elect to use and allocate funds from the highway trust fund in order to achieve a balanced transportation system responsive to the unique transportation needs and requirements of such non-contiguous States.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(a) The term "Federal-aid highway system apportionment" means an apportionment for a fiscal year to a State under one of the six paragraphs of section 104(b) of title 23, United States Code.

(b) The term "Interstate System" means the National System of Interstate and Defense Highways described in subsection (d) of section 103 of title 23, United States Code.

(c) The term "Governor" means the chief executive officer of a State.

(d) The term "non-contiguous State" means a State in geographical proximity with but not actually bordering, adjoining, or touching the boundaries encompassing the majority of the several states of these United States.

(e) The term "Secretary" means the Secretary of Transportation.

ELECTION

SEC. 4. (a) There is hereby authorized to be appropriated to the Secretary from the highway trust fund for use in each non-coniguous State for transportation purposes the amount elected to be used for such purposes by the Governor of such non-contiguous State under subsection (b).

(b) The Governor of a non-contiguous State may elect to have all or part of one or more of such non-contiguous State's Federal-aid-highway system apportionments for a fiscal year made available to the Secretary for making grants in that year to such non-contiguous State, or to local public bodies or agencies in such non-contiguous State. Such grants may be made in accordance with the provisions of the Urban Mass Transportation Act of 1964, or in accordance with any other Act of Congress authorizing grants to the several States, or political subdivisions thereof, for providing transportation facilities and services, including the development of plans for balanced statewide, metropolitan or regional transportation systems within such non-contiguous State; except that not to exceed one-half of the amount available to the Secretary for making such grants in any non-contiguous State may, upon the request of the Governor of such non-contiguous State, be paid to such non-contiguous State, or such agency or agencies thereof as the Governor may designate, for expenditure in accordance with the laws of such non-contiguous State for transportation purposes. Such election shall be made in such manner as the Secretary shall by regulation prescribe, within sixty days after he certifies to the Governor, pursuant to section 104(e) of title 23, United States Code, the sums apportioned to that non-contiguous State for a fiscal year. In making such election, the Governor shall specify the amount to be deducted from one or more of the non-contiguous State's Federal-aid-highway system apportionments in order to make available to the Secretary amounts elected to be used for transportation purposes.

(c) If the amount which a Governor of a non-contiguous State elects, pursuant to subsection (b), to have used in a fiscal year for transportation in such non-contiguous State exceeds the sum of amounts expended and obligated by the Secretary in such fiscal year in such non-contiguous State from amounts appropriated under the authority of subsection (a), then at the end of such fiscal year such excess shall no longer be available for such purposes and shall, on January 1 of the next succeeding fiscal year, be added to the non-contiguous State's Federal-aid-highway system apportionments for the second fiscal year beginning after such election. The addition to each of a non-contiguous State's apportionments shall bear the same proportion to such excess as the amount deducted (under the last sentence of subsection (b)) from the corresponding apportionment for the fiscal year in which such excess occurred bore to the amount elected to be used for transportation purposes in such fiscal year.

INTERSTATE APPORTIONMENT ADJUSTMENTS

SEC. 5. (a) For purposes of this section—

(1) The term "interstate apportionment" means the Federal-aid-highway system apportionment for a non-contiguous State's Interstate System as certified to the Governor and non-contiguous State highway department thereof in accordance with section 104 (e) of title 23, United States Code;

(2) The term "interstate apportionment adjustment" means the amount by which a non-contiguous State's interstate apportionment is reduced or increased (after certification under section 104(e) of such title) in accordance with section 209(g) of the Highway Revenue Act of 1956; and

(3) The term "remainder available for interstate construction" means a non-contiguous State's interstate apportionment, less the amount which the Governor of the non-contiguous State specifies, pursuant to the last sentence of section 203(b) of this Act, is to be deducted from that non-contiguous State's interstate apportionment in order to make such amount available for transportation purposes.

(b) In the case of an interstate apportionment adjustment, the amount available to the Secretary for transportation purposes in a non-contiguous State for a fiscal year—

(1) shall not (in the case of a downward adjustment) be reduced by reason of such adjustment, unless the downward adjustment exceeds the remainder available for interstate construction, and

(2) shall (in the case of an upward adjustment) be increased, in accordance with regulations of the Secretary, only to the extent that amounts so available were previously reduced under paragraph (1).

AMENDMENT TO TITLE 23, UNITED STATES CODE

SEC. 6. (a) Section 104(e) of title 23, United States Code, is amended by inserting after "State highway department" the following: "and the Governor or chief execu-

tive officer of each non-contiguous State".

(b) Section 104(b)(5) of such title is amended by adding at the end thereof the following: "Rules, regulations, and standards adopted by the Secretary for estimating the cost of completion of the Interstate System and taking into account all previous apportionments shall prescribe a consistent and equitable procedure for taking into account amounts of apportionments which the Governor of a non-contiguous State has elected to have made available for transportation purposes under section 203 of the National Transportation Development Financing Act of 1971."

(c) Section 118(a) of such title is amended by striking out "On and after" and inserting in lieu thereof "Sixty days after".

AMENDMENTS TO HIGHWAY REVENUE ACT

SEC. 7. (a) Section 209(f)(1) of the Highway Revenue Act of 1956 is amended by inserting "(A)" before "making expenditures" and by striking out the period at the end thereof and inserting in lieu thereof the following: "and (B) for the purposes of section 203 of the National Transportation Development Financing Act of 1971."

(b) Section 209(g) of such Act is amended by adding at the end thereof the following: "An election by the Governor of a noncontiguous State under section 203(b) of the National Transportation Development Financing Act of 1971 to use funds for transportation purposes in such noncontiguous State shall not be taken into account in making any adjustment under this section, except as provided in section 204 of such Act."

AMENDMENT TO URBAN MASS TRANSPORTATION ACT OF 1964

SEC. 8. Section 15 of the Urban Mass Transportation Act of 1964 is amended by inserting after "section 7(b) the following: ", and grants made with funds authorized to be appropriated by section 203(a) of the National Transportation Development Financing Act of 1971."

EFFECTIVE DATE

SEC. 9. This title shall take effect upon the first certification of Federal aid highway system apportionments under section 104(e) of title 23, United States Code, following the date of enactment of this Act.

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

S. 2448. A bill to allow a credit against Federal income tax to low-income individuals who have attained age 65 for State and local property taxes paid by them on their residences, and for rent considered as taxes paid by them. Referred to the Committee on Finance.

FEDERAL INCOME TAX CREDIT FOR THE ELDERLY FOR STATE AND LOCAL PROPERTY TAXES

Mr. MONDALE. Mr. President, I am introducing today a bill designed to bring property tax relief to low-income elderly people. My proposal would allow a credit against the Federal income tax for that portion of the property tax that is determined to be excessive.

As a member of the Senate Special Committee on Aging, I have been impressed with the difficulties which older citizens face in maintaining homeownership. Every day I receive agonizing letters from older constituents who are being forced out of their homes by financial pressures.

For senior citizens, homeownership is a crucial part of remaining independent. With increased family mobility, and the decline in the traditions of the extended family sharing a large home, older persons must hold on to their own dwellings or face a disastrous choice: move into an institution or enter a rental housing market beset by rampant inflation.

About two-thirds of persons aged 62 to 64 own their own homes. But beyond age 65 homeownership drops markedly; at 72 years of age, it is 50 percent. Each year 425,000 older Americans are forced to give up their homes. As a result, pressures are increased for public housing for the elderly. Moreover, the loss of independence contributes to declining health and morale, and loss of dignity, and leads to greater pressure for other public assistance.

The fundamental reason that elderly people have trouble holding onto their homes is poverty.

The median income for elderly heads of families in 1969 was $4,800; for unrelated individuals, it was $1,850.

Over the last decade, people over 65 have fallen further behind in their income relative to everyone else. In 1962, the median income of elderly heads of families was 50 percent of the median for those under 65. By 1969, it had fallen to 47 percent. For unrelated individuals the same ratio went from 47 percent in 1962 to 43 percent in 1969.

But it is at the lower end of the income scale that the problems of the elderly are most acute. In 1970, 27 percent of all elderly families were poor or near poor and 60 percent of unrelated elderly individuals were poor or near poor. These percentages are six times the comparable figures for the remainder of the population. Compared to those under 65, families that are poor or near poor are twice as numerous among the elderly; among unrelated individuals, poverty is seven times as likely among the elderly.

Property taxes seriously aggravate the desperate income situation of older citizens.

In Wisconsin, it is estimated that over 7,000 elderly householders with income under $1,000 paid property taxes amounting to about 30 percent of their subsistence income in 1968. Nationwide, local property tax collectors are taking about $3 billion from families with income below $5,000—and probably half of this comes from households of the elderly.

Recent studies by the Minnesota Planning Agency and the Minnesota Commissioner of Taxation illustrate the same problem. These studies confirm what letters to my office describe so poignantly every day—the desperation of older citizens forced to give up their family homes because their retirement income does not cover their property taxes.

These studies also show how unfair the property tax really is. For example, in Minnesota persons with an income of $2,000 pay 6 percent of that income in property taxes; at $10,000 of income, the tax is 2.4 percent, and at $20,000 it is 1.5 percent. Persons over 65 at lower income levels are especially burdened. Households with incomes of $1,500 pay 10 percent of their income in property taxes; with $2,000 income, 8.4 percent is paid as property tax, and at $3,000 income, 6.4 percent.

Minnesota has taken steps to relieve this burden on older citizens by providing a State property tax credit which somewhat reduces the oppressive effect. Over half the other States have taken similar action, but in my judgment, further relief is necessary.

Federal law now permits taxpayers to deduct property taxes from their incomes, but this only helps those who itemize their deductions. In 1969, of the 6.9 million tax returns filed by persons 65 and over, only 3.3 million itemized their deductions. Thus, even this small aid did not reach over half the elderly.

I propose a tax credit of up to $360 against unusually high property taxes or rent paid on a personal residence. My proposal is closely modeled after the Wisconsin and Minnesota laws. Property taxes are considered unusually high if they exceed a certain percentage of household income. After determining the amount of the tax which is excessive, 75 percent of this excessive part is relieved.

According to my formula, the cutoff point is $6,000—any elderly person earning over this amount would get no help.

To preserve equity between owners and renters, I propose to include the latter—it is assumed that 25 percent of the rent payment is in effect payment for property taxes.

A major portion of those eligible for this program do not have incomes high enough to pay income taxes. For these older citizens, the property tax relief would be in the form of a direct cash refund rather than a credit against income tax.

The following table gives the maximum property tax that is considered reasonable in the terms of this legislation. Relief is provided for 75 percent of the difference between one's property taxes and the figures in the table. Thus, for a household with $2,500 in income and $200 in property taxes, there would be a tax credit or refund of $120.

Maximum justifiable property tax by household income level

Household income:	*Tax*
$1,000	--
$1,500	--
$2,000	$20
$2,500	40
$3,000	60
$4,000	140
$5,000	240
$6,000	360

The cost of my bill is relatively low. In 1970, the Wisconsin law provided tax relief of $7.2 million to 74,000 low-income elderly families. This was less than 1 percent of total property tax collections in the State.

My bill will be somewhat more expensive, because relief is provided to households with up to $6,000 of income. This ceiling is higher than that provided by the State plans presently in effect. A large family with $4,500 in income needs the relief almost as much as an individual or family further down on the income scale.

In addition to relieving the elderly of the burden of excessive property taxes, the law has an important side effect: It makes the overall tax system less regressive by transferring income from the

general taxpaying population to elderly people who are poor.

In my judgment, this Nation has failed to adequately fulfill its obligations to its senior citizens. The beneficiaries of my bill have been paying taxes for over 40 years. I think we can afford to give them sufficient tax relief so that they are not forced to relinquish their homes. I think we owe them at least this much.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

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

S. 2448

A bill to allow a credit against Federal income tax to low-income individuals who have attained age 65 for State and local property taxes paid by them on their residences, and for rent considered as taxes paid by them.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"Sec. 40. Residential property taxes and rent paid by individuals who have attained age 65.

"(a) General Rule.—In the case of an individual who has attained the age of 65 before the close of the taxable year and whose household income for the taxable year does not exceed $6,000 ($3,000, in the case of a married individual filing a separate return), there shall be allowed as a credit against the tax imposed by this chapter an amount, determined under subsection (b), of State and local property taxes paid by him during the taxable year for property used and used by him as his principal residence, and of rent considered as taxes paid by him during the taxable year for property used by him as his principal residence.

"(b) Amount of Credit.—

"(1) General rule.—Except in the case of a married individual who files a separate return, the credit under subsection (a) for any taxable year is an amount equal to 75 percent of so much as does not exceed $360 of the State and local property taxes paid by him during the taxable year on property owned and used by him as his principal residence and rent considered as taxes paid by him during the taxable year for property used by him as his principal residence, reduced by the sum of—

"(A) 3 percent of so much of his household income as exceeds $1,500, but does not exceed $3,000,

"(B) 6 percent of so much of his household income as exceeds $3,000, but does not exceed $4,500, and

"(C) 9 percent of so much of his household income as exceeds $4,500, but does not exceed $6,000.

"(2) Married individuals filing separately.—In the case of a married individual who files a separate return, the credit under subsection (a) for any taxable year is an amount equal to 75 percent of so much as does not exceed $180 of the State and local property taxes paid by him during the taxable year on property owned and used by him as his principal residence and rent considered as taxes paid by him during the taxable year for property used by him as his principal residence, reduced by the sum of—

"(A) 3 percent of so much of his household income as exceeds $750, but does not exceed $1,500,

"(B) 6 percent of so much of his household income as exceeds $1,500, but does not exceed $2,250, and

"(C) 9 percent of so much of his household income as exceeds $2,250, but does not exceed $3,000.

"(c) Definitions.—For purposes of this section—

"(1) State and local property taxes.—The term 'State and local property taxes' means taxes on property imposed by a State, a political subdivision of a State, or the District of Columbia which are allowable as a deduction under section 164.

"(2) Rent considered as taxes.—The term 'rent considered as taxes' means 25 percent of the rent paid solely for the right to occupy property used as a principal residence.

"(3) Household income.—The household income of an individual is the sum of—

"(A) the adjusted gross income, as determined for purposes of this chapter, of such individual and members of his household, and

"(B) all other items of income of such individual and members of his household which are excluded from gross income under any provision of the chapter (or regulations prescribed thereunder) or under any other law of the United States, or exempt from the tax imposed by this chapter under any such law, other than—

"(i) gifts, bequests, and inheritances received from any person, and

"(ii) donations of tangible personal property received from the United States or any State or political subdivision thereof.

"(4) Member of household.—The members of the household of an individual are all individuals whose principal place of abode is the principal residence of such individual.

"(d) Special Rules.—

"(1) Husband and wife.—In the case of a husband and wife who file a single return jointly under section 6013, the age requirement contained in subsection (a) shall, with respect to property jointly used by them as their principal residence, be treated as satisfied if either spouse has attained the age of sixty-five before the close of the taxable year.

"(2) Property used in the part as principal residence.—In the case property only a portion of which is used by the taxpayer as his principal residence, there shall be taken into account, for purposes of subsection (a), so much of the property taxes and rent considered as taxes paid by him with respect to such property as is determined, under regulations prescribed by the Secretary or his delegate, to be attributable to the portion of such property so used by him.

"(3) Cooperative housing.—For purposes of subsection (a), an individual who is a tenant-stockholder in a cooperative housing corporation (as defined in section 216(b))—

"(A) shall be treated as owning the house or apartment which he is entitled to occupy by reason of his ownership of stock in such corporation, and

"(B) shall be treated as having paid property taxes during the taxable year equal to the portion of the deduction allowable to him under section 216(a) which represents such taxes paid or accrued by such corporation.

"(4) Change of principal residence.—If during a taxable year a taxpayer changes his principle residence, subsection (a) shall apply only to that portion of the property taxes and rent considered as taxes paid by him with respect to each such principal residence as is properly allocable to the period during which it is used by him as his principal residence.

"(5) Sale or purchase of principal residence.—If during a taxable year a taxpayer sells or purchases property used by him as his principal residence, subsection (a) shall apply only to the portion of the property taxes with respect to such property as is treated as imposed on him under section 164 (d) and, for purposes of subsection (a), the taxpayer shall be treated as having paid such taxes as are treated as paid by him under such section.

"(e) Adjustment for refunds.—

"(1) In general.—The amount of property taxes and rent considered as taxes paid by an individual during any taxable year shall be reduced by the amount of any refund of such taxes or rent, whether or not received during the taxable year.

"(2) Interest.—In the case of an underpayment of the tax imposed by this chapter for a taxable year resulting from the application of paragraph (1), no interest shall be assessed or collected on such underpayment if the amount thereof is paid within 60 days after the taxpayer receives the refund of property taxes or rent which caused such underpayment.

"(f) Deduction Not Affected.—The credit allowed by subsection (a) shall not affect the deduction under section 164 for State and local property taxes.

"(g) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Residential property taxes and rent paid by individuals who have attained age 65.

"Sec. 41. Overpayments of tax."

SEC. 2. (a) Section 6401 (b) of the Internal Revenue Code of 1954 (relating to excessive credits) is amended—

(1) by inserting ", 40 (relating to residential property taxes and rent paid by individuals who have attained age 65)," after "lubricating oil)", and

(2) by striking out "31 and 39" and inserting in lieu thereof "31, 39, and 40".

(b) Section 72 (n) (3) of such Code (relating to determination of taxable income for certain purposes) is amended by striking out "31 and 39" and inserting in lieu thereof "31, 39, and 40".

(c) Section 6201 (a)(4) of such Code (relating to assessment authority) is amended—

(1) by striking out "Section 39" in the heading and inserting in lieu thereof "Sections 39 and 40", and

(2) by inserting after "lubricating oil)" in the text "or section 40 (relating to residential property taxes and rent paid by individuals who have attained age 65)".

SEC. 3. The amendments made by this Act shall apply to taxable years beginning after the date of the enactment of this Act.

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

S. 2450. A bill to establish land use policy, to establish guidelines for its administration, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

PUBLIC LAND POLICY ACT OF 1971

Mr. ALLOTT. Mr. President, on behalf of myself and Senator JORDAN, I send to the desk for appropriate reference a bill to establish public land policy, to establish guidelines for its administration, and for other purposes.

As Senators know, the Public Land Law Review Commission filed its report in June of last year. This report constituted the most comprehensive review of the public land laws ever accomplished. The report contained 137 specific recommendations, and, to my knowledge, none of those requiring legislative action have been enacted into law.

The bill I introduce today is primarily a policy and procedural bill. The policy of the act can be stated in one sentence as follows:

Public lands shall be retained and managed or disposed of, all in a manner to provide the maximum benefit for the general public.

Section 5 sets forth 11 goals and objectives. While some of these are restatements of existing policy, nevertheless, since this bill would be a basic act in contemplation of a substantial number of follow-on bills, which follow-on bills may repeal existing legislation containing such policy statements, it seemed appropriate to set forth such objectives and goals in one location.

Section 6 sets forth the administrative rulemaking process by which agencies charged with the responsibility of managing the public lands establish rules and make decisions.

Section 7 establishes advisory boards, committees, and establishes the procedures by which they shall operate. Many advisory boards exist today, but their responsibilities are nebulous since they were established by the head of an agency and continue to exist at his discretion. By statutory recognition of these advisory boards, and by providing for reports to the Congress on their activities, such advisory boards and their activities will be more meaningful.

Section 8 provides for regional land use coordination by authorizing the establishment of interstate land use coordinating commissions.

Section 12 provides for public land use planning. The procedures established by section 12 are designed to insure that land use planning on public lands will be coordinated with land use planning by the States of private land, so that the two land use planning functions shall not be counterproductive.

Section 13 provides for withdrawals and reservations. It limits administrative withdrawals to 5,000 acres and to a term of 10 years. It also provides for a hearing procedure, and methods for extending such withdrawals or imposing emergency withdrawals. Congress reserves to itself the authority to withdraw areas larger than 5,000 acres and for periods in excess of 10 years. The Pickett Act would be repealed.

Section 14 provides for judicial review with respect to any rulemaking, and such review is available to any person or party who submitted views to the agency during the course of the rulemaking procedure established in the bill.

Section 15 provides that 1 year after the effective date of the bill, rules, regulations, practices, or procedures must be accomplished in accordance with the provisions of the act to be enforceable.

Mr. President, I ask unanimous consent that a summary of the bill be inserted in the RECORD at this point.

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

SUMMARY—S. 2450—PUBLIC LAND POLICY ACT OF 1971

Section 1—Cites Act as the "Public Land Policy Act of 1971."

FINDINGS AND PURPOSES

(a) Contains 20 findings that generally would translate into statutory guidelines the basic philosophy of Public Land Law Review Commission (PLLRC) recommendations, with emphasis on equitable treatment, and coordination of planning.

(b) Sets forth three purposes of the Act:

(1) Provide a planning system

(2) Establish supplementary administrative procedures

(3) Provide assistance to regional, state, and local governments

DECLARATION OF POLICY

Section 3—"Public lands shall be retained and managed or disposed of, all in a manner to provide the maximum benefit for the general public."

DEFINITIONS

Section 4—Defines 13 terms:

(a) Public lands
(b) Classification
(c) Withdrawal
(d) Agency
(e) Person and party
(f) Rule and rulemaking
(g) Order and adjudication
(h) License and licensing
(i) Sanction and relief
(j) Agency proceeding and action
(k) Multiple use
(l) Sustained yield
(m) Dominant use

GOALS AND OBJECTIVES

Section 5—Contains 11 additional findings as follows:

Congress further finds and establishes that it is in the public interest, and it will serve the maximum benefit for the general public for the public lands to be utilized to the end that—

(a) Current and future needs of the people are met through prudent use of both renewable and nonrenewable resources.

(b) Lands shall be transferred out of public ownership when in the public interest or in furtherance of public policy.

(c) Unless otherwise specifically set aside, use of lands shall assure multiple-use and sustained-yield management.

(d) Quality of the environment shall not be endangered and where feasible shall be enhanced.

(e) Public land management shall be coordinated with regional, state, and local land-management plans.

(f) A proportionate share of projected increased demand shall be met for recreation, fish and wildlife, food and fiber (including livestock, timber, minerals and agricultural products), residential, commercial, and industrial use (including new cities).

(g) Incentives shall be provided for discovery and development of additional sources of minerals, including off-shore.

(h) Use of public lands and their resources shall continue to be made available to persons and communities dependent thereon.

(i) Police powers and legislative jurisdiction over public lands shall be permitted to be exercised generally by state and local governments or concurrently by them and the Federal Government.

(j) Occupancy for a period commensurate with a user's projected investment shall be provided for, as well as equitable compensation should use be terminated before expiration of the term.

(k) Participation by the public in rulemaking, a waiver of sovereign immunity, and the right of judicial review shall be assured.

ADMINISTRATIVE PROCEDURES

Section 6—Unless agency head finds U.S. security would be impaired, following procedures shall be adhered to:

(a) Within 90 days of this Act and thereafter as required, initiate formal rulemaking procedures by publishing proposed rules.

(b) Publish final opinions or orders in adjudication of cases and all rules.

(c) Make available matters of official record.

(d) Prior to formulating a rule, consult with advisory boards, state and local governments, Interstate Regional Land Use Coordinating Commissions, and others known to be interested (such as adjacent land owners, users, etc.).

(e) Give notice of proposed rulemaking by publishing in Federal Register and advising Congress.

(f) Provide for anyone interested to participate in the rulemaking, giving him from 30–90 days to appear.

(g) 180 days after this Act, no adjudication may take place except in accordance with rules formulated in accordance with this Act.

(h) If a formal finding of emergency is made, rulemaking procedures may be dispensed with.

(i) Deviations from this Act (communicated to Congress and published in Federal Register) are permitted (1) in cases where security of U.S. will be impaired, (2) where rule will have no significant impact on administration of the public laws, or (3) where an emergency exists making it impracticable, unnecessary, or contrary to the public interest.

ADVISORY BOARDS

Section 7—Establishes advisory boards and committees as follows:

(a) National Advisory Boards—25 members appointed by agency from among cross-section of those interested; plus those designated from other departments and agencies with similar interests.

(b) Subsidiary agencies shall have similar advisory boards with overlapping of membership generally permitted (e.g., Secretary of the Interior and BLM can have same persons provided no more than 15 of 25 non-Federal members are the same).

(c) Agency head shall designate from among the non-Federal members a chairman of each advisory board or committee.

(d) Advisory boards and committees shall meet at least twice a year.

(e) Meeting rules: (1) agency head shall approve calling a meeting, (2) agency shall be represented at each meeting, (3) copies of minutes of each meeting shall be provided Congress.

(f) Board or committee appointments shall be for four years (staggered terms).

(g) Statutory and administratively established advisory bodies, other than those established by this Act, may continue to exist and be set up.

(h) Boards' and committees' functions shall be advisory only.

(i) Agencies shall publish directories of their advisory bodies.

(j) Regulations governing advisory bodies may be issued by "President and head of each public land management agency" in accordance with rulemaking procedures.

(l) Per diem and reimbursement for transportation applicable to Federal employees shall apply to advisory board members.

REGIONAL COORDINATION

Section 8—Provides for establishment of an *Interstate Land Use Coordinating Commission* to represent regional, state and local governments within an area composed of two or more States or portions thereof.

(a) Secretary of the Interior shall announce creation of commission when more than one-half of the states indicate a desire to join together in such commission.

(b) Each commission shall establish its own rules and independently recommend public land actions deemed to be in the public interest.

(c) Each state represented shall have an equal number of members on a commission.

Section 9—

(a) Authorizes appropriation of $5 million annually to assist in financing the committees and the commissions.

(b) Secretary of the Interior authorized to make grants to (1) states willing to join coordinating commissions, and (2) coordinating commissions (not to exceed two-thirds of the cost, however) and to make rules governing application for such grants.

(1) Secretary to provide regulations or grant procedures.

Section 10—Donations and grants may be accepted by an interstate commission, which will be reflected in its annual budget.

Section 11—Each interstate commission shall report annually to Congress.

PLANNING PUBLIC LAND USE

Section 12—

(a) Within 60 days each land-management agency shall publish proposed procedures by which land use planning will be pursued. If there is a finding that some land is not suitable for planning, rule to that effect shall be published. Copies of all rules shall go to Congress when submitted to Federal Register for publication.

(b) Each agency shall consult with persons interested in public lands including the advisory bodies and state and local governments.

(c) Land use plans shall be developed to classify the land in order to obtain the best net public benefit. Management plans will be developed, regardless of whether lands have previously been "classified," "withdrawn," "set aside," utilizing the following criteria:

(1) Classify no land for disposition if important public values would be lost thereby.

(2) Unless specifically set aside for some use, BLM and FS land shall be managed in accordance with the principle of multiple use. Other land shall encourage compatible secondary use (e.g., Defense Department).

(3) Management plans shall provide maximum multiple use or compatible secondary uses.

(4) Where an area is classified to indicate that it is chiefly valuable for one particular use, that use shall be referred to as the dominant use. "Each area . . . having a dominant use shall be managed under the principle of multiple use with as many compatible uses being carried on as possible except that, in the event of a conflict between uses, the dominant use shall, during the period of conflict only, prevail . . ."

(d) A determination that maximum benefit for the general public will inure from *non-Federal ownership* shall be based on the following criteria:

(1) Land is isolated, difficult to manage, or no longer required for the specific purpose acquired or other use.

(2) Land is best suited to meet the goals of this Act, or to produce resources under non-Federal ownership.

(3) Land is needed as an integral part of an approved statewide outdoor recreation or other plan of the state or local area.

(e) Following adoption of a land-management plan, the agency shall again consult with the interstate commission or state and local governments involved. "Within 30 days of receipt of views . . . the agencies shall offer the plan for consideration by all concerned in accordance with the rulemaking procedures of this Act."

(f) Land management plans shall be consistent with state and local government programs unless there is a formal finding that there is "an overriding national need" for variance.

(g) Long-range comprehensive land-use plans for each state and for each interstate area also shall be established and Congress shall be advised of progress annually.

WITHDRAWALS AND RESERVATIONS

Section 13—

(a) Authorizes the Secretary of the Interior to withdraw not exceeding 5,000 acres for specific purpose, thus excluding the public from all uses as specified in the withdrawal order. "No withdrawal order shall be issued without consideration of the following factors which shall be included in the statement published in the Federal Register as part of the rulemaking procedures":

(1) Proposed use of land involved.

(2) Probable effect of withdrawal, with particular attention to degradation of environment.

(3) Probable effect on present users of land.

(4) Analysis of incompatibility of present use with proposed use; provision for continuation of existing uses.

(5) Analysis of proposed use in relation to requirements thereof.

(6) Possible alternate sites.

(7) Comparison of costs and suitability of alternate sites.

(8) Effect on state and local government interests and impact on regional economy.

(9) Need for withdrawal for length of time proposed.

(10) Notification of time and place of hearing on proposed withdrawal.

(b) A state wherein the land is situated may require a hearing if none is announced, if request therefor is made on timely basis.

(c) Following receipt of comments, Secretary of the Interior shall again consult with advisory boards, interstate commission, and state and local governments, et al. Thereafter publish withdrawal order.

(d) Withdrawals shall be limited to a period not to exceed 10 years, except five years if in aid of prospective legislation or for emergency purposes. Extensions of five years authorized.

(e) Reserves to Congress authority to withdraw lands (1) which exceed 5,000 acres, (2) for periods in excess of 10 years, (3) of unique value for incorporation into NP System, NF System, Scenic and Wild Rivers System, National Trails System, Wildlife Refuge System, Wilderness Preservation System, etc. If Congress is requested to make withdrawals, section 13(a) shall be complied with by requesting agency, indicating whether or not public hearings have been held.

(f) Upon notation on land office records that application has been made for withdrawal, land affected shall be segregated and restricted from use for six months. Upon publication in Federal Register of a proposed withdrawal, or upon application for legislation withdrawal, segregative effect shall continue for an additional six months. Still another six months extension may be gained if diligence is shown in the case of an administrative withdrawal. And, further extensions are authorized during a session when Congress is considering a legislative withdrawal.

(g) Establishes procedure for review each 10 years of all withdrawals. If, after review, Secretary of Interior determines withdrawal should be continued, it may be extended not to exceed 10 years from date of withdrawal. If no longer than that is desired, recommended legislation shall be submitted to Congress. At end of each calendar year, Congress shall be advised of review actions.

(h) If Secretary of the Interior finds a requested withdrawal not justified, he shall notify requesting agency or agency having administrative jurisdictions over lands, advise Congress, and establish a date within six months at which time segregative effect will be rescinded.

(i) Authorizes the Secretary of the Interior to delegate authority to effect administrative withdrawals to any Department of the Interior "officer or official appoined to his position by the President."

(j) Repeals the Pickett Act, subject to valid existing rights.

JUDICIAL REVIEW

Section 14—

(a) Authorizes any person who submitted views in the course of rulemaking or other procedure, and any person suffering legal wrong because of agency order to appeal to a U.S. District Court for judicial review.

(b) Pending review, action may be taken either by agency or court to postpone effective date of the action involved. Review shall be initiated within 60 days after announcement of adoption of a land management plan, classification of lands, or issuance of a final order of withdrawal or rejection or rescission of a withdrawal. Upon filing thereof, agency shall turn over the complete record to the court.

"No objection to the order complained of shall be considered by the court unless such objection shall have been urged before the agency involved, unless the court finds that there is reasonable ground for failure to have done so."

AGENCY ENFORCEMENT

Section 15—On and after one year after the effective date of this Act, determination based on any rules, regulations, practices, or procedures covered by this Act shall be unenforceable unless procedures required by this Act have been followed.

Mr. ALLOTT. Mr. President, the distinguished chairman of the House Interior Committee, Mr. ASPINALL, conducted a series of hearings during the week of July 26 to July 30 on his bill H.R. 7211. The bill I introduce today is similar to H.R. 7211 in most respects. Some of the changes were made on the basis that existing law more exhaustively covered the situation, for example, the National Environmental Policy Act; and some were made in recognition of the fact that other legislation presently pending before the Senate Interior Committee would adequately cover the situation, for example, legislation to settle the Alaska Native land claims which provides for a classification of all of the lands to Alaska and a land use plan; and other changes were made in an effort to reduce redundancy.

With those exceptions, the bill I introduce today follows very closely the policy and procedures as embodied in HR. 7211.

Mr. President, it is my hope that hearings may be held on this measure shortly after the Senate reconvenes after the August recess. I urge early consideration of this legislative proposal.

Mr. JORDAN of Idaho. Mr. President, I am pleased to join the distinguished senior Senator from Colorado, Mr. ALLOTT, as a cosponsor of the proposed Public Land Policy Act of 1971.

This bill, of course, is a modified version of H.R. 7211, authored and introduced in the House by WAYNE ASPINALL, chairman of the House Interior Committee and Chairman of the Public Land Review Commission, which was created by the Congress to conduct a 5-year study of the public land laws. Both Senator ALLOTT and I had the honor of serving as Senate representatives on the Commission.

At House hearings on the Aspinall bill, which were conducted last week, many witnesses paid tribute to Chairman ASPINALL for his dedicated interest in and his monumental efforts during the past

decade toward the objective of modernizing and consolidating the thousands of laws and executive orders pertaining to our public lands. I join in these tributes to an outstanding public servant and legislator from the public land States of the West.

The bill was offered by Mr. ASPINALL as a foundation policy bill, which would provide the statutory base for administration of our public lands and for succeeding legislation. Many bills already have been introduced to improve our public land laws and it is obvious that this significant and voluminous legislative package will occupy a major share of the attention of congressional Interior Committees this session and probably throughout the decade.

During this challenging legislative effort, the report of the Public Land Law Review Commission and the 33 studies and reports prepared by the Commission and its contracting organizations will prove invaluable to the Congress in evaluating the problems and the proposed solutions.

My State of Idaho has a tremendous stake in this legislative revision. The State is 64 percent federally owned, an area comprising nearly 34 million acres. This is a Federal fiefdom more than six times the size of New Jersey. Idaho has 16 million acres of prime national forest land and 12 million acres of the public domain administered by the Bureau of Land Management and four Indian reservations. Our major industries are greatly dependent upon the resources from or the administration of our Federal lands.

In addition to the resource interest in these lands, we have some of the best hunting, fishing, and outdoor recreation areas in the Nation, as well as thousands of interested participants who want to see these aspects of Federal land use adequately considered. We have more than half of the wild rivers in the national wild and scenic river system and several million acres of land under consideration for national parks and recreation areas and wilderness.

Eleven other so-called public land States share Idaho's interest in and concern for this legislation. Roughly half of the 724 million acres of public lands are located in the State of Alaska, and 90 percent of the remaining half is confined to the 11 contiguous public land States of the West, which average about 50 per cent Federal ownership. All of the other 38 States, of course, have a vital interest in these and other Federal acres, but not to the same degree as the public land States where Federal land ownership and administration is of primary importance to social and economic progress.

This bill which we are introducing today sets forth some specific policies and administrative procedures with respect to public lands. It provides statutory guidelines to administrators and establishes advisory boards and regional coordination commissions to achieve guidance from and involvement by the users and the areas most directly concerned.

No single bill could cover all the policy and administrative aspects of the public lands; hence many significant problems will remain for subsequent legislation. This foundation bill however, is a good start and I hope the Senate will follow the lead of Chairman ASPINALL and the House Interior Committee in making ample hearing time available to consider it.

By Mr. HOLLINGS:

S. 2451. A bill to establish a wage and price advisory board in the legislative branch of the Government. Referred to the Committee on Banking, Housing, and Urban Affairs.

CONGRESSIONAL WAGE AND PRICE ADVISORY ACT OF 1971

Mr. HOLLINGS. Mr. President, today I am introducing the Congressional Wage and Price Advisory Act of 1971. In the fact of the executive branch's inability to confront head on the tough demands of restoring prosperity, this legislation is urgently needed. Every month the American people wait for some indication that the economy has turned the corner, and every month they are disappointed. Over 5 million workers walk the streets in joblessness—5 million people denied the chance to work for lack of a rational plan to get the economy moving. Three hundred thousand Vietnam veterans are without jobs. The unemployment rate among blacks is 10 percent, and among our teenagers 17 percent.

Yet, all the while prices continue to soar. The cost of living has been skyrocketing 6 percent a year since this administration took power, in spite of all those rosy promises we have been hearing for 3 years now. Public confidence in the administration's so-called game plans is all but vanished. And the American people are demanding action.

The legislation I am introducing today would establish a nonpartisan board of experts whose job it would be to develop and recommend to Congress programs to get the economy moving and keep it moving. It would give Congress its own corps of experts so that legislators would not have to be dependent upon bureaucrats beholden to the executive branch.

The Wage and Price Advisory Board would develop and recommend to the Congress measures to improve the stability of the national economy and the efficiency of Government economic programs. It would conduct a continuing review of wage and price developments, productivity changes, Federal expenditures, and the impact of these factors on the performance and objectives of the economy.

This would be a legislative board, not another executive bureau. Its reports would provide Congress with the expertise necessary to formulate proposals and pass legislation. So armed, Congress would play a more active role at a time when the executive branch has abdicated its responsibilities to the American people.

Mr. President, I urge my colleagues to act speedily to meet the crisis we are in. I ask them to pass favorably on this legislation. The American people ask no less. The Congress can afford to do no less.

By Mr. BELLMON:

S. 2452. A bill to establish a Fiscal Stabilization Board as an independent agency of the Government, and to authorize the President, upon recommendation of the Board but subject to disapproval of either House of the Congress, to increase or decrease Federal income taxes in order to stabilize the economy. Referred to the Committee on Finance.

FISCAL STABILIZATION ACT OF 1970

Mr. BELLMON. Mr. President, the United States is currently going through a period of great change. A glance at the headlines in the daily newspaper tells us that our Nation is beset by many problems, and the pressure for change increases upon Government, business, and other institutions of the society. I am confident that our system can and will accommodate and readily adjust to most of the changes the people demand.

One of the great attributes of the Nixon administration has been its responsiveness to the challenge of today's pressing problems and its recognition of the need for new directions in both domestic and foreign policy. President Nixon has acted positively and decisively to restore strength to a troubled Nation. Since January 1969:

The U.S. troop level in Vietnam has been cut to less than half what it was at the start of the new administration and the war continues to wind down.

President Nixon has launched new initiatives for peace in the Middle East, and is laying the foundation for normalizing relations with mainland China as a further step to peace in the world.

Under his leadership, new laws have been passed to protect the environment, expand educational opportunities, provide training and work experience, and improve conditions for minority groups.

A new role for rural America is being realized as this administration seeks to find ways to allow people to make their living on farms and in small towns.

This administration has brought an end to an era of permissiveness in the area of law enforcement. As a result, crime is down in 61 major cities across the country.

A hallmark of the Nixon administration has been governmental reform, typified by the creation of the U.S. Postal Service to replace the outmoded, inefficient, and politically operated postal system.

Even broader governmental reorganization measures have been proposed to the Congress, along with a plan of revenue sharing to give cities and States a bigger role in expenditures for local programs, and proposals for welfare reform and expanded health care.

In virtually all areas this administration has compiled a remarkable record of accomplishments.

We are making great strides in rearranging our national priorities. The spending pattern followed by President Nixon contrasts significantly with that of any of his three immediate predecessors. For example, Presidents Johnson, Kennedy, and Eisenhower spent upwards of 45 percent of each individual's Federal tax dollar for defense. President

Nixon has reduced defense expenditures to 33.8 percent. On the other hand, President Nixon is spending roughly one-third of the money on "people programs"—health, welfare, and social security—while the previous administrations spent less than one-fourth of the Federal budget on these vital human resources areas.

Yet despite all the successes that have been achieved, one of the most basic and fundamental needs of our society is not being adequately met. No plan or program for social change in the field of health care, environmental protection, criminal justice or military defense can ultimately be effective unless we update our fiscal management.

Right now, while the Nation's economy is slowly recovering from a relatively minor, but costly recession, persistent and dangerous inflationary forces are unsettling confidence in this country's ability to properly manage its financial affairs, both at home and abroad.

It is obvious for all to see that the management of our economy has not been efficient for the past several years. We have observed it in the rising cost of living, in higher prices for food, clothing, housing, transportation, and other essentials. During the past year, the cost of living has gone up 4.5 percent.

Inflation continues at a yearly rate of about 6 percent.

At the same time, unemployment remains at close to 6 percent.

This combination of inflation and unemployment, or economic stagnation, has given rise to a new term—"stagflation"—to describe the current economic situation. This condition is one which defies solution by the traditional economic theories, and so President Nixon's fiscal advisors have attempted to cure the economic ills of the country by mixing remedies. The approach has been to try to stimulate the economy through easy money, but hold down inflation by restraint on budgetary outlays.

The trouble is, the mix has not worked.

The gross national product is falling about $15 billion short of the administration's estimate at the first of the year. The business slowdown has led to a slackoff of tax receipts. Actual revenues last year decreased $5.9 billion from January estimates.

The tragic results became painfully clear last week with the announcement of a Federal deficit of $23.2 billion in the fiscal year which ended June 30—second only to the $25.2 billion deficit in fiscal 1968 in being the largest deficit since World War II.

A significant commentary on the budget deficit is contained in an editorial from the Wall Street Journal of August 4, 1971. I ask unanimous consent that this editorial be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BELLMON. Mr. President, the national debt has climbed unchecked to approximately $400 billion and we are rapidly approaching the time when the Congress will be called upon to approve another increase in the fictitious, unworkable debt limit.

This type of fiscal fiasco has drawn justifiable criticism, both on the domestic front and among our partners in world trade, who complain because we have passed on our inflation to them through massive outflows of dollars to Europe.

In addition, the inflationary trend in the United States has undermined the export efforts of American industry, and it has led to a massive growth in imports. These two factors have combined to wipe out the substantial trade surplus of the midsixties, causing other nations to lose confidence in the full convertibility of the U.S. dollar.

The weakened position of the U.S. dollar in the world market is aptly illustrated in two articles appearing on the financial page of this morning's Washington Post. I ask unanimous consent that these two articles be printed in the RECORD following my remarks.

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

(See exhibits 2 and 3.)

Mr. BELLMON. Unfortunately, Mr. President, the economic situation tends to get worse instead of better. In recent weeks, the country has been plagued by work stoppages in the postal service, telephone, telegraph, copper, steel, and railroad industries, and the west coast dock workers strike is still unsettled. The administration deserves major credit for the steel and rail settlements reached this week. But these accomplishments were offset somewhat by the subsequent development in the case of the steel settlement, in which producers immediately boosted steel prices 8 percent, for a total increase of around 14 percent since the beginning of the year.

This whole shameful record again points up the senseless irresponsibility in fiscal management which has been practiced by the Federal Government for many years. Our fiscal madness, unless cured, could shortly mean the disruption of all the other progress which is becoming evident on many fronts.

Mr. President, it is obvious that the fiscal policies that this country has been following need serious reexamination. Clearly some more definitive and flexible actions must be taken to protect our standard of living and to maintain our leadership position in world affairs.

The simple truth is that no government can for long continue to spend wildly beyond its income if it is to retain the confidence of its own citizens or other peoples.

We must reexamine the polices which have brought about both high levels of unemployment and high levels of inflation, and a loss of confidence in our currency. Unless our Government earns and receives confidence and support at home and abroad, it will not long continue in its role as leader of the free world.

In recognition of these circumstances, it is the responsibility of the Congress to propose alternatives and trust our citizens to evaluate the alternatives and choose the right course. No single facet of American life can be more self-defeating than the assumption of big government that the people cannot make wise decisions. Faith in the people and in their judgment must in the final analysis dictate our Government's course of action. To wisely make such judgments our people must have the ungarnished facts. Efforts of Government to cloud or disguise the true situation only compounds our problems.

In view of these facts, I propose the following steps be taken to cope with our Nation's financial housekeeping problem:

First. Since business and industry can and must pass on wage increases which exceed productivity gains—as demonstrated by the steel settlement—the buying public suffers. The Federal establishment has shown inadequate capability to protect the public's interest in the wage-price spiral. Neither business nor labor can permit their living standards to erode, but no bargaining group can fully see or accept the dire consequences of any particular round of wage-price hikes. It is precisely this type of round-robin sequence and escalation of wage-price hikes that produces the ever-continuing round of price inflation. I, therefore, believe that the executive branch of Government must have a business-labor vehicle which can put effective pressure on both of these groups to keep wages and prices in line. One possibility would be the adoption of S. 560, the administration's labor-management bill, and I urge passage of this legislation. But for long-range purposes, a more permanent and viable approach is needed.

Second Budget deficits create pressures on prices all on their own account. Pressures in Congress for passage of particular money bills often make legislators lose sight of the impact of any one bill on the total level of expenditures authorized and appropriated. I propose that an independent agency be established by Congress to forecast expected Federal revenues and establish a ceiling for the total of all moneys appropriated for any one fiscal year. Each money bill then will be seen as to its impact on the overall level of expenditures compared to expected Federal revenues.

Third. In coping with the Nation's balance of payments, we must search and implement more effective measures to manage the outflow of dollars because such flows cause inflation abroad. While the outflow of dollars may be partly related to large interest rate differentials between the United States and Europe, the underlying feeling of lack of confidence in the dollar forces foreign bankers and businesses receiving these dollars to convert them into local currency with their central bank. These central bankers simply cannot be expected to hold these dollars if they do not trust our fiscal management.

Mr. President, the legislation I introduce today is designed to achieve these three necessary steps. This bill, which is the same as S. 4056 introduced July 1, 1970, establishes a fiscal stabilization board to advise the President on the fiscal and monetary conditions of the country. The board would consist of seven members to be appointed by the President, subject to confirmation by the Senate. It would be a bipartisan board, with members serving 7-year staggered terms.

The makeup of the Board is an important feature of this legislation. In order

to provide a balance of opinion, it would consist of two members who have a background of management, two representing labor's views, one with a Government background, one from the academic community and one at-large member. Through such broad representation, the President would have the advantage of receiving views from elements of the society that directly affect or are directly affected by the condition of the economy.

A second feature of the bill is that, with the recommendation of the Fiscal Stabilization Board, the President would be authorized to increase or decrease Federal income taxes up or down by 10 percent as a means of stabilizing the economy. The President's action would be subject to disapproval of either House of the Congress within a specified time limit.

The third principal feature, and one which differs greatly from present practice is the creation of a fiscal stabilization trust fund, into which funds produced by upward adjustments of income taxes would be channeled. Under present practices, if additional revenues are raised to stabilize the economy, there is nothing to prevent the Congress from simply increasing appropriations and spending more money thereby negating any stabilizing effect. This is a natural consequence of the realities of politics, but it has the effect of heating the economy even more, rather than cooling it off, since taxpayers would add to their personal savings. Under terms of this bill, any revenues received by the Treasury as a result of an upward tax adjustment would be transferred to the special trust fund and could not be appropriated by Congress. These moneys could be transferred by the Secretary of Treasury to the general fund during times when a minus tax adjustment is in effect.

These provisions are intended to assist in stabilizing the economy by withdrawing funds from the economic stream during inflationary periods and having them available for expenditure when the economy shows signs of receding.

Referring again to the first feature of this bill, I want to emphasize the need for a broadly-representative board of fiscal advisers, empowered with Presidential status and authority, to guide the country's fiscal direction. It is anticipated that this board will quickly establish its credibility, as the Federal Reserve Board has done, and that its recommendations will influence public opinion and official action.

Under the existing system of financial housekeeping, little can be changing the advisers; instead we must change the system.

The Federal Establishment must learn to share an understanding of problems and opportunities with the American people. Every citizen is ultimately affected by the outcome of critical decisions. The decisions of Government must be his decisions. Our people need and deserve more of a feeling of shared responsibility with Government.

The time is now for the Government to speak out on the issues of financial management of our economy. No solution to any other problem can be either evaluated or acted upon unless and until we see our Nation come out of the nightmare of high unemployment, high inflation and massive Federal budget deficits.

Mr. President, I believe the bill I introduce today holds an answer to our country's fiscal problems. It provides the Chief Executive and the Congress with a versatile, effective tool to assist in the vitally important responsibility of maintaining a stable and vigorous national economy.

I ask unanimous consent that the bill be appropriately referred and that the full text of the bill be printed in the RECORD.

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

S. 2452

A bill to establish a Fiscal Stabilization Board as an independent agency of the Government, and to authorize the President, upon recommendation of the Board but subject to disapproval of either House of the Congress, to increase or decrease Federal income taxes in order to stabilize the economy

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 "Fiscal Stabilization Act of 1970".

TITLE I—FISCAL STABILIZATION BOARD

SEC. 101. ESTABLISHMENT OF BOARD.—

(a) There is hereby established as an independent agency of the Government a Fiscal Stabilization Board (hereinafter referred to as the "Board").

(b) The Board shall consist of seven Members appointed by the President, by and with the advice and consent of the Senate. Not more than four Members may be affiliated with the same political party. Two Members shall have had experience in management, two shall have had experience in labor, one shall have had experience in government, and one shall have had experience in academic affairs.

(c) Each Member shall be appointed for a term of seven years, except that the terms of the Members first appointed shall expire, as designated by the President at the time of appointment, at the end of one, two three, four, five, six, and seven years, respectively, from the date of the appointment of the first Member. The term of each Member thereafter appointed shall commence upon the expiration of the term for which his predecessor was appointed. A Member appointed to fill a vacancy in the membership of the Board occurring before the end of a term of office shall serve under such appointment only for the remainder of that term.

(d) Four members of the Board shall constitute a quorum. A vacancy in the Board shall not affect its powers. No member shall, during his term of office, engage in any vocation or employment other than the work of the Board.

(c) A member of the Board may be removed from office by the President only for inefficiency, neglect of duty, or malfeasance in office.

SEC. 102. CHAIRMAN; SALARIES.—

(a) The President shall, from time to time, designate one of the members of the Board to serve as Chairman. No member may serve as Chairman for a total period of more than two years during each term of his office as a member of the Board.

(b) Section 5313 of title 5, United States Code (relating to positions at level II of the Executive Schedule), is amended by adding at the end thereof the following:

"(20) Chairman, Fiscal Stabilization Board."

(c) Section 5314 of title 5, United States Code (relating to positions at level III of the Executive Schedule) is amended by adding at the end thereof the following:

"(55) Members, Federal Stabilization Board."

SEC. 103. FUNCTIONS AND DUTIES.—

(a) It shall be the function and duty of the Board—

(1) to monitor the fiscal and monetary conditions of the United States and to advise the President with respect thereto, and

(2) to recommend to the President action to be taken by him to stabilize the national economy pursuant to the authority conferred by part VII of subchapter A of chapter 1 of the Internal Revenue Code of 1954.

A recommendation to the President under paragraph (2) may be made only upon the affirmative vote of at least four members of the Board.

(b) The Board shall, on or before January 31 of each year, submit to the Senate and the House of Representatives a full and complete report setting forth—

(1) its activities during the preceding year,

(2) its judgment with respect to the fiscal and monetary conditions of the United States during the preceding year, and

(3) its judgment with respect to the anticipated fiscal and monetary conditions of the United States for the year in which such report is submitted.

SEC. 104. POWERS.—

(a) The Board is authorized to appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to assist it in carrying out its functions and duties.

(b) The Board is authorized to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(c) The Board is authorized to procure information, data, and statistics from any department or agency of the Government, and the head of each such department or agency is authorized, upon request of the Chairman of the Board, to furnish such information, data, and statistics to the Board.

(d) The Board is authorized to issue such publications as it determines necessary or desirable in carrying out its functions and duties.

(e) The Board is authorized to adopt, alter, and use a seal and to prescribe such rules and regulations as it determines ncessary or desirable in carrying out its functions and duties.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this title.

TITLE II—ADJUSTMENT OF INCOME TAXES FOR ECONOMIC STABILIZATION

SEC. 201. TAX ADJUSTMENT PLANS.—(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to determination of tax liability) is amended by adding at the end thereof the following new part:

"PART VII—TAX ADJUSTMENT PLANS

"Sec. 59a. Findings and policy.
"Sec. 59b. Tax adjustment plans.
"Sec. 59c. Contents and duration of tax adjustment plans.
"Sec. 59d. Miscellaneous provisions.

"SEC. 59a. FINDINGS AND POLICY.—

"(a) Findings.—The Congress finds that the achievement of reasonable economic stability and optimal levels of employment requires a flexible fiscal policy responsive to changing conditions. The Congress further finds that, within the limitations and for the purposes set forth in this part, such a policy requires an improved procedure to make timely adjustments in the amounts of income taxes imposed by this chapter.

"(b) Policy.—The President shall exercise the authority conferred by this part solely for the purpose of stabilizing the national economy in order (1) to achieve the policy set forth in section 2 of the Employment Act of 1946, (2) to maintain the purchasing power of the dollar, (3) to maintain the stability of the monetary system, or (4) to insure an orderly and healthy rate of economic growth.

SEC. 59b. TAX ADJUSTMENT PLANS.—

"(a) Preparation and Submission to Congress.—

"(1) In general.—When the President determines that an adjustment in the taxes imposed by this chapter is necessary to accomplish one or more of the purposes stated in section 59a, he shall prepare a tax adjustment plan and transmit the plan (bearing an identification number) to the Congress.

"(2) Limitations.—A tax adjustment plan—

"(A) may be submitted by the President only if, within 90 days prior thereto, the Fiscal Stabilization Board has recommended to the President that he exercise the authority conferred by this part,

"(B) may not propose a plus or minus tax adjustment percentage greater than that recommended to the President by the Fiscal Stabilization Board, and

"(C) may not propose a longer effective period for tax adjustment than that recommended to the President by the Fiscal Stabilization Board.

Only one tax adjustment plan may be in effect at any time.

"(b) How Submitted.—The President shall have a tax adjustment plan delivered to both Houses on the same day and to each House while it is in session. In his message transmitting a tax adjustment plan, the President shall specify the reasons for submitting the plan to the Congress.

"(c) Disapproval by Congress.—

"(1) In general.—A tax adjustment plan shall take effect at the end of the first period of 30 calendar days of continuous session of the Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the 30-day period, either House of the Congress passes a resolution stating in substance that such House disapproves the tax adjustment plan.

(2) Continuity of session.—For purposes of paragraph (1)—

"(A) the continuity of a session shall be broken only by an adjournment of the Congress sine die; and

"(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 30-day period.

"(d) Publication.—Any proposed tax adjustment plan shall be printed in the Federal Register, and any tax adjustment plan which takes effect shall be printed in the Statutes at Large in the same volume as the public laws.

"SEC. 59c. CONTENTS AND DURATION OF TAX ADJUSTMENT PLANS.—

"(a) In General.—A tax adjustment plan submitted to the Congress under section 59b shall—

"(1) specify a plus or minus tax adjustment percentage,

"(2) specify its effective date (which may be on or after the date on which the plan is submitted to the Congress),

"(3) specify the termination date for the change in taxes or provide that the change made by the plan shall remain in effect until a termination date is provided by law or by a later tax adjustment plan,

"(4) prescribe tables which shall apply, in lieu of the tables contained in section 3402 (relating to income tax collected at source), with respect to wages paid during the period specified in the plan, and

"(5) contain such other provisions as the President determines are necessary to carry out the purposes of this part and the plan.

"(b) Special Provisions.—A tax adjustment plan may—

"(1) provide tables specifying the amount of additional tax or reduction in tax within specified adjusted tax brackets,

"(2) exempt taxpayers whose adjusted tax does not exceed the amount specified in the plan from any increase in tax provided by the plan,

"(3) provide that any decrease in tax provided by the plan shall not apply in the case of taxpayers whose adjusted tax exceeds the amount specified in the plan, and

"(4) specify different tax adjustment percentages (plus or minus) for different taxable years or other periods specified in the plan.

"(c) Duration.—A tax adjustment plan which has taken effect shall continue in effect until:

"(1) the date (if any) specified in the plan for its termination;

"(2) the date specified in a new tax adjustment plan which takes effect as provided by section 59b; or

"(3) the date provided by law enacted after the date on which the plan was submitted to the Congress.

"(d) Definitions.—For purposes of this section—

"(1) Tax Adjustment Percentage.—The term 'tax adjustment percentage' means the percentage, not greater than 10 percent, specified in a tax adjustment plan as the percentage by which the adjusted tax for any taxable year is to be increased or decreased under the plan.

"(2) Adjusted Tax.—The term 'adjusted tax' means, with respect to any taxable year, the tax imposed by this chapter for such taxable year, determined without regard to—

"(A) the taxes imposed by this part, section 56 (relating to minimum tax), section 871(a) (relating to tax on nonresident alien individuals), and section 881 (relating to tax on income of foreign corporations not connected with United States business); and

"(B) any increases in tax under section 47(a) (relating to certain dispositions, etc., of section 38 property) or section 614(c)(4)(C) (relating to increase in tax for deductions under section 615(a) prior to aggregation.

and reduced by an amount equal to the amount of any credit which would be allowable under section 37 (relating to retirement income) if no tax were imposed by this section for such taxable year.

SEC. 59d. MISCELLANEOUS PROVISIONS.—

"(a) Special Rule.—For purposes of this title, to the extent the tax imposed by this section is attributable (under regulations prescribed by the Secretary or his delegate) to a tax imposed by another section of this chapter, such tax shall be deemed to be imposed by such other section.

"(b) Western Hemisphere Trade Corporations and Dividends on Certain Preferred Stock.—In computing for a taxable year of a corporation, the fraction described in—

"(1) section 244(a)(2), relating to deduction with respect to dividends received on the preferred stock of a public utility,

"(2) section 247(a)(2), relating to deduction with respect to certain dividends paid by a public utility, or

"(3) section 922(2), relating to special deduction for Western Hemisphere trade corporations,

the denominator shall, under regulations prescribed by the Secretary or his delegate, be increased to reflect the tax adjustment percentage.

"(c) Shareholders of Regulated Investment Companies.—In computing the amount of tax deemed paid under section 852(b)(3)(D)(ii) and the adjustment to basis described in section 852(b)(3)(D)(iii), the percentages set forth therein shall be adjusted under regulations prescribed by the Secretary or his delegate to reflect the tax adjustment percentage."

(b) Technical and Clerical Amendments.—

(1) Section 21(a) of the Internal Revenue Code of 1954 (relating to effect of changes in tax rates during taxable year) is amended by adding immediately below paragraph (2) thereof the following new sentence: "If the amount of a tax imposed by this chapter is increased or decreased under part VII (relating to tax adjustment plans) such increase or decrease shall be deemed a change in the rate of such tax for purposes of this subsection."

(2) The table of parts for subchapter A of chapter 1 of such Code is amended by adding below the last item thereof the following:

"Part VII. Tax adjustment plans."

SEC. 202. EFFECTIVE DATE.—The amendments made by section 201 shall apply to taxable years ending after the date of the enactment of this Act.

TITLE III—RULES FOR CONGRESSIONAL ACTION ON TAX ADJUSTMENT PLANS

SEC. 301. EXERCISE OF RULE-MAKING POWER.—

(a) the following subsections of this section are enacted by the Congress:

(1) As an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in subsection (b)); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

(b) As used in this section, the term "resolution" means only a resolution of either of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the —— disapproves the Tax Adjustment Plan transmitted to the Congress by the President on ——, 19—.", the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled.

(c) All resolutions with respect to a tax adjustment plan introduced in the Senate shall be referred by the President of the Senate to the Committee on Finance, and all resolutions with respect to a tax adjustment plan introduced in the House of Representatives shall be referred by the Speaker of the House to the Committee on Ways and Means.

(d)(1) If the committee to which has been referred a resolution with respect to a tax adjustment plan has not reported it before the expiration of ten calendar days after its introduction, it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such tax adjustment plan which has been referred to the committee.

(2) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same tax adjustment plan), and debate thereon shall be limited to not to exceed one hour, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(3) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect

to any other resolution with respect to the same tax adjustment plan.

(e) (1) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a tax adjustment plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(2) Debate on the resolution shall be limited to not to exceed ten hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(f) (1) All motions to postpone, made with respect to the discharge from committee or the consideration of a resolution with respect to a tax adjustment plan, and all motions to proceed to the consideration of other business, shall be decided without debate.

(2) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a tax adjustment plan shall be decided without debate.

TITLE IV—FISCAL STABILIZATION TRUST FUND

SEC. 401. ESTABLISHMENT.—There is hereby established in the Treasury of the United States a trust fund to be known as the "Fiscal Stabilization Trust Fund" (hereinafter referred to as the "Trust Fund"). The Trust Fund shall consist of amounts appropriated to it as provided in section 402.

SEC. 402. TRANSFERS TO TRUST FUND OF AMOUNTS EQUAL TO TAX INCREASES UNDER TAX ADJUSTMENT PLANS.—

(a) There is hereby appropriated to the Trust Fund amounts equivalent to the taxes received in the Treasury which are attributable to tax adjustment plans in effect under part VII of subchapter A of chapter 1 of the Internal Revenue Code of 1954.

(b) Whenever a tax adjustment plan specifying a plus tax adjustment percentage is in effect, the Secretary of the Treasury shall, from time to time, transfer the amounts appropriated by subsection (a) from the general fund of the Treasury to the Trust Fund on the basis of estimates made by him. Proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than amounts required to be transferred.

SEC. 403. TRANSFERS TO GENERAL FUND OF AMOUNTS EQUAL TO TAX REDUCTIONS UNDER TAX ADJUSTMENT PLANS.—

(a) There is hereby appropriated to the general fund of the Treasury amounts equivalent to the reduction in taxes (whether by way of credit or otherwise) attributable to tax adjustment plans in effect under part VII of subchapter A of chapter 1 of the Internal Revenue Code of 1954.

(b) Whenever a tax adjustment plan specifying a minus tax adjustment percentage is in effect, the Secretary of the Treasury shall, from time to time, transfer the amounts appropriated by subsection (a) from the Trust Fund to the general fund of the Treasury on the basis of estimates made by him. Proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than amounts required to be transferred.

SEC. 404. MANAGEMENT OF TRUST FUND.—

(a) (1) It shall be the duty of the Secretary of the Treasury to invest moneys in the Trust Fund not required to meet withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (i) on original issue at the issue price, or (ii) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the Trust Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt; except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(2) Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(3) The interest on, and the proceeds from the sale or redemption of any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(b) It shall be the duty of the Secretary of the Treasury to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund. Such report shall be printed as a House document of the session of the Congress to which the report is made.

EXHIBIT 1

[From the Wall Street Journal, August 4, 1971]

WHAT'S GOOD ABOUT THE BUDGET?

Reading the news of the massive $23.2 billion federal budget deficit for fiscal 1971, few people can find much to be cheerful about.

Administration spokesmen don't comfort us much by saying that the budget would have shown a surplus if the economy had been operating at full employment. The facts are that the economy was not operating at full employment, however that term is defined, and that the government had its second largest budget deficit since World War II.

Only in an analysis by an opposition politician could we discern anything heartening at all. Lawrence O'Brien, the Democratic National Chairman, was considering what the deficit might or might not do to the economy.

There was a time when some economists and many politicians claimed that budget deficits pepped up the economy. The theory, for what it was worth, was that the government put more money into the economy than it took out and all of that extra cash made the economic wheels spin faster.

Mr. O'Brien, though, contends that the fiscal 1971 deficit "will do little to get the economy moving." He explains that the deficit was achieved, if that's the word, because a sluggish economy led revenues to fall short of estimates. That sort of deficit, in his view, apparently is a "bad" deficit. A "good" deficit presumably is achieved by soaring federal spending, not by shortfalls in revenues.

Even Mr. O'Brien's arithmetic is a little hard to accept. Actual spending in fiscal 1971, at $211.6 billion, was $15 billion higher than in the previous year—an increase, even allowing for inflation. Revenues, on the other hand, fell about $5 billion from the previous year; so the rise in the deficit surely owed more to growing spending than it did to falling revenues.

Since that's not "good" enough, in Mr. O'Brien's view, he evidently would have preferred an even bigger rise in spending, and thus a bigger deficit. Yet, as the Democratic chairman himself says, big budget deficits can put strong upward pressure on interest rates, as the Treasury competes with private borrowers for available funds. Rising interest rates in turn can slow some sectors of the economy, such as home building.

For our part, we've always been skeptical of the ability of deficits to get the economy moving. If the deficits are financed by borrowing from the general public, they merely substitute public spending for private spending, and we remain unpersuaded that such substitution is a sure route to flowing economic health.

If the deficits are instead financed through the banks, as they often have been, they can lead to an inflation of the money supply. The sorry record of the last several years should have convinced everyone that more inflation is by no means the way to sound and sustainable economic growth.

Mr. O'Brien's words, unfortunately, may have seemed more persuasive elsewhere. The administration, at any rate, is now at work on the budget for fiscal 1973, the year that starts next July 1. And an official says the administration will "try to hold" spending within the $250 billion range.

None of this is to argue that the government should balance its budget in each and every year. But it would at least be wise to bring income and outgo within hailing distance of one another in relatively prosperous times such as the present.

So about all that's good about the fiscal 1971 budget is, that in other hands, it might have been even worse. Given the administration's current prophecies, matters are likely to get worse even under present management.

EXHIBIT 2

[From the Washington Post, Aug. 5, 1971]

DOLLAR GROWS WEAKER BY THE DAY

(By Joseph R. Slevin)

The world standing of the once proud U.S. dollar is going from bad to worse.

President Nixon and his aides hoped that last May's wracking dollar crisis would cool things off for a while but it didn't. The dollar is in deep trouble and every unfavorable development sets off a fresh spasm of concern around the world.

Some weeks are grimmer than others. The past fortnight has been a chamber of horrors for the officials whose job it is to keep an hour-to-hour watch on this country's floundering currency.

The biggest jolt came last week when the Commerce Department disclosed that unexpectedly large trade deficits in April and May had been followed by an even bigger one in June. U.S. imports of foreign goods outpaced exports of American products by $803 million.

The sudden slump sent shock waves through the major financial centers. The United States has to chalk up big foreign trade earnings to pay for its heavy military foreign aid and private investment outlays. If we cannot sell billions of dollars more to

foreign countries than they sell to us, there will have to be a sharp cutback in American overseas spending.

Jittery businessmen and speculators are continuing to unload dollars in favor of buying strong foreign currencies and gold. The sales are causing a damaging dollar outflow and the movement would be even larger if other countries hadn't acted to keep unwanted dollars from crossing their borders. West Germany and Canada are floating their currencies. Japan and France have elaborate foreign exchange controls.

Last week's announcement of a near-record $23 billion budget deficit was another bodyblow to the dollar. Much as the administration may argue that the red ink is helping to stimulate business activity, conservative overseas financial men fear that big deficits are highly inflationary.

Foreign bankers and financial officials look on Federal Reserve Board Chairman Arthur Burns as a rare rock of stability, but the White House blindly added to the overseas nervousness a week ago Wednesday with a clumsy attack on both the Federal Reserve and its respected chairman. At a time when the administration should be doing everything it can to strengthen foreign confidence in the dollar, it went perversely out of its way to reduce the stature of the dollar-defending central bank.

Inflation is the main cause of the dollar's weakness and the big steelworker settlement reinforced a foreign conviction that the administration is doing little or nothing to check the steamy wage-price spiral.

Nixon has refused to adopt the wage-price restraints that Burns repeatedly has recommended. Foreign experts see no other way he can stop inflation.

Foreign officials charge that Nixon is failing to take the essential steps that he should take to defend the dollar. They are gloomily certain he does not understand that the dollar is a shaky, threatened currency.

Nixon's "benign neglect" policy of passive indifference is all the more baffling because of his overriding interest in foreign policy. No country can have a strong foreign policy without a strong economy and sturdy currency. Yet the same President who is so anxiously reaching for a rapprochement with Communist China is neglecting to take the basic steps to stop inflation and to bolster the dollar that both the Federal Reserve and his own Treasury Department reportedly have urged.

EXHIBIT 3

[From the Washington Post, Aug. 5, 1971]

FRENCH BANK MOVE HURTS DOLLAR VALUE

(By Jonathan C. Randal)

France yesterday imposed restrictions to stop the unwanted influx of dollars from speculators in a move which touched off confusion abroad reflecting growing European distrust of the United States currency.

Such is the nervousness about the dollar—which many Europeans believe is overvalued—that a Bank of France circular was widely misconstrued as ending France's support for the official franc-dollar parity for all transactions.

By the time French officials issued a clarifying statement major European money markets had been thrown into turmoil, the dollar's value had tumbled and the price of gold reached a two year high.

The price of gold on the London free market opened at $42.19 an ounce and rose briefly to $43 before easing to $42.85.

The clarification made clear that the government-run central bank simply sought to stop commercial banks from accepting obvious "hot money" transferred from abroad by speculators hoping to force revaluation of the franc.

Wording of the original Bank of France circular dated Tuesday was imprecise enough to suggest that France was establishing a so-called two-tier exchange rate.

Such a system—in operation in Belgium for example—provides for official central bank support of normal business or so-called current account operations and a free market rate for short term capital inflows covering both investments and speculative movements.

In its clarification and denial the Bank of France underlined that even capital movements which could be legitimately justified would not be restricted.

Despite provision for heavy fines—equivalent to twice the value of any now illegal "hot money" transaction—some French Bankers expressed doubts about their ability to distinguish between legitimate and illegitimate inflows.

Once clarified, the Bank of France move appeared in keeping with the long French tradition of foreign exchange controls which successive governments have employed more often to protect the franc against devaluation than revaluation.

Although devalued just two years ago, the franc has come under revaluation pressure this summer in the wake of the major European currency crisis which led to the continuing "float" of the German mark and the revaluation of the Swiss, Austrian and Dutch currencies.

Both French President Georges Pompidou and Finance Minister Valery Giscard d'Estaing have repeatedly come out against revaluing the franc. Their reasons are both doctrinal and practical—France wants to keep its competitive edge with its biggest foreign customer—Germany—and avoid worsening its trade deficit with the United States.

In related measures designed to unload unwanted dollars—and relieve inflationary pressures—France recently disclosed repayment of its entire debt to the International Monetary Fund, $608.8 million, which normally was not due before April 1972 and April 1973.

The speeded up repayments, which will take place next Monday, were made possible in part by an increase of $488 million in July of French gold and foreign currency reserves which now stand at $5.8 billion.

France also eliminated almost all exchange controls for French tourists traveling abroad and considerably eased Franc transfers for business purposes.

By Mr. JACKSON:

S. 2453. A bill to designate certain lands as wilderness. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the senior Senator from Colorado (Mr. ALLOTT) and myself I introduce for appropriate reference a bill to designate certain lands as wilderness.

The additions represent 11 of 14 areas recommended to the Congress by the President for addition to the National Wilderness Preservation System. Three other areas in Utah recommended by the President are not included in the bill because they are included in pending legislation to give them national park status with changes that I understand might call for enlarged wilderness boundaries.

The 11 areas recommended for inclusion under provisions of the Wilderness Act of September 3, 1964, as contained in this bill, are embraced in the following Federal land units:

Isle Royale National Park, Mich.; North Cascades National Park Complex, Wash.; Farallon National Wildlife Refuge, Calif.; West Sister Island National Wildlife Refuge, Ohio; Breton National Wildlife Refuge, La.; Shenandoah National Park, Va.; Sequoia and Kings Canyon National Park—to be Sequoia Kings Canyon Wilderness—Calif.; Izembek National Wildlife Range and Aleutian Islands National Wildlife Refuge—to be Izembek Wilderness—Simeonof National Wildlife Refuge and Chamisso National Wildlife Refuge, Alaska, and National Key Deer Refuge, Great White Heron National Wildlife Refuge and Key West National Wildlife Refuge and Key West National Wildlife—to be Florida Keys Wilderness—Fla.

By Mr. JACKSON (for himself, Mr. RANDOLPH, and Mr. MAGNUSON):

S. 2454. A bill to amend the Youth Conservation Corps Act of 1970 (Public Law 91-378, 84 Stat. 794) to expand the Youth Conservation Corps pilot program and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, I introduce for appropriate reference a bill to expand the Youth Conservation Corps Act of 1970 from a pilot program to a full-scale youth and natural resources conservation program. This measure not only allows for the expansion of the existing program from its present level of 2,200 youths to 100,000 youths beginning next summer, but enables the States to benefit from the existing program's proven success by allowing them to enter into a cost-sharing arrangement with the Federal Government for operation on State lands by State agencies. Further, this measure allows elementary and secondary school systems, as well as institutions of higher learning, to conduct environmental education programs at Youth Conservation Corps camps during the months of the year when these facilities would otherwise be vacant.

Mr. President, I would like to emphasize that the Youth Conservation Corps program is premised on the fundamental concept that man and nature cannot be treated separately. Human resources and natural resources go together. Nature lacks meaning without man, and man's life, to make it more meaningful, requires contact and exposure to nature.

At the present time the YCC program is pilot in nature and provides summer jobs for some 2,200 youths between the ages of 15 and 18, from all socioeconomic and racial backgrounds. There are camps in 36 States as well as the District of Columbia and American Samoa. I should like to emphasize that the present program, and the expanded YCC bill I am introducing today, will include youngsters from all backgrounds, thereby representing a cross section of the American population. It is my belief that too many Federal youth programs provide opportunities to only the economically disadvantaged. Moving people from homes of despair to camps of despair is not the answer. When you isolate the economically or socially disadvantaged in special programs you merely isolate them from society and in turn deprive them from the opportunity to share in the common goals and purposes of our Nation.

At a time when the media seem to dwell on the negative activities of our youth, to provide them with opportunities to expend their energies on worthwhile activities would seem to me to be a strong reason to continue the YCC program. I call to your attention numerous articles which have appeared in newspapers across the country which substantiate the merits and many accomplishments of this successful program.

When you bring together young men and women from all segments of society it is possible to develop a sense of community, of responsibility, and of a common purpose. It is evident that these goals have been achieved when you read the many letters sent to me from the YCC participants across the country. They have enthusiastically shared with me the many advantages they have derived from the present program. If the program is continued other advantages are to be realized:

Summer unemployment among teenagers stands at 17 percent—among black teenagers it is 4.0 percent. This is an intolerable situation in a country as wealthy as ours. The Youth Conservation Corps program, if expanded, would help to alleviate the summer unemployment problem among our youths.

The backlog of conservation work needed in our Nation's forests and parks has reached a critical level. This could be remedied by the efforts of Corps members.

Young men and women who participate in the YCC camps would be exposed to career opportunities in the fields of recreation, resource management, and environmental protection—areas where there is a definite need.

Mr. President, the old adage "Nothing succeeds like success itself" is extremely appropriate in the case of the Youth Conservation Corps pilot program. I cannot think of a better way to drive this point home than by quoting from several YCC participants whose lives this program has affected. Some of the most moving remarks came from an off-the-cuff and from-the-heart speech given on the occasion of the national dedication of the program at Camp Wood, W. Va., by a 16-year-old Corps member, Miss Cheryl Sisco, of Charleston, W. Va. Miss Sisco was chosen by her fellow corpsmen to express the sentiments they all felt for the program, and I would like to share some excerpts from her speech with you at this point:

Miss Sisco. I want to tell you the truth, my friends asked me to speak my feelings about how I feel about this Camp, and it's rather hard for me to put down on paper the way I feel because I usually keep to myself my feelings; and right now I am going to try to really tell you exactly how I feel and how I think the other campers feel, because we really want to get this across to you. Instead of just words, we really want you to know what we feel; and today you can talk about conservation and pollution and all this stuff and just talk about it. We want to do something about it; we don't want to just sit around and everyone knows there's a problem; we don't want to ignore it . . .

We could deal with groups that only suggest what you should do; I mean we might go out and pick up paper and do things like that and try to persuade you to help, but really you don't do it unless you can see what's happening. And when I came down here I thought it was going to be a lot of fun, you know, I thought we were just going to have a ball and just sit around and learn about how to do this and how to do that; but really we are working, and it feels good to really do something. It feels good just to be out and you know that you are a part . . .

We really try, because we have to get up early in the morning, and we go out and work, but we laugh and sing and have a good time. And sometimes it's hard and you do get bored, I mean, you know, I am not going to sit up here and say it's all fun, because it's really work; but you just know that you're doing something, like right now I work on part of a rock dam, and we are trying to preserve a certain type of fish and certain birds and other projects we are working on—we don't want to see them extinct, because you feel that they are gone and you can't get them back. We just have to have them there; we just can't let it go. I mean, like right now you're sitting there listening to me and how many are really going to do something about it? We need something to be done—that's why we are here—we don't want to just sit back and not do anything. It feels good to get out there and do something. Like I am a fortunate one, and not all the kids in the United States or in the world are going to have a chance to do this . . .

And here we only have about 50 kids, and I think there are 33 other camps like this in the United States; but that's just one small step, and we need to keep on going because if we want this world to be a better place, we need to. And one of the best experiences I have here is working with other people, and you're taken as a person, not because of your color, your race, or what you believe in, but people judge you as a person is beautiful—it's beautiful—they call me Cheryl, that's it. See Cheryl, you're a girl, you know, and it's beautiful; and I have friends; I consider all these people my friends, and I am sure that all of them feel the same way. We get out and we work; we work with each other day after day; we think and we live with each other; we say, I feel this is necessary if we are going to run our country. We've got to learn to live with each other, and this is a great opportunity to do so; and we all work for a common cause to preserve our natural resources and to better our environment. Thank you.

Mr. President, I have received many letters and have seen in newspaper articles quotes from other YCC members across the country who want the program to continue because of its meaning not only to them individually but their concern for the preservation of our natural resources. For example, Miss Katie Carter, a YCC member at Camp Ole in Mount Laguna, Calif., sent me the following letter:

DEAR SENATOR JACKSON: I feel it very important to express my appreciation for our pilot program of the Youth Conservation Corps. As you have been instrumental in having the bill written and the money allocated for the project, I would like you to know how grateful I am for what I am experiencing this summer.

Surely among the greatest experiences all of us at Camp Ole share are those which include the feeling for life each one of us holds. This special feeling is something very deep and personal, yet binds us in a common cause and love for nature. In the course of eight weeks, we will have been guided to learn about one another, to learn from one another, to have a greater love and understanding of life and nature, and to teach others of this understanding. It is for this bond that I am grateful, and for the understanding which I will gain.

As I consider the YCC program such a valuable experience for any young person, I would like to assure you of my support of the idea of a permanent Youth Conservation Corps program. As well as the project seems to be working for me and my friends here on Mt. Laguna, and as much as we need a program of education in conservation for the United States, I would hope that your efforts will help bring about a permanent YCC program.

Thank you for your efforts and your attention.

Debbie Rheinholdt, 17, of Bend, Oreg., who is working in the Ochoco National Forest in eastern Oregon, is quoted as saying:

Living and working like this in a forest you learn something almost every hour of the day. And you learn something about yourself, too. John Wollenweber, a teacher from Tacoma and director of a coeducational YCC camp near Rimrock in my home state of Washington, is giving the participants real responsibility by allowing them to participate in the camp's policy making decisions and by allowing them to impose the rules themselves. Wollenweber states, we wanted to give the young people credit for being the mature individuals that most of them are. We live in a world with both men and women. When they see each other sweaty and dirty, in the morning, and when they are tired—you can't put a front on a situation like that. Perhaps Teresa Munsen of Seattle best sums it up when she said of the campers' attitude in general, I just feel like I'm doing something to help.

The Youth Conservation Corps program provides our young people with an opportunity to get off the streets and to engage in productive work and important learning experiences in our Nation's parks, forests, and our public lands. In this way we are able to curb the root causes of boredom, anger and frustration which afflict so many of our youths today, and in turn they are given the chance to learn, to work and to earn in worthwhile programs which are important to their own future and to the future of this Nation.

Mr. President, I am not one to support the idea that we should begin any program on a massive scale until it has had an opportunity to prove itself. It took little time for the YCC program to prove its own merits. It is on the program's merits that I stand convinced that we must go forward on an expanded scale, immediately. The following reasons will provide the necessary justification for expansion of this program:

The Department of Interior received over 80,000 applications for the 1,100 jobs that were available in the program this summer. The other agency responsible for administering the program, the Department of Agriculture, received an average of 400 applications for every 1 position available in one region of the United States.

Unlike other Federal youth programs, the dropout rate from the YCC program has been negligible. I believe this stems from the keen sense of comradery and great feeling of work accomplishments

which exist in the camps across the country.

The wholesome enthusiasm, dedication, and energy expended by the youngsters and their young supervisors guarantee a growth potential.

Mr. President, I do not wish to create the impression that the first summer's pilot program has been without certain organizational problems. The major complaints come from the participants in the form of, "We work so fast that the supervisors cannot create the jobs fast enough for us." Perhaps the most frequently uttered complaint is that "after a long day's work there just is not enough food on the table to fill the void created by our work." These problems, which are almost amusing, are, of course, easily resolvable.

Mr. President, when I was a teenager, I worked hard in saw mills and on construction jobs. It did not do me any harm; in fact, these experiences provided me with some of my most valuable memories. When I recently visited with some YCC participants at the national dedication program at Camp Wood, I mentioned to them that I did not envision the program to be one of "fun and games" or a "make work" program. Rather, I expected them to work hard and sometimes long; to earn their pay and to return from a day's work tired and hungry. I wanted them to experience a sense of pride in their accomplishments and to generate a feeling of enthusiasm with the challenges at hand.

It has been my observation that today's young people are most intelligent. They do not want "make work" jobs. They look for work that offers them a challenge and rewards them with a feeling of accomplishment when the job is done. If the future leaders of our great Nation are expected to understand the role that public resources and the great outdoors play in their lives, they must experience firsthand the value of working with these resources; of understanding the importance of land and water conservation and management; and working in programs designed to assure that future generations of America will enjoy life and a quality environment.

The work cut out for the Corps members this summer is varied in nature. It includes clearing stream banks; constructing trails and park structures; controlling soil erosion; surveying land areas; planting and thinning trees; gathering and analyzing air and water samples; and countless other conservation projects, all vitally needed and providing opportunities to achieve lasting results.

I should point out that at the time that I first held hearings on the YCC program, back in 1969, the administration witnesses from the Departments of Labor, Interior, Agriculture, as well as the Office of Management and Budget and the Office of Economic Opportunity, all opposed enactment of my legislation. They argued that putting youths out in the field to do conservation work was not of a sufficient priority to warrant enactment of legislation at the time. They felt that the summer was all too short a time period to accomplish anything meaningful.

Judging from the program's success thus far, it is apparent that the administration read their tea leaves wrong. It is my hope that they will reevaluate their stand on the original legislation and will support the legislation I am introducing today. The concern of our young people and the subject of the conservation of our natural resources should not be viewed as partisan. There is a job that needs to be done and these young people are doing it. There should be recognition on both sides of the aisle by Congress and the administration that a program as useful and beneficial in character as this one should go forward in an expeditious and well organized manner.

Mr. President, the legislation I introduced today does more than merely expand the program from its present level of 2,200 youths per year to 100,000 youths per year, it also provides an opportunity for the States to play a more integral role in youth conservation. This legislation enables the State conservation and educational agencies to enter into a cost-sharing program with the Federal Government providing jobs for up to 25,000 youths beginning next summer. This amendment to the basic legislation came about as the result of a study called for in the basic act to determine the feasibility of initiating a cost-sharing program with the States so that the State as well as Federal lands would benefit from the conservation work of the young corps men.

I should point out, that the Departments of Interior and Agriculture earlier this year requested comments from all 50 States as to their interest in entering into some type of a cost-sharing program. The response by the States has been tremendous. The Departments received letters from all 50 States indicating that they were supportive of the program, and many were desirous of beginning a program immediately. Under the 80 to 20 percent cost-sharing of Federal-State cost-sharing program which I am suggesting today, the States have indicated that they can provide jobs next summer for 180,000 young Americans. I only wish that we could begin a State program at such an energetic level; however, I feel that the States should also begin on a pilot basis.

The amendment I introduced today also provides that:

> Whenever economically feasible, existing but unoccupied federal facilities and surplus and or used equipment, of all types, including military facilities and equipment, shall be utilized for purposes of the corp, wherever appropriate and with the approval of the Federal agency involved.

I feel that this section of the act is important because it allows the Departments of Agriculture and Interior to reduce the direct costs of the program by acquiring, perhaps on a short-term loan, equipment and perhaps direct manpower assistance from other agencies which will help in reducing the total cost.

Lastly, my amendment allows the elementary and secondary school systems, as well as institutions of higher learning, to conduct environmental education programs at permanent or semipermanent facilities during nonuse by the Youth Conservation Corps. The costs for the actual operation, maintenance, and staffing of the facilities during periods of nonuse by corps members would be borne by the educational institutions. I believe this new language provides the school systems an opportunity to make environmental education an ongoing part of the curriculum at a reasonable cost.

Mr. President, I ask that the text of the legislation be printed into the CONGRESSIONAL RECORD at this point:

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

S. 2454

A bill to amend the Youth Conservation Corps Act of 1970 (P.L. 91-378, 84 Stat. 794) to expand the Youth Conservation Corps pilot program and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

POLICY AND PURPOSE

SECTION 1. The Congress finds that the gainful employment during the summer months of American youth, representing all segments of society, in the healthful outdoor atmosphere afforded in the national park system, the national forest system, the national wildlife refuge system, and other public land and water areas of the United States creates an opportunity for understanding and appreciation of the Nation's natural environment and heritage. Accordingly, it is the purpose of this Act to further the development and maintenance of the natural resources of the United States by the youth, upon whom will fall the ultimate responsibility for maintaining and managing these resources for the American people.

YOUTH CONSERVATION CORPS

SEC. 2. (a) To carry out the purposes of this Act, there is hereby established in the Department of the Interior and the Department of Agriculture, a Youth Conservation Corps (hereinafter referred to as the "Corps"). The Corps shall consist of young men and women who are permanent residents of the United States, its territories, or possessions, who have attained age fifteen but have not attained age nineteen, and whom the Secretary of the Interior or the Secretary of Agriculture may employ during the summer months without regard to the civil service or classification laws, rules, or regulations, for the purpose of developing, preserving, or maintaining lands and waters of the United States as determined by the Secretary of the Interior, and the Secretary of Agriculture.

(b) The Corps shall be open to youth of both sexes and youth of all social, economic, and racial classifications, with no person being employed as a member of the Corps for a term in excess of ninety days during any single year.

SECRETARIAL DUTIES

SEC. 3. (a) The Secretary of the Interior and the Secretary of Agriculture shall:

(1) determine with other Federal agencies areas under their administrative jurisdictions which are appropriate for carrying out programs using employees of the Corps; and to determine and select appropriate work and education programs and projects for participation by Corps employees;

(2) determine the rates of pay, hours, and other conditions of employment in the Corps: Provided, That members of the Corps shall not be deemed to be Federal employees, other than for the purposes of chapter 171 of title 28, United States Code, and chapter 81 of title 5, United States Code;

(3) provide for such transportation, lodging, subsistence, and other services and equipment as they may deem necessary or appropriate for the needs of members of the

Corps in their duties. The Secretary of the Interior and the Secretary of Agriculture may contract with any public agency or organization or any private nonprofit agency or organization which has been in existence for at least five years for the operation of any Youth Conservation Corps project. Whenever economically feasible, existing but unoccupied Federal facilities and surplus and/or unused equipment, of all types, including military facilities and equipment, shall be utilized for the purposes of the Corps, where appropriate and with the approval of the Federal agency involved. To minimize transportation costs Corps members shall be employed on conservation projects as near to their places of residence as is feasible;

(4) promulgate regulations to insure the safety, health, and welfare of the Corps members;

(5) provide, to the extent possible, that permanent, or semipermanent facilities used as Youth Conservation Corps camps be made available to local schools, school districts, state junior colleges and universities, and other educational institutions for use as environmental/ecological education camps during periods of non-use by the Youth Conservation Corps program. Costs for operations, maintenance and staffing of these facilities during periods of use by non-Corps programs shall be the responsibility of the entity or organization using the facility and shall not be a responsibility of the Secretaries or the Corps.

(b) The provision of title II of the Revenue and Expenditure Control Act of 1968 (82 Stat. 251, 270) shall not apply to appointments made to the Corps, to temporary supervisory personnel, or to temporary program support staff.

(c) The provisions of Section 3110, title 5, United States Code shall not apply to appointments of youth employees to the Corps.

(d) The Secretary of the Interior and the Secretary of Agriculture are hereby authorized to establish a pilot Federal-State cost sharing program with the States, territories or possessions for purposes as outlined in the Act.

(1) The funds appropriated for any program year shall be made available to states requesting participation, and determined by the Secretary of the Interior and Secretary of Agriculture to have qualified programs to meet the objective of the Act.

(2) The total number of employees of the Corps in State cost-sharing programs shall not exceed more than 25% nor be less than 10% of the total number of employees in the Corps in any program year. The Federal share of the cost of the participating States program shall not exceed 80% in any program year.

SECRETARIAL REPORTS

SEC. 4. Upon completion of each year's program the Secretary of the Interior and Secretary of Agriculture shall prepare a joint report detailing the contribution of the program toward achieving the purposes of the Act and providing recommendations. Each report shall be submitted to the President not later than one hundred and eighty days following completion of that year's program. The President shall transmit the report to the Congress for review and appropriate action.

AUTHORIZATION OF FUNDS

SEC. 5. There are hereby authorized to be appropriated amounts not to exceed $150,000,000 annually to be made available to the Secretary of the Interior and the Secretary of Agriculture to carry out the purposes of this Act.

By Mr. McCLELLAN for himself and Mr. SCOTT):

Senate Joint Resolution 149. A joint resolution to authorize and request the President to proclaim the year 1972 as International Book Year. Referred to the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, on behalf of myself and Senator SCOTT, I introduce, for appropriate reference, a joint resolution to authorize and request the President to proclaim the year 1972 as International Book Year.

The United Nations Educational, Scientific, and Cultural Organization has designated 1972 as International Book Year. The resolution which the minority leader and I are introducing today provides for the observance of International Book Year in the United States with appropriate ceremonies and activities.

Books have touched the lives of nearly everyone in this Nation. Most of us were introduced to books by our parents before we learned to read or were able to distinguish one letter from another. Through our school years and in our adult lives, we have depended upon books to a far greater extent than we consciously recognize. In today's complex society with its highly developed technology, we have become more dependent than in the past. Scarcely a literate man or woman lives in the United States today who cannot point to at least one book which has influenced his life in some way. The moral and intellectual values which our parents taught us from childhood have been reinforced many times over by the experience and wisdom of others brought to us through books.

The United States is the world's leading publisher of books today. For a generation of more, American books have been sought after in the advanced nations of the world, and today they are making a vital contribution to the educational, technical, and political development of the emerging nations. The export of books makes a valuable contribution to our dollar income and to the reduction of our balance-of-payments deficit. As the use of English as a world language expands, the demand for American books expands with it. Indeed, one of the leading motives for learning English is to gain access to the wealth of information contained in American books.

Many of us in the United States tend to take books and libraries for granted. It is fitting, therefore, that, during the International Book Year, we remind ourselves of their importance and our dependence on them and that we direct the attention of others to the benefits to be gained from their use.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 973

At the request of Mr. BAYH, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 973, a bill to amend the Federal State Extended Unemployment Compensation Act of 1970 to expedite the implementation and to provide 100-percent Federal financing of the benefits payable thereunder.

S. 1081

At the request of Mr. BAYH, the Senator from Nevada (Mr. BIBLE), the Senator from Maryland (Mr. MATHIAS), and the Senator from California (Mr. CRANSTON), were added as cosponsors of S. 1081, a bill to extend benefits to killed or disabled firemen and policemen.

S. 1532

At the request of Mr. BAYH, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 1532, a bill relating to the allowance of a depreciation deduction.

S. 2071

At the request of Mr. Moss, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 2071, a bill to provide for the care, housing, education, training, and adoption of certain orphaned children in Vietnam.

S. 2083

At the request of Mr. BAYH, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 2083, a bill to prohibit the poisoning of animals and birds on the public lands of the United States, and for other purposes.

S. 2140

At the request of Mr. BAYH, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 2140, a bill to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes.

S. 2163

At the request of Mr. MATHIAS, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Nevada (Mr. BIBLE) were added as cosponsors of S. 2163, a bill to provide for the payment of tuition, subsistence, and educational assistance allowances on behalf of certain eligible veterans, and for other purposes.

S. 2185

At the request of Mr. BAYH, the Senator from New Jersey (Mr. CASE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Illinois (Mr. STEVENSON), were added as cosponsors of S. 2185, a bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes.

S. 2290

At the request of Mr. HUMPHREY, the Senator from New Mexico (Mr. ANDERSON) and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 2290, a bill to establish a Joint Committee on National Security.

S. 2358

At the request of Mr. BAYH, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2358, a bill to amend the Disaster Relief Act of 1970.

S. 2393

At the request of Mr. RANDOLPH, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 2393, a bill to amend the Disaster Relief Act of 1970 to make areas suffering from economic disasters eligible for emergency Federal aid, and for other purposes.

S. 2412

At the request of Mr. ALLOTT, the Senator from Kansas (Mr. PEARSON) was added as a cosponsor of S. 2412, a bill to amend the Urban Mass Transportation Act of 1964.

S. 2413

Mr. BROOKE. Mr. President, it gives me particular pleasure to announce that the distinguished senior Senator from Florida (Mr. GURNEY) wishes to be added as a cosponsor of the Wage and Price Board bill which a number of Republican Senators and I introduced yesterday.

Senator GURNEY and the people of his State well know the serious impact which uncontrolled wage and price increases can have upon the elderly, the unemployed, and low- to moderate-income families, and his support is most welcome.

Mr. President, I ask unanimous consent that Senator GURNEY's name be added as cosponsor of S. 2413.

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

S.J. RES. 80

At the request of Mr. RANDOLPH, the Senator from Montana (Mr. METCALF) was added as a cosponsor of Senate Joint Resolution 80, dealing with the problems of ocean dumping and the plan to cope with the matter on an international conference basis.

SENATE CONCURRENT RESOLUTION 39—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO USE OF ARMED FORCES OF THE UNITED STATES OUTSIDE THE UNITED STATES

(Referred to the Committee on Foreign Relations.)

Mr. MATHIAS. Mr. President, I submit a joint resolution and a concurrent resolution.

The ACTING PRESIDENT pro tempore. The joint resolution and the concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 39) is as follows:

Resolved by the Senate (the House of Representatives concurring), That under the authority of section 6 of the joint resolution entitled "Joint resolution to promote peace and stability in the Middle East," approved March 9, 1957 (71 Stat. 5; Public Law 85–7), as amended, such joint resolution is hereby repealed.

Mr. MATHIAS. Mr. President, I rise today to initiate the completion of unfinished Congressional business. Between 1955 and 1964, four foreign policy support resolutions were passed by the Congress of the United States in response to crises in various areas of the world. The most recent of these, the Gulf of Tonkin resolution of 1964, was repealed by Congress last year. In February of this year, the distinguished Senator from Idaho (Mr. CHURCH) introduced Senate Joint Resolution 48 to repeal the earliest, the Formosa resolution of 1955. I was happy to join him in that effort. Today I present to the Senate two resolutions which will complete the task already begun: a concurrent resolution to repeal the Middle East resolution of 1957 and a joint resolution to repeal the Cuban resolution of 1962.

The rationale for the repeal of these resolutions has been previously stated and I will simply summarize the argument: In 1957 and 1962, specific conditions and events in the Middle East and in Cuba gave rise to congressional resolutions which supported in various ways the executive branch in its pursuit of the Nation's security policy. The conditions have changed, the events are those of the past, and the Nation's security policy should have been consequently refined to meet the new conditions.

The Department of State informed the Senate last year and I read from the testimony of then Under Secretary Elliot Richardson before the Committee on Foreign Relations:

> The crisis circumstances giving rise to these resolutions have long since passed.

The specific crises having ended, so, too, has ended the need for the resolutions themselves. Congress entered these resolutions into public law; Congress, in its own and the public interest, is obliged to remove these resolutions from the statutes.

It may legitimately be asked if repealing these resolutions will in any way affect existing national commitments. I would answer this by again citing the Department of State's recent opinion on the matter:

> ... the administration is not depending on any of these resolutions as legal or constitutional authority for its present conduct of foreign relations, or its contingency plans. ... These resolutions have no continuing significance in the foreign policy formulation process. ...

In primarily seeking to set our own house in order, we must also inquire if other parties may cast different interpretations upon our actions: American citizens concerned with events in the Middle East and Cuba, nations in the regions involved, and other nations with interests of their own. Indeed, the Department of State has called the Senate's attention to the fact that "these resolutions contain significant recitals of basic principles of our policies in the affected areas. Repeal of these resolutions would raise questions about current U.S. policy in the areas concerned."

I will address this point as directly as possible, because of its importance as a rebuttal to the call for repeal. We are not contending that the present situations in the Middle East and Cuba are not fraught with difficulties. They are, however, difficulties far different from those that faced us in 1957 and 1962. Nor do we cast the slightest doubt upon the validity of any "basic principles." The repeal of resolutions which reiterate valid principles in no way affects the principles themselves. We are contending that public law formulated to deal with specific situations should be repealed when those situations no longer exist. I would further contend that we might well impede the conduct of our foreign relations by creating the impression that we are unaware of altered circumstances in the international arena.

The resolutions which I introduce today have the sole purpose of removing, as it were, barnacles from the ship of state. We are facing a future which combines challenge with great promise, a future in which Congress must play its proper Constitutional role, a future in which we can ill afford to be hindered by the residue of the past.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 86

At the request of Mr. BAYH, the Senator from Utah (Mr. Moss) was added as a cosponsor of Senate Resolution 86, a resolution relating to strategic arms negotiations.

SENATE RESOLUTION 98

At the request of Mr. BAYH, the Senator from Utah (Mr. Moss) was added as a cosponsor of Senate Resolution 98, a resolution declaring it to be the sense of the Senate that the Treasury Department should not implement the proposed Asset Depreciation Range system without specific congressional authorization.

SENATE RESOLUTION 151

At the request of Mr. HUMPHREY, the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PELL), the Senator from New York (Mr. JAVITS), and the Senator from Iowa (Mr. HUGHES) were added as cosponsors of Senate Resolution 151, to effectuate a mutual freeze on nuclear weapon deployment during the SALT talks.

CHILDREN'S DENTAL HEALTH ACT OF 1971—AMENDMENT

AMENDMENT NO. 394

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

TOOTHPASTES ASSOCIATED WITH MOUTH IRRITATION

Mr. PELL. Mr. President, we in the United States like to believe that the consumer is treated fairly by American industry. During the past several years, however, evidence has mounted that in our massmarketing economy, the consumer's best interests are sometimes ignored.

It is generally agreed that one of the most important weapons for the consumer is information—knowledge of products and prices; and in the Congress we have enacted legislation to give the consumer better information so he can make intelligent choices in spending or saving his money.

And, it is the interest of the consumer and his good health and I am today making public the resutls of Government research on a product used by nearly all American consumers—toothpaste. I take this action because the Defense Department, which conducted the taxpayer-financed research, has showed little or no interest in letting the consuming public know of the results.

Each day, the American public is bombarded with television, radio and magazine advertisements describing the benefits of toothpastes. The public is told the toothpaste will whiten and brighten teeth, eliminate bad breath, and even improve one's social life.

What the public has not been told is that some popular toothpastes also may possibly cause painful mouth irritation

and inflammation. At the conclusion of my remarks, I ask that the report of the toothpaste research conducted by the Defense Department and other materials be printed in the RECORD.

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

(See exhibit 1.)

Mr. PELL. However, Mr. President, I should first note that the Defense Department has been less than enthusiastic about sharing this information with the consumers, who paid for it with their tax dollars.

Indeed, when I first asked for the results of this research, the Defense Department provided a report identifying the brands of toothpaste involved only by code letters—Brand A, Brand B, Brand C, and so forth.

It was only after some footdragging that the Defense Department agreed to let me, and the public, in on the code identifying the brands involved in the study—Colgate, Crest, McLean, Plus White, Ultra Brite, Vote, Gleem, Pepsodent, Stripe, and Super Stripe.

In their discussion of their findings, the Army researchers commented that—

> Both the clinical and laboratory findings in this study indicate strongly that some commercially available dentrifices may cause painful gingival responses in the user.

And, in their conclusions, the researchers said:

> Two clinical studies have demonstrated a relationship between the use of certain commercially available dentrifices and painful gingival inflammation, sometimes accompanied by swelling and gingival slough.

Mr. President, the Army's findings on the detrimental effects of the use of some toothpastes may not be conclusive. Further research and evaluation might well change the conclusions—and I will insert in the RECORD with the study, some initial criticisms of the study. But I believe the American consumer deserves to be informed completely on the findings of tax-supported consumer research.

Some have suggested to me that this study is not conclusive enough to be made public, and it may unnecessarily hurt the sales of that $350 million industry.

However, toothpaste advertising has been unmerciful in its intensity and extravagant in its claims.

Any stretching of the truth is allowed in advertising the benefits of toothpaste. Yet, it is suggested that there be 100-percent scientific proof of any detrimental effects that toothpaste may have. This, I suggest, is a double standard that works to the benefit of the industry and to the detriment of consumers.

I ask unanimous consent that the material to which I refer in my statement be printed in the RECORD at the conclusion of my remarks.

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

(See exhibits 2, 3, and 4.)

Mr. PELL. Mr. President, I am bringing the results of this toothpaste study to the attention of the Food and Drug Administration, the manufacturers of the toothpastes, and the American Dental Association in hopes that they will take steps to protect the American public from any possible effects that the use of the toothpastes I have mentioned may have.

I was concerned to learn that the Food and Drug Administration has not been made aware of the results of this study by its fellow members of the executive branch in the Defense Department. I was also concerned to find that the Food and Drug Administration has no adequate means of warning the American public of the possible harmful effects of the use of toothpastes which, for the most part, are classified as cosmetics.

Under its present legislative authority, if the Food and Drug Administration wishes to take any action, it has only one extreme course of action open to it. It must find a sufficiently high degree of evidence to prove that those toothpastes causing mouth irritations are so completely unfit for human usage that the products must be taken off the market. This is nearly an impossible task and does not provide a reasonable means for the Food and Drug Administration to protect the American consumer's health.

To remedy this deficiency in the Food and Drug Administration's authority, I will be offering an amendment to the Committee on Labor and Public Welfare to the children's dental health bill to allow the Food and Drug Administration to require cautionary labels on toothpastes which have been found, on the basis of reasonable scientific evidence, to have possible harmful health effects.

This amendment, I believe, will allow the Food and Drug Administration to inform the American consumer and to restore the balance of truth in toothpaste advertising.

I ask unanimous consent that this amendment which I am now introducing be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 5.)

Mr. PELL. Mr. President, it is also my hope that other Defense Department-sponsored consumer research data will be made available to the appropriate Federal regulatory agencies and to the general public. The taxpayers, as consumers, should know the results of Government-sponsored consumer research.

EXHIBIT 5

U.S. SENATE,
Washington, D.C., July 7, 1971.

Lt. Col. RICHARD J. MCCONNELL,
Dental Corps, Deputy Director, Department of the Army, Institute of Dental Research, Walter Reed Army Medical Center, Washington, D.C.

DEAR LIEUTENANT COLONEL MCCONNELL: Thank you for forwarding me the findings of the study of the United States Army Institute of Dental Research on the tissue response to various commercial dentifrices.

While the information you have forwarded me was most helpful, I would be appreciative if you would also identify for me the brand names of the dentifrices identified as A, B, C, D, E, and F which were used in your study which showed that regular use of such dentifrices leads to stomatitis, that is, irritation, redness, and soreness in the mouth.

I think it is important that the consumers of America be made aware of the negative effects which the use of such toothpastes may have on their health. It seems to me that as taxpayers they should be informed of the results of government-sponsored research.

I appreciate your cooperation and assistance in this matter.

Warm regards.

Sincerely,

CLAIBORNE PELL.

DEPARTMENT OF THE ARMY,
Washington, D.C., July 22, 1971.

Hon. CLAIBORNE PELL,
Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR PELL: In response to your request for the coding of the dentifrices as reported in our recent manuscript, "Evaluation of Tissue Response to Commercially Available Dentifrices: Clinical and Laboratory Results'", the following is submitted:

CODE LETTER AND NAME OF DENTIFRICE

A—Colgate.
B—Crest.
C—McLean.
D—Plus White.
E—Ultra-Brite.
F—Vote.
G—Gleem.
H—Pepsodent.
I—Stripe.
J—Super Stripe.

Since the benefits of dentifrices, especially those containing anti-cariogenic (decay preventing or retarding) compounds, are substantial both in decreasing the amount of dental decay and in the reduction of the periodontal disease process, it would be unwise to condemn all such products especially since the most popular brands produced little if any irritation.

Thank you for your interest,

RICHARD J. MCCONNELL,
Deputy Director.

EVALUATION OF TISSUE RESPONSE TO COMMERCIALLY AVAILABLE DENTRIFRICE CLINICAL AND LABORATORY RESULTS

INTRODUCTION

Many new dentifrices have been marketed in recent years. Among these are several which are advertised as having superior ability to whiten and brighten teeth. However, clinicians have reported that in some patients, regular use of such dentifrices leads to stomatitis which disappears when the use of the dentifrice is discontinued.

The prevalence of stomatitis caused by dentifrices has not been reported in the dental literature, although Oral Pathology textbooks[1 2 3] list dentifrices as material which can cause either allergic or non-allergic responses resulting in irritation, redness, soreness and sloughing of the oral mucous membrane.

This report describes two clinical surveys and an animal study designed to determine the prevalence of dentifrice stomatitis and to identify the dentifrices which are most often associated with it.

CLINICAL SURVEY I

Methods and materials

During a three month period, all patients presenting themselves for dental examination at a large midwestern military installation were questioned as to which dentifrice (by brand name) they used. This question was asked and recorded by auxiliary dental personnel in the absence of the dentist who subsequently examined the patient. If the patient routinely used any one of six selected dentifrices, he was included in the study.

These dentifrices will be referred to hereafter as dentifrices A, B, C, D, E and F. Brand A is a popular non-fluoride dentifrice.

Footnotes at end of article.

Brand B is a stannous fluoride paste and in these studies was used by approximately 50% of all subjects. Brands C, D, E and F, while not as widely used as A and B, are all widely advertised as possessing superior ability to whiten and brighten teeth. If the patient did not use one of these dentifrices, he was excluded from the study.

A total of 929 patients, military personnel and civilian dependents, served as subjects in the study. Approximately 20% of the subjects were females. The subjects ranged in age from 18 to 38 years of age, with a mean age of 21 years. All subjects were blind as to the study design and purpose.

During the oral examination, extreme effort was made to rule out any possible local or systemic etiological factors in any case where symptoms of gingivitis or stomatitis were present. The diagnosis of stomatitis was based on the following clinical manifestations: generalized inflammation or erythematous patches, sloughing of oral mucous membrane, vesicle or ulcer formation, edematious tissue with smooth shiny surface appearance, and history of gingival soreness, pain or itching. When no other etiological factor could be found, and since patient reported recent continuous use of one dentifrice, these cases were diagnosed as dentifrice stomatitis.

Results

The results of Clinical Survey I are summarized in Table 1. 929 patients were examined in this study. Of these, 133 were diagnosed as having dentifrice stomatitis. The majority of these patients were aware of oral discomfort. Presence of erythematous patches or generalized redness of the gingival tissue was the primary diagnostic sign in 69.9 percent of these patients. In addition to redness epithelial slough was present in 22.5 percent of patients diagnosed as having dentifrice stomatitis.

The prevalence of dentifrice stomatitis is markedly lower among users of Crest (Brand B) (3.8%) than among users of the other five dentifrices. At the other extreme, 37.5% of patients reporting regular use of Mclean (Brand C) were diagnosed as having dentifrice stomatitis. This difference is significant at the .05 level.

The prevalence of dentifrice stomatitis among users of the other four brands, (Ultra-Brite) (Brand E) (31.3%), (Plus White) (Brand D) (25%), (Vote) (Brand F) (21.9%) and (Colgate) (Brand A) (16.5%), was also found to be significantly higher ($p. <.05$) than for (Crest) (Brand B) users.

CLINICAL SURVEY II

Methods and materials

In Clinical Survey II, 128 male patients were examined at an East Coast military installation. All patients presenting to the examination room over a 25 day period were included in this survey if they reported regular use of any dentifrice for at least one month. Patients ranged in age from 18 to 62 age, with a mean age of 25. Examination procedures were similar in both studies in that dentifrice histories were taken by one individual and the clinical examinations were conducted by a dentist who had no knowledge of the patient's dentifrice history. Criteria for diagnosis of dentifrice stomatitis were the same as those described in Survey I.

Results

The results of Clinical Survey II are summarized in Table 2. This survey strongly supports the findings of Survey I. In both studies, (Crest) (Brand B) is the most widely used dentifrice, followed in order by (Colgate) (Brand A), (Ultra-Brite) (Brand E), and (McLean) (Brand C). Patients who use (Gleem) (Bland G), the next most frequently reported dentifrice in Survey II, were not included in Survey I.

When these five dentifrices are ranked on the basis of proportion of patients diagnosed as having dentifrice stomatitis, it is seen that (Crest) (Brand B) (8%) and (Colgate) (Brand A) (12%) are markedly lower than (Gleem) (Brand G) (30%), (Ultra-Brite) (Brand E) (37%) and (McLean) (Brand C) (57%). This is the same order in which these dentifrices ranked in Survey I with the addition of (Gleem) (Brand G).

The significance of differences between groups has been analyzed using the Chi Square distribution. The prevelence of dentifrice stomatitis among users of (Crest) (Brand B) is significantly lower ($p < .05$) than among users of (Mclean) (Brand C) and (Ultra-Brite) (Brand E). In this sample, the differences between (Crest) (Brand B), (Colgate) (Brand A) and (Gleem) (Brand G) are not statistically significant, although, as seen in Table 1, the differences are significant in a larger sample. Prevalence among users of (Colgate) (Brand A) is significantly lower than among users of (Mclean) (Brand C), while differences between other brands is not significant.

In this sample, the number of patients using Brands D, F, H, I and J is considered too small to make any interpretation of relationship to dentifrice stomatitis.

LABORATORY STUDY

Methods and materials

Thirty young weaning hamsters were selected for this study. The hamsters were 28 days old and weighed 25 to 35 grams. The hamsters were housed in stainless steel, mesh-bottomed cages and maintained in an air conditioned room. Food and distilled water were provided ad libitum.

In this study, five experimental groups and a control group were used. The experimental groups received an application of an experimental dentifrice once each day for seven days. The dentifrices were placed in the buccal pouch of the hamsters using a syringe and a needle from which the sharp point had been removed to prevent any puncture or injury to the animals. The 0.5 gram of dentifrice was placed on the epithelium of the buccal pouch.

At the termination of the study, the animals were weighed, then sacrificed by chloroform inhalation. The buccal pouches were surgically removed, sectioned and stained with hematoxylin and eosin for histological analysis.

The 6 groups were:

(1) Control group—Distilled water applications.
(2) Brand B (Crest).
(3) Brand C (Mclean).
(4) Brand D (Plus White).
(5) Brand E (Ultra-Brite).
(6) Brand F (Vote).

Results

The results of the laboratory phase of this study are summarized in Table 3. General appearance of animals after one week of daily application of test dentifrices is shown in Figure 1.

The general appearance of the experimental animals receiving the topical application of Brands B and D was found to be "normal" when it was compared to those animals in the control group. That is, the hair color was normal and healthy, the hamsters ate well, were very active, and gained weight during the seven day study (Figures 1A and 1C).

The general appearance of the animals in the other three experimental groups, who received Brands C, E and F showed different results. The animals in these groups were lethargic and ate poorly, which resulted in loss of weight. The animals in these groups showed loss of hair as well as hair color (Figures 1B, 1D, and 1E).

The histological findings of this study can be divided into two basic groups. Group one is composed of those animals exposed to Brands B and D. These animals show a minimal chronic inflammatory reaction (Figure 3, 5). Group two is composed of animals exposed to Brands C, E and F. These animals show rather severe chronic inflammatory reactions with occasional areas of necrosis and variable amounts of edema (Figure 4, 6, 7).

Discussion

Both the clinical and laboratory findings in this study indicate strongly that some commercially available dentifrices may cause painful gingival responses in the user.

Due to lack of information about the composition of these dentifrices, it has not been possible to relate gingival response to any single ingredient. The flavoring agents used in dentifrice have been reported to cause contact stomatitis.[3] Older, soap-containing dentifrices have been reported to cause damage to the oral mucous membrane due to the alkalinity of the compounds.[4] Organic solvents have been shown to cause gingival irritation.[5] Preliminary analysis indicates the presence of organic solvents such as chloroform in those dentifrices associated with the highest prevalence of dentifrice stomatitis in this study.

The effect of these dentifrices on already inflammed tissue has not been determined. In some patients this irritation may be compounded by the use of strong mouthwashes and traumatic oral hygiene practices.

The actual prevalence of dentifrice stomatitis in the population may be lower than is indicated by these clinical surveys since the samples were partially composed of patients seeking treatment and were therefore not representative of the entire population. Epidemiological studies of representative samples would establish true prevalence.

Clinicians have reported cases in which stomatitis resolved upon discontinuation of the dentifrice. In this clinical survey it was not possible to follow the course of patients diagnosed as having dentifrice stomatitis, therefore it is not possible to show that discontinuation of the dentifrice alleviated the symptoms in these cases. Further study of this possibility is indicated.

Based on the evidence in these studies, clinicians should consider a differential diagnosis of dentifrice stomatitis in patients who demonstrate generalized gingival inflammation, particularly in the presence of good oral hygiene.

Summary and conclusions

Two clinical studies have demonstrated a relationship between the use of certain commercially available dentifrices and painful gingival inflammation, sometimes accompanied by swelling and gingival slough. The condition has been diagnosed as dentifrice stomatitis.

Preliminary laboratory investigations demonstrate that those dentifrices most frequently associated with dentifrice stomatitis produce severe inflammatory response in hamsters.

Further clinical studies are needed to determine the prevalence of dentifrice stomatitis in the general population and to evaluate the possible interaction between dentifrice, mouthwash and oral hygience practices.

Additional laboratory studies are required to evaluate the histologic response to all available dentifrices when applied topically and implanted subcutaneously and to identify the causative constituents.

Footnotes at end of article.

TABLE 1.—CLINICAL SURVEY I—RELATIONSHIP OF DENTIFRICE TO STOMATITIS

Dentifrice	Number of subjects	Subjects with stomatitis	Percent
A. Colgate	147	24	16.3
B. Crest	494	19	3.8
C. McLean	88	33	37.5
D. Plus White	40	10	25.0
E. Ultra-Brite	128	40	31.3
F. Vote	32	7	21.9
Total	929	133	[1] 14.3

[1] Mean.

TABLE 2.—CLINICAL SURVEY II—RELATIONSHIP OF DENTIFRICE TO STOMATITIS

Dentifrice	Number of subjects	with stomatitis	Percent
A. Colgate	24	3	12.5
B. Crest	57	5	8.8
C. McLean	14	8	57.1
D. Plus White	1	0	0.0
E. Ultra-Brite	16	6	37.5
F. Vote	1	1	100.0
G. Gleem	10	3	30.0
H. Pepsodent	3	0	0.0
I. Stripe	1	0	0.0
J. Super Stripe	1	0	0.0
Total	128	26	[1] 20.3

[1] Mean.

TABLE 3.—RESPONSE OF HAMSTERS TO DAILY APPLICATION OF COMMERCIALLY AVAILABLE DENTIFRICES

Dentifrice	Hair appearance	Weight	Animal behavior	Eating habits	Elimination habits
1. Control (H^2O)	Normal, good color, good sheen	Gain	Active	Good	Normal.
2. B—(Crest)	Normal, good color, good sheen	do	do	do	Do.
3. C—(Mclean)	Loss of hair and sheen	Loss	Lethargy	Fair	Diarrhea.
4. D—Plus White	Normal	Gain	Active	Good	Normal.
5. E—Ultra-Brite	Loss of sheen and hair	Loss	Lethargy	Poor	Diarrhea.
6. F—(Vote)	Loss of sheen	do	do	do	Do.

Figure 1. Appearance of hamsters after one week of daily application of 0.5 grams of commercially available dentifrice to buccal pouches. 1A Brand B, 1B Brand C, 1C Brand D, 1D Brand E, 1E Brand F.

Figure 2. Normal buccal pouch of hamster. Note lack of edema and chronic inflammatory cells.

Figure 3. Buccal pouch of hamster treated with dentifrice, Brand B. There is minimal edema and a small number of chronic inflammatory cells can be seen in the central portion. Occasional chronic inflammatory cells are scattered throughout the connective tissue.

Figure 4. Buccal pouch of hamster treated with Brand C. Marked edema is present with both acute and chronic inflammatory cells.

Figure 5. Buccal pouch of hamster treated with Brand D. The chronic response is primarily perivascular. Occasional chronic cells are present in the connective tissue.

Figure 6. Buccal pouch of hamster treated with Brand E. Marked chronic inflammation is noted, with vascular dilitation. Areas of necrosis are present throughout.

Figure 7. Buccal pouch of hamster treated with Brand F. Ulceration and chronic inflammation are seen in the top portion of the photomicrograph. Edema and chronic inflammatory cells are present in the subadjacent connective tissue.

FOOTNOTES

[1] Bhaskar, S. N. Synopsis of Oral Pathology, ed. 2. Saint Louis, C. V. Mosby Co., 1965, p. 327.

[2] Burket, L. W. Oral Medicine, ed. 2. Philadelphia, J. B. Lippincott Co., 1952, p. 95.

[3] Shafer, W. G. Hine, M. K., and Levy, B. M. Oral Pathology, ed. 2. Philadelphia, W. B. Saunders Co., 1963, p. 480.

[4] Bernier, J. L. and Muhler, J. C. Improving Dental Practice Through Preventive Measures, Saint Louis, C. V. Mosby Co., 1966, p. 137.

[5] Slowik, T. The influence of organic solvents on Paradontium and the oral cavity mucous membrane. Czas. Stomat. 19: 1301, 1966.

EXHIBIT 2

COLGATE-PALMOLIVE CO., RESEARCH AND DEVELOPMENT DEPARTMENT

The Colgate-Palmolive Company certainly joins Senator Pell in his desire to maintain the highest standards in the area of dental health. We feel confident that the other member companies of this industry share this concern for the continued dental health of the American consumer.

This company has, for approximately 100 years, been in the forefront of not only supplying efficacious dentifrices to the American consumer but also in helping to educate the public to an awareness of the need for good dental health practices. Over these years tens of millions of dollars have been expended in research devoted to basic dental research and clinical research as well as toward formulation research.

Colgate Dental Cream with MFP is one product that has resulted from this research. Based on clinicals that were conducted this product has not only received approval of the American Dental Association but is also the one dentifrice that has received an NDA from the Food and Drug Administration under the FDA's new rules which require proof of efficacy as well as safety.

In clinicals conducted among 1825 subjects only six cases of oral irritation were recorded—an incredibly low rate of occurrence.

The company's other dentifrice Ultra Brite, developed to satisfy a need among the adult consumer, has also undergone extensive clinical tests which have underscored its safety.

We regret that a study entitled "Evaluation of Tissue Response to Commercially Available Dentifrices: Clinical and Laboratory Results" has served to raise questions about not only our two dentifrice products but eight others produced by other manufacturers. We feel that misinterpretation of this study could cause unplanned and unwished harm to ten respected dentifrices as well as serving to create grievous and unnecessary confusion among American consumers with attendant harmful consequences to the nation's dental health practices.

We join others in the dental scientific community in raising many questions about the scientific value of this study. We feel strongly that not only would the dental research community support us in questioning the scientific validity of the study but that the Food and Drug Administration would also join us in questioning its value from a consumer protection point of view.

EXHIBIT 3

AMERICAN DENTAL ASSOCIATION COMMENTS ON "EVALUATION OF TISSUE RESPONSE TO COMMERCIALLY AVAILABLE DENTIFRICES: CLINICAL AND LABORATORY RESULTS"

The dentifrice study by Hutchins, Whitehust, Barnes and Knight has been reviewed by staff members of the American Dental Association's Research Institute and Council on Dental Therapeutics. It is their opinion that the design of the study is inadequate as well as scientifically unsound. One of the major weaknesses lies in the failure of the investigators to support, by means of acceptable scientific methods, their conclusions that a type of stomatitis was caused by certain dentifrices.

The criteria in the study for diagnosing dentifrice stomatitis is inadequate. Numerous oral and systemic diseases may present clinical symptoms similar to those described in the study. This is a serious deficiency and makes any conclusions drawn from this single study questionable.

The authors themselves point to weak spots in the study: persons in the sampling were not representative of the general public; no control groups were used in the clinical studies; the patients were not followed to determine whether the stomatitis disappeared when they stopped using a particular dentifrice.

Evidence of the investigators' concern is found their own statements, such as: "The samples were partially composed of patients seeking treatment and were therefore not representative of the entire population" and "It was not possible to follow the course of patients diagnosed as having dentifrice stomatitis, therefore, it is not possible to show that discontinuation of the dentifrice alleviated the symptoms."

Even if the data reported were reliable, and they are not in our opinion, it does not necessarily apply to currently marketed dentifrices. In the years since the study was conducted, most of the dentifrices used have made basic changes in their formulation. Some of them are not even being marketed any more.

The dental profession has for many years been aware of the fact that a small number of persons appear to have an adverse reaction to a given dentifrice. This can result in stomatitis. Several attempts have been made to set up a meaningful study of this problem but it has never been possible to find a sufficient number of people with such stomatitis to accomplish this. It is the Association's belief that this study does not provide an adequate basis for action. Further study of the problem is indicated.

The study involves several so-called "whitening" dentifrices. The Association has issued public warnings that the high abrasiveness of "whitening" dentifrices may injure some persons' teeth.

But the study also involves fluoride dentifrices that have been accepted as significantly reducing the rate of dental decay. The Association is concerned that focusing on this single, inadequate study may deter people—especially children—from using fluoride dentifrices that can help in preventing dental decay. If this happens, it will be a serious disservice to the dental health of the nation.

EXHIBIT 4

EVALUATION OF TISSUE RESPONSE TO COMMERCIALLY AVAILABLE DENTIFRICE CLINICAL AND LABORATORY RESULTS

(By Dr. James P. Carlos)

The conclusions drawn by the authors regarding the production of stomatitis by dentifrices, appear to be based upon data of extremely doubtful reliability.

To begin with, the definition of "stomatitis," the condition being diagnosed, is vague, and this entity appears to have been confused with gingivitis (inflammation of the gums). The latter condition is common among males of military age, and is usually attributable to inadequate oral hygiene. Oral hygiene level cannot be judged from a single

observation, but requires repeated unannounced examination of a subject over several days. The failure to adequately assess this variable makes the data difficult or impossible to interpret.

The authors note that patients presenting themselves for dental treatment are a biased group. They are, in fact, an extremely poor choice for research purposes. Their oral hygiene level is apt to appear deceptively good because of anticipatory recent tooth-brushing, whereas the presence of "stomatitis" may be connected with the reason for their visit to the clinic.

Establishment of their brand of dentifrice by asking the subjects is of questionable validity. Few subjects would admit to using *no* dentifrice and would tend to respond with the name of the best advertised brand. This could explain the "good" showing of Dentifrice "B" in Clinical Survey I.

In Clinical Survey II the numbers of subjects are so small as to be meaningless.

With respect to the animal study, the criteria for *in vivo* evaluation are not given; so comments such as "loss" (of weight), "lethargy," "poor eating," etc. cannot be interpreted. In general, however, this study appears to have been carried out with extreme naivete, according to contemporary standards for animal experimentation. If anything, the authors' comments suggest that some test animals became sick, a result that is difficult to attribute to local mucous-membrane reaction to a surface irritant. (The occurrence of intractable diarrhea, by the way, is a frequent spontaneous occurrence in many hamster colonies.) Of course, since the authors are testing substances whose composition they do not know, no meaningful information could be *expected* to result from an animal experiment.

In general, these studies appear to have been poorly conceived and conducted. There is no basis from this report to raise questions regarding adverse reactions due to the dentifrices tested. Indeed, the fact that most of the dentifrices are in wide general use, including use among children, makes it unlikely that a tendency to produce stomatitis would remain undetected until now.

It is possible, of course, that certain ingredients in a dentifrice (as in any other locally applied product) could cause allergic reactions in certain patients, but even if this were demonstrated (it is *not* in these studies) it would not form a basis for general indictment of a product-type.

Since the authors' data, if accepted at face value, suggest a possible association (*not* a cause-effect relationship) between dentifrices and oral irritation, and since this is certainly a biological possibility, more thorough study might be justified.

The preferred approach would be a prospective clinical experiment, perhaps in younger subjects, in which chemically representative types of dentifrices would be compared under closely supervised conditions.

EXHIBIT 5

At the end of the bill add a new section as follows:

SEC. 5. Chapter VI of the Federal Food, Drug, and Cosmetic Act, as amended, is amended by adding at the end thereof a new section as follows:

"SEC. 604. Whenever the Secretary finds on the basis of research or tests that any dentifrice may cause irritation or other injury to the mouth or gums of certain individuals under conditions of use as are customary or usual, he shall require the manufacturer, packer, or distributor of such dentifrice to display conspicuously on the label of such dentifrice such warning as he deems appropriate to inform the users of such article of its possible dangers."

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 244

At the request of Mr. HUMPHREY, the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. MONDALE), and the Senator from Iowa (Mr. HUGHES) were added as cosponsors of amendment No. 244, intended to be proposed to S. 939, the military procurement authorization bill for 1972.

NOTICE OF HEARINGS ON ANTITRUST LAWS

Mr. HART. Mr. President, the Senate Antitrust and Monopoly Subcommittee announces hearings on S. 2373, the proposal to grant limited exemption from the antitrust laws in order to permit the merger of the American and National Basketball Associations, on September 21, 22, and 23.

Persons who desire to testify or file statements for the RECORD should contact Mr. Howard E. O'Leary, Jr., chief counsel of the subcommittee.

NOTICE OF HEARINGS ON NATIONAL PRIORITIES

Mr. PROXMIRE. Mr. President, I am today announcing the resumption of hearings on national priorities.

"Is the United States spending far more than it needs to defend itself against the military threat from the Soviet Union and mainland China?" is the issue a panel of experts including W. Averell Harriman, Abram Bergson, Wassily Leontief, George Rathjens, and John Fairbanks will discuss during 3 days of hearings, August 9, 10, and 11.

The committee's Subcommittee on Priorities and Economy in Government will hold the hearings next week on the relationship of Russian and Chinese economic strength to their military budgets.

In hearings held 2 years ago on how Russia and China's economic strength related to their military capability, the experts established some important facts. If the United States is figuratively 6 feet tall in its basic economic strength, then Russia is not 10 feet tall, but only 3 feet tall. Her economic capability and level of resources are roughly half that of the United States. In similar terms, China is not 6 feet or 3 feet or even 1 foot tall. She is figuratively 6 inches tall, for her economic strength is only one-twelfth that of the United States.

In view of the new overtures made to the Chinese by President Nixon, the question we must face is what level of military spending do we need to protect our national security? Unless the relative economic and military strengths of the Chinese and Russians have greatly increased over the last 2 years, the administration's request for an $80 billion military budget in fiscal year 1972 appears wholly inconsistent with either the real threat posed by Russia and China or the new relationships proposed by the President. We will ask our experts to focus their attention on that question.

The subcommittee is especially interested in the issue of whether there has indeed been any major shift in priorities within the United States. While loud claims have been made that a shift has indeed taken place, a defense budget of $80 billion is a wartime level of spending and appears to be totally inconsistent with the claims that we have shifted to a peacetime economy.

The issue is, what level of defense spending do we need both to protect ourselves against the actual military threat which Russia and China pose and to reorder our priorities here at home in order to keep ourselves economically strong and free?

All sessions will be held in room 1202 of the New Senate Office Building, beginning at 10 a.m., on the following dates:

MONDAY, AUGUST 9, 1971

W. Averell Harriman, former Ambassador and Governor of New York.
John Hardt, Research Analysis Corp.
Abram Bergson, Harvard University.
Wassily W. Leontief, Harvard University.

TUESDAY, AUGUST 10, 1971

Richard Davies, Department of State.
Richard R. Nelson, Yale University.
George Rathjens, Massachusetts Institute of technology.

WEDNESDAY, AUGUST 11, 1971

Jerome Cohen, Harvard University.
John Fairbanks, Harvard University.
Allen Whiting, University of Michigan.

ORDER OF BUSINESS

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

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

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ADDITIONAL STATEMENTS

MIDAIR COLLISION AVOIDANCE SYSTEMS

Mr. MOSS. Mr. President, on July 7, 1971, I introduced S. 2264, a bill to require the installation of collision avoidance systems on air carriers and general aviation aircraft in order to minimize the hazards of midair collisions. The Senator from Nevada (Mr. CANNON) informs me that the Aviation Subcommittee will soon hold hearings on this measure.

While the industry continues to debate the need for a collision-avoidance system, midair collisions continue to take place. Last night a Continental Airlines 707 Jetliner flight from Hawaii with 91 persons aboard and a Cessna 150 collided in flight about 6 miles from the Los Angeles International Airport. Fortunately, the airliner landed safely with the only damage sustained being a 4-foot gash in its right wing, the tip of which was broken

off. The smaller craft was sent out of control into a field and the pilot and his passenger sustained minor injuries.

The passengers on these planes were extremely fortunate in comparison with the 50 who lost their lives in a midair collision near Los Angeles in June, including 13 Utahans, and the 162 who lost their lives last week in a midair collision in northern Japan.

In 1971, there have been midair collisions involving air carriers between a B–707 and a Cessna 150, a military F–4 and a DC–9, and a B–707 and Cessna 150, in the United States; a B–727 and a DC–8 in Australia; and a B–727 and a military F–86 in Japan. The loss of life has been horrendous.

Now comes testimony that tested midair collision avoidance systems exist that could have prevented these tragedies, and that what is needed is endorsement from the Federal Aviation Administration so they can go into production. On Tuesday of this week, Mr. Anatole Browde, vice president of the McDonnell Douglas Corp. gave an excellent statement before the House Subcommittee on Government Activities on the present status of collision-avoidance systems. He testified that a time/frequency collision avoidance system has been "exquisitely" flight-tested and examined and is now ready for introduction. Air carriers, general aviation, and military aircraft can start equipping within 16 months. Airline transport aircraft will begin using the system in October and Piedmont Airlines has become the first carrier to order CAS equipment. Moreover, with the Micro-CAS in final design, McDonnell Douglas expects to produce the system at a price near $2,500. What is now needed is permission by the FAA for airlines to use CAS equipment and to resolve ATC/CAS procedural questions so that industry can begin production.

Mr. Wayne G. Shear, program manager for Collision Avoidance Systems for the Bendix Corp. also testified that the successfully tested time/frequency CAS "represents a 16-year evolutionary program with active participants from all segments of the aerospace industry." Mr. Shear stated:

> Extensive flight tests were conducted by the Martin-Marietta Corporation . . . during the period from June to November 1969. On March 20, 1970, the Air Transport Association issued a report stating the tests had been successful and that they had demonstrated the TAU-time/frequency method would provide pilots with warning and flight commands to prevent collisions, and that the system as then conceived had the capacity to accommodate all users of the airspace for the foreseeable future.

Mr. President, we have the technology to keep airplanes apart in our increasingly crowded skies. The tragic record speaks for itself regarding the urgent need for collision avoidance. Congress and the Government must move immediately to protect the lives of America's air passengers. I call upon the FAA to clarify its acceptance of the CAS concept and publish guidance documents for the manufacturing and user industries. I ask unanimous consent that the complete text of Mr. Browde's statement be printed in the RECORD.

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

STATEMENT OF ANATOLE BROWDE

Mr. Chairman and Members of the Subcommittee: McDonnell Douglas (MDC) has been actively working in the field of collision avoidance since 1960. (We recognize that the air-to-air collision avoidance system is no substitute for an effective air traffic control system. Collision avoidance is a back-up, but one that is vitually needed.) The system, on which the ATA-recommended airline system is based, started flying at MDC in St. Louis in 1964. It became operational in 1965. Since then, it has been mandatory for flight for all F–4s operating in the St. Louis area.

The first two prototype systems for airline use, built in accordance with airline specification ARINC 587, are in flight test. They have passed significant laboratory tests to prove their fitness for airline use—they have been vibrated, heated and cold soaked. They will fly in airline transport aircraft in October of this year. Piedmont Airlines became the first carrier to order EROS Collision Avoidance Equipment in June. The Micro-CAS for general aviation is now in final stages of development, two prototype units will be flying later this year, in conjunction with the airline systems.

Today I would like to address three major questions: (1) Why time/frequency technology for collision avoidance.

(2) What has been done to validate the time/frequency system, and

(3) What can the Government do to achieve implementation and insure its use.

The first question I raised is why should the time/frequency technology be used for the U.S. collision avoidance system (CAS) standard. The answer to that is technical—the time/frequency system of all systems in existence today will provide protection under *all* operating conditions without saturation, even under the heaviest traffic conditions. It enables construction of equipments sophisticated enough to meet the stringent separation requirements of our supersonic military aircraft and our large jet transports, yet can be scaled down for the smallest private aircraft.

Let us first examine how one establishes that two aircraft are on a collision course. For all but the slowest aircraft, three quantities are required—how far apart the aircraft are—range, what their altitude separation is, and how fast they are closing on each other —relative velocity. Exhaustive analyses show that, in the worst condition, reciprocal climbing, diving and turning aircraft and perhaps slow pilot response time, 25 seconds are needed to execute a separation maneuver and 40 seconds of alert time are required to advise the pilot of traffic about him. Let us relate this to real life situations. Two subsonic jets head-on—a 747 and a DC–8—must be alerted when they are 14 miles apart and given mandatory maneuver commands when they are 8 miles apart. For a jet and a light aircraft, the mandatory maneuver range is 5.5 miles, the advisory alert range is 10 miles. For an F–4/DC–10 encounter, the alert range is 22 miles, the mandatory maneuver range is 13 miles.

Non-time-ordered systems are not new. They all have the same problem. For every response there must be an interrogation. Each interrogation triggers responses from all members within earshot. Let me use an analogy. The time/frequency system operates like a "count-off"—in turn, each aircraft identifies itself. Imagine for the moment, 2000 members of a group in a large hall. The time/frequency system assigns a number to each man and each man in turn calls out his name in roll call order—there is no confusion. Transponder systems require one man to yell: "Where are you?" and all who hear him, to immediately reply. The resultant confusion of 2000 simultaneous answers is what we call saturation. There are ways of reducing this confusion. For instance, we can ask each man to pitch his voice differently and recognize that difference in pitch. One system being proposed uses between 10 and 20 different frequencies and a sophisticated selective response scheme. But, in the end, the only way transponder designers have been able to overcome saturation is by cutting down power and hence communication range. The interrogator talks softly and only the few people that can hear him reply—they, of course, are close by and, for these few, confusion of saturation is reduced. Yet, as I have shown for a subsonic jet encounter, 14 miles of warning are required. In a terminal area, there may be as many as 100 airplanes in that space today and many more in the future.

Cutting down power also cuts the reliability of communications. The Collision Avoidance Working Group of the Air Transport Association, consisting of a broad spectrum of airlines, government and industry representatives, has consistently rejected a low-power approach. We expect aircraft to turn, antennas to be shadowed, the worst case to obtain at times. Another analogy—a 150 watt light bulb can be seen much farther than a 2 watt light bulb and reliability of distant communications is needed for collision avoidance. The Air Transport Association, therefore, rejected transponder systems.

The next question to be raised is cost. Can a time/frequency system be built at a reasonable price? McDonnell Douglas projections are based on designing hardware, ranging from that for the Phantom through the system suitable for air transport to that required for general aviation. Our costs are based on bills of materials, realistic labor rates and design costs. We also know that for general aviation avionics equipment, a manufacturer much achieve a sales price of approximately four times the cost of parts, in order to produce the equipment at a profit. In hearings of this committee held on January 27–28, 1970, Mr. Charles W. Harper, then Deputy Associate Administrator for Advanced Research and Technology of the National Aeronautical and Space Administration, discussed our work on Micro–CAS, which was, at that time, in conceptual stages. At that time, we estimated a $3,000 price for a small aircraft system. Mr. Harper, when questioned by this committee, felt that the cost would be considerably higher. Today, with the Micro–CAS in final design, we believe that our initial price estimates were high. We expect to be able to produce the Micro–CAS at a price near $2,500. History teaches us that even this estimate may be too high. For example, when the air traffic control transponder was first introduced for general aviation, it cost $2,500; with other companies entering the field, today that price is below $1,000.

Our Micro–CAS will do much more than just provide air-to-air collision avoidance. It provides ground obstacle protection that will prevent an aircraft hitting a hillside or a tall building if a very inexpensive time/frequency beacon is installed at that site. Most importantly, the system, in concert with a time/frequency beacon at an airport, will provide a ring of protection around that airport so that when an aircraft approach is too low, it will get a command to climb. While this is no substitute for an ILS glide slope, it may provide a cheap way of making

a safe, non-precision approach at airports lacking a full ILS. It protects all runways with a single installation. It does not present the difficult installation problems of an ILS system.

Let me now turn to the next question, what has been done to validate the time/frequency system. Time/frequency technology is the result of four years of intensive study at McDonnell, starting in 1960 when we had a mid-air collision involving two F-101s. In 1964, we flew our first EROS system. In 1965, it became operational on every Phantom flying in St. Louis. In 1966, at the urgings of a number of airlines, we submitted proposals to airlines and FAA for implementation of the system to protect transport aircraft. Realizing that a collision avoidance system will only be useful if commonality exists, i.e., all users must be able to have compatible equipments that talk to each other, the ATA asked us to share our knowledge with the rest of the industry and the airlines. A major reason for this is that the airlines are most reluctant to install equipment produced by only a single manufacturer. We were, therefore, asked to contribute the fruits, at that time, of over $3M worth of intensive company-sponsored research. We did so because we believed that early introduction of collision avoidance equipment was vital for the growth of civil aviation in the U.S. Since 1966, the collision avoidance specification for the airlines, which includes provisions for general aviation, has been carefully refined in open meetings. The technical specification, Air Transport Association ANTC Report 117, now adopted, resulted from this effort. Before the prototype hardware could be built, tests had to be run. In addition to the 15,000 flights run on the EROS I system, the ATA asked us and other manufacturers to produce equipment for tests by an independent test contractor, Martin-Baltimore. This was done, the tests were flown in 1969, and the results proved that the time/frequency collision avoidance concept was suitable for collision avoidance use, met the specification, and the equipments built by different manufacturers to ANTC 117 were compatible. A hardware specification then had to be generated by hammering out system details in the Airline Electronic Equipment Committee (AEEC), a body that defines hardware for airlines so that complete interchangeability of various manufacturer's equipment exists. This process takes additional committee work, generally lasting one to two years, and the ARINC 587 Characteristic covering collision avoidance was adopted by the airlines in April, 1970.

Still unanswered then was the question of how the system interacts with air traffic control. McDonnell Douglas, again at its own expense, ran some 30,000 worst case encounters on a digital computer to prove (1) that the system indeed provided safety and (2) that the system did not waste air space. (I would like to interject that time/frequency adherents use simulation to examine how the collision avoidance threat logic and aircraft performance parameters interact to provide optimal air space usage. Other systems are still concerned in their simulation as to whether the signal can be heard at all.) This simulation was augmented by an exhaustive analysis of those very few areas where perhaps some conflicts existed between air traffic control and the collision avoidance threat logic. MDC did this by comparing minimum separation standards contained in the air traffic controllers' manuals with collison avoidance standards. This was completed over a year ago. The FAA has just completed its first simulation of the Chicago-O'Hare high density traffic pattern with and without collision avoidance. While the FAA data has not been fully analysed, preliminary results indicate quite clearly that the system is usable with, and in fact complements, air traffic control, and the only question to be answered is when to switch the system to the landing mode.

I have spent a lot of time on this point for only one reason—once an avionics concept is presented to the aviation industry, it takes a minimum of five years and often ten, before hardware appears in the cockpit. The time/frequency collision avoidance system is now ready for such introduction because it has gone through the hard and exquisitely detailed examination required by the industry. Hardware, built under approved airline specifications exists and can be ordered today on a fixed price basis. Airlines can start equipping within sixteen months. General aviation and military equipment can be available in the same time frame. No other system exists today that is in this state of development, including transponders, remitter systems, satellites or equipment for intermittent positive control.

This then leads me to my last point—what can be done by the government to implement collision avoidance. On June 25, 1970, the Air Transport Association Board of Directors requested the airlines to start implementing time/frequency collision avoidance and a number of airlines, among them United Air Lines with its test program starting in October, and Piedmont with its purchase, have complied.

What is needed now is permission by the FAA for airlines to use their purchased CAS equipment. We believe that sufficient data is available now to enable such endorsement.

Final mode control parameters will come from the FAA Atlanta City facility by the end of this year, resolving the few remaining ATC/CAS procedural questions that are still open.

Also, the FAA programs to provide for the ground stations and general aviation equipment designs should go forward with full speed. The ground stations are required for general aviation, not for the airlines. Airline and military systems have built-in features that enable one system to resynchronize another and also for them to operate in the back-up mode without synchronization. An airline aircraft is also able to resynchronize a general aviation aircraft. It is the small airplane, operating in remote areas, that should have the synchronizing service and the 65 ground stations shown in the FAA ten year plan. FAA is about to take the first procurement action for these ground stations and we would urge that this move along as rapidly as possible.

A Senate bill (S. 2264) has been introduced, making collision avoidance mandatory after 1 January 1973. We believe a more gradual time scale of introduction may be of benefit. Thus, collision avoidance could be made mandatory for new military and civil aircraft delivered after July 1973. Several manufacturers can provide equipment for such installation. I refer specifically to such military programs as the F-14 and F-15, and the wide-bodied jets such as the DC-10.

For aircraft that must be retrofitted, the 1975 time frame seems reasonable. Additionally, one of the main deterrents to fast CAS implementation by the airlines today is their poor economic health. The government might well forgive a portion of the user tax paid by CAS-equipped aircraft to induce purchase of collision avoidance equipment.

The record speaks for itself regarding the urgent need for collision avoidance. The tool is at hand in the time/frequency technology to achieve an ultimate solution. We should move forward to use it just as quickly as possible.

ORGANIZED CRIME—CORRECTION OF HEARING RECORD

Mr. McCLELLAN. Mr. President, some few days ago, while interrogating a witness who was testifying before the Senate Permanent Subcommittee on Investigations, and while discussing certain ethnic groups, I unintentionally and inadvertently used a wholly inappropriate term of reference to our many fine Americans of Polish descent. I was not cognizant of this error until someone called it to my attention that evening after the committee had adjourned. When the committee resumed hearings the next morning, I promptly corrected the permanent Record and inserted the following statement in the committee hearing record:

STENOGRAPHIC TRANSCRIPT OF HEARINGS BEFORE THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON GOVERNMENT OPERATIONS, U.S. SENATE

Chairman McCLELLAN. Before beginning this morning I have a brief statement. It has been called to my attention that during our discussion of ethnic groups with the witness yesterday, I apparently inadvertently used a wholly inappropriate term of reference to our many fine Americans of Polish descent.

I do not recall using the term. The word is not a normal part of my vocabulary and, I assure all of those of Polish descent that, if used, it was totally unintentional. If anyone may have been offended by this inadvertence, I extend my personal apology.

Mr. McCLELLAN. Mr. President, thereafter, I had correspondence with Mr. Casimir Lenard, executive director of the Polish American Congress, Inc., which is self-explanatory. I ask unanimous consent that it be printed at this point in the RECORD.

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

POLISH AMERICAN CONGRESS, INC.,
Washington, D.C., July 28, 1971.

Hon. JOHN L. McCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR McCLELLAN: As Executive Director of the Polish American Congress which represents over twelve million Americans of Polish descent, I would like to take this opportunity to express to you our sincere admiration and appreciation for the outstanding work of you and your Permanent Subcommittee on Investigations. You are indeed performing a great service to our country in your valiant efforts to obliterate crime from our society. We Polish Americans, as God-fearing and law-abiding citizens, commend you and congratulate you.

Because of our long standing esteem and respect for you, we find it almost totally unbelievable to discover, via coast-to-coast television, your feelings toward us!

It was with utter astonishment we heard you defame proud and dignified Americans. We are saddened and shocked to know these words will reach untold millions throughout the world by way of the press, radio, television, the Congressional Record and worst of all, be printed in the Committee Report which will be distributed for years to come.

Your words, spoken while you were interrogating Vincent Teresa, and I quote, "Is the operation limited to one ethnic group . . . would you identify Italians, Irish or *Polacks*" have called forth serious repercussions. I now call to your attention the definition of a "Polack" as printed in Webster's

Unabridged Dictionary. "Polack: A person of Polish descent. A vulgar term of prejudice and contempt."

We sincerely believe a great injustice has been done, and public apology for the use of the word "Polack" is mandatory. Unless you strike your slanderous word from the record and announce to the world the use of the word was unintentional irrevicable, damage will be done.

We urge you to quickly retract your insulting attack on Polish Americans.

Sincerely yours,

CASIMIR I. LENARD,
Executive Director.

JULY 29, 1971.

Mr. CASIMIR I. LENARD,
Executive Director, Polish American Congress, Inc., Washington, D.C.

DEAR MR. LENARD: This is in further reference to my telephone call of this date.

The enclosed copy of Stenographic Transcript of Hearings before the Permanent Subcommittee on Investigations of July 28, 1971, contains my explanation and apology to those many fine Americans of Polish descent.

I appreciate your understanding, and I hope that the statement which I have made will be accepted as a sincere explanation of this regrettable, inadvertent, and unintentional use of an improper word.

With very kindest regards, I am

Sincerely yours,

JOHN L. MCCLELLAN.

Enclosure.

POLISH AMERICAN CONGRESS, INC.,
Washington, D.C., July 30, 1971.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: I have received your statement presented before your hearings of the Permanent Subcommittee on Investigations. It was most kind of you to telephone me personally to inform me of your action. On behalf of all Americans of Polish descent, I accept your apology for the most unfortunate incident.

Knowing full well the tremendous pressure and stress you undergo each day, and appreciating the overwhelming demands on your Office, I have but one more request.

Since you have already prepared the statement and indicated your willingness to cooperate in every way, could we ask that you insert your remarks in the *Congressional Record*? This would be tangible evidence to our people your feelings toward us. We would be most grateful and would find this of great value to future relations.

Thank you for your gracious cooperation.

Sincerely yours,

CASIMIR I. LENARD,
Executive Director.

Mr. MCCLELLAN. Again I state publicly, Mr. President, that the reference was wholly inadvertent and unintentional, and I sincerely apologize for this inadvertence to anyone who may have taken offense from it.

VOLUNTARY WAGE-PRICE GUIDELINES

Mr. MATHIAS. Mr. President, yesterday 12 of my Republican colleagues and I joined in calling for the establishment of a wage-price board which could set voluntary wage-price guidelines. The board would have numerous powers, among them powers relating to using Government procurement, Government loans, and Government loan guarantees to help enforce the guidelines.

Mr. President, I am pleased to see that President Nixon has now shown new interest in such a board. The President's remarks are reported in this morning's Washington Post. While it is true that the President still has not called for the creation of such a board, he no longer positively appears to oppose its creation. The President suggests that congressional hearings on the idea might now be appropriate, and I would hope that such hearings could be held very soon on the bill which my Republican colleagues and I proposed yesterday. The state of the economy is too serious to let partisan or personal feelings delay the immediate undertaking of necessary economic measures. I urge both the President and my fellow Senators to give more consideration to the merits of a wage-price board.

Mr. President, I ask unanimous consent that the Washington Post article, written by Carole Shifrin, which reports the President's remarks, be printed in the RECORD.

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

PRESIDENT WARMS TO PAY PANEL: BUT REJECTS CONTROL ON WAGES, PRICES

(By Carole Shifrin)

President Nixon yesterday reversed an earlier position and said he would not reject out-of-hand the idea of a government board to suggest national standards for wages and prices.

But the President was far from enthusiastic. He told an unscheduled news conference that he would consider such a board only if congressional hearings convinced him that government pressure to influence wages and prices could work "without stifling the economy."

He flatly rejected mandatory wage and price controls, specifically criticizing 'the Galbraith scheme, which is supported by many of our Democratic senators." Economist John Kenneth Galbraith has called for legal limits on wages and prices under certain conditions.

At the same time, he discounted reports of a clash between him and Federal Reserve Board Chairman Arthur F. Burns. Last week, reports emanating from the office of Director of Communications Herbert G. Klein, but later denied by the White House, suggested that Mr. Nixon was thinking of seeking an increase in the number of Fed governors because of unhappiness with Burns. Yesterday, the President praised Burns and said the two are in agreement.

Mr. Nixon's remarks to newsmen followed immediately a news conference held by 13 Republican senators who said they were "vitally interested in the success" of the administration, but "deeply concerned" about the "unacceptably high rates of unemployment and inflation." They insisted that the "traditional rules of economics are not working . . . and additional measures are needed."

President Nixon several times made clear his skepticism about the usefulness of a wage-price board, but he didn't reject it out-of-hand as he has in the past.

He said he was not convinced that "we can move in that direction and be effective," but he left the door slightly ajar. "As far as we are concerned, we have an open mind in terms of examining the various proposals to see if there is a new approach which we may not have thought of," Mr. Nixon said.

Referring to proposed public hearings, he said, "I have serious doubts that they will find such a new approach, but I do want to indicate that we will examine it because we all agree that the wage-price spiral is a significant danger to this expanding economy."

Only minutes before Mr. Nixon talked to the press, Treasury Secretary John Connally, the administration's chief economic spokesman, issued a statement saying the administration would welcome "a full-fledged debate in the Congress" on wage and price policies.

Listing a number of questions he felt a review must explore, Connally added, "It should explore the historical record during the periods when we have had wage and price programs, and it should probe carefully the extensive experience of other nations.

It was clear from Mr. Nixon's remarks to the press, however, that he thinks the "historical record" will reaffirm his pessimism about the possibilities of guidelines. "My study of the situation indicates that guidelines in this country have always failed," he said.

"They have never worked," he continued. "Guidelines in other industrial countries, including Canada, for example, and Britain, have worked only for a short time and then have fallen because guidelines basically connote voluntary compliance and voluntary compliance goes on only for a brief time."

The administration's approach "at this time" Mr. Nixon said, is "a selective one—to take those particular industries that are coming up for bargaining and to use our influence as effectively as we can to see that those settlements are responsible."

He promised to "use the power of this office to the extent it can be effective" to see that future wage and price negotiations are responsible.

"I shall continue the policy of moving aggressively on individual settlements on a case-by-case basis," he said.

In response to a question asking why he does not ask leaders of the steel industry to cancel their recently announced price increases, Mr. Nixon replied that such a move "would not be effective."

Saying that steel profits are the lowest of any major industry, Mr. Nixon added, "To tell the steel industry that after they have negotiated a settlement they must roll back their price and run at a loss is simply unrealistic.

"They are not going to do it," he said.

In his comments on Arthur Burns, he moved to dispel rumors:

He does not disagree with Burns on economic policies, he indicated. "Arthur Burns, in terms of monetary policy and in terms of fiscal policy, has followed a course that I think is the most responsible and statesmanlike of any chairman of the Federal Reserve in my memory" Mr. Nixon said.

Burns did not ask for a raise, Mr. Nixon said, contrary to reports. In fact, he said, the Office of Management and Budget had recommended that the chairman of the Federal Reserve, as the United States' central banker, be given a pay raise. But when the matter was raised, the President said, Burns indicated that neither he nor any other high government official should take a salary increase when raises in other areas of governmet would be limited.

(When Burns was a member of the Cabinet—as counselor to the President—Burns even recommended that Cabinet officers take pay cuts. The proposal was not followed.)

The President explained that he had determined that an increase in the government blue-collar wage scale would not be in the "interests of our fighting the inflation battle."

In his comments about the state of the economy, Mr. Nixon rejected "gloomy predictions," adding, "there is a lot of steam in the boiler."

"I would not sell the United States economy short at this point," Mr. Nixon said. "And long term, I would not be selling my investments in the American economy—whether it is in stocks or real estate or what have you."

He reiterated his view that 1971 would be "a good year" for the economy and "1972 would be a very good year."

In addition to the wage-price review board bill, the group of Republicans proposed a bill which would establish a national council on productivity to replace one set up by executive order. The council would seek an increased rate of American productivity—a rate which since 1965 has been lower than any other industrial nation.

"We believe there is a crisis of confidence in the country," Sen. Jacob Javits (R-N.Y.) said on behalf of the group. "We are proposing what we believe ought to be the policies of our administration.

"The President has shown he can change course," he said. "His feet are not fixed in concrete."

Both bills, Javits, said, contain what the GOP group believes are "essential" powers.

Treasury Secretary Connally's statement suggested that whatever its outcome, congressional consideration of wage-price board legislation should "provide the forum for a useful discussion of important economic issues."

WOMEN PILOTS PAINT MARKERS FOR SAFETY

Mr. RANDOLPH. Mr. President, the 99's, Inc., a well-known organization of certificated women pilots, recently embarked on a project, with the cooperation of the Federal Aviation Administration, to paint air markers across the country. Air markers are painted symbols, recognizable by pilots from the air, which provide valuable information to pilots flying by visual reference.

The initial air marking program was undertaken in 1947, a joint effort by States and the Federal Government. Although 24 years have elapsed since the air marking program began, and aviation has made great technological strides, these yellow markers still perform an important air safety function. FAA administrator John H. Shaffer noted in a recent letter to me:

> Air markers are not only useful for the novice pilot, but help to keep wandering aircraft out of restricted areas and serve to give an accurate position report to the FAA air traffic controllers.

I am particularly gratified that this civic-minded group of women pilots, the 99's, have undertaken such a worthwhile safety-related project. My commendation to these ladies is a personal one, as well: it was my amendment to the 1947 CAA appropriation bill that provided the initial $100,000 for air markers, a program carried forward through the leadership of Mrs. Blanche Noyes, of the FAA.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from FAA Administrator Shaffer concerning the air marking program and the fine work of the 99's, Inc., associated with it.

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

DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION,
Washington, D.C.

HON. JENNINGS RANDOLPH,
U.S. Senate, Washington, D.C.

DEAR SENATOR RANDOLPH: This is in response to your 2 May 1971 telephone conversation with Mrs. Blanche Noyes in which you asked for a report on air marking and the number of air markers constructed as a result of the $100,000 which was in the 1947 CAA Administrator at that time for overhead. Forty-eight states were alloted $82,000 for air marking on a 50–50 matching fund basis. Many of the state aeronautics commissions continued their air marking programs long after the Federal funds were expended. As a result, approximately 75,000 air markers were constructed throughout the United States. Eleven states still have perpetual air marking programs.

At the present time the Federal Aviation Administration has approximately 3,600 gallons of yellow paint at the FAA Aeronautical Center Supply Depot, Oklahoma City, Oklahoma. Six hundred gallons were declared surplus by the military and recently 3,000 by the General Services Administration. Our plan is to allot this paint to state, civic or flying organizations for air marking upon request. We do not have funds for delivery, so the recipients will pick up the paint in Oklahoma City or pay the shipping charges.

Mrs. Noyes is arranging "Project Paint Airlift" with the 99's, Inc., who will have their International Convention in Wichita, Kansas, in August. They plan an airlift of required paint from the Depot to various states who have indicated a need. The airlift is tentatively scheduled for 15 August 1971.

The 99's, Inc., which is a group of certificated women pilots, have as their major service project, air marking, and are doing a commendable job. The Tip of Texas Chapter is leading the organization's air marking program, having constructed 500 air markers over the past ten years. At this time they are rebuilding the air markers which were destroyed by the 1970 hurricane. They have painted 13 so far this year. FAA furnished the paint.

We hope that with the paint we have we can reactivate many of the state aeronautics commissions' air marking programs, for air markers are not only useful for novice pilot, but help to keep wandering aircraft out of restricted areas and serve to give an accurate position report to the FAA air traffic controllers. This saves controllers and flight specialists time in locating lost aircraft, especially in bad or deteriorating weather.

You will be interested in the following excerpt from the FAA Headquarters INTERCOM of 24 May 1971.

"Richard B. Cox, flight specialist at the Parkersburg, W. Va., Flight Service Station, successfully handled five flight assists in a one-hour period recently, during deteriorating weather in the vicinity of his station. Four of the aircraft landed safely at Parkersburg and one touched down at Charlestown, W. Va. The five aircraft were among those carrying 504 people who made happy landings in the past month in various parts of the nation thanks to 313 flight assists. Pilots requiring assistance included 181 who were lost, 38 low on fuel, 52 imperiled by bad weather and 74 with equipment failures. Thirty-nine student pilots were involved and 18 gear up landings were averted. New air traffic rules and procedures designed to enhance operation safety and reduce the potential for midair and near midair collisions in the congested airspace of New York and Los Angeles were proposed last week by the agency."

As you can see, everything is being done to bring greater safety to aviation. We thank you for your interest in air marking and the help that you have given it over the years, and we are especially appreciative of that first $100,000 which was placed in our 1947 budget by you.

Sincerely,

J. H. SHAFFER, ADMINISTRATOR.

SOVIET DAY OF SHAME

Mr. HRUSKA. Mr. President, I rise to commemorate the third anniversary of Russia's cruel subjugation of Czechoslovakia, memorialized by free Czechs and Slovaks everywhere as the "Soviet Day of Shame."

It was on August 21, 1968, that Russia's death-dealing tanks overran the small but courageous Czech nation which had been experiencing a mellowing of its Communist rule.

On that day began the persecution of a valiant people, the likes of which have seldom been seen since the Inquisition. In truth, Mr. President, even the Inquisition had a pretense of courts to judge the persecuted. In Czechoslovakia there were no trials for the freedom-loving people who dared to strive for their God-given independence in the early months of 1968. They were ruthlessly purged from government and stripped of their basic liberties.

Czechs of all ages, faiths, and occupations resisted the Russian military juggernaut to no avail. But, as in 1937 when Hitler's troops first crushed the flower of Czech nationalism, the desire to resist tyranny and the love of freedom survived the initial onslaught.

That is what we must remember today, Mr. President. We must remember that every Czech's heart beats a little faster when he recalls the brief sweetness of freedom once enjoyed, or when he dares to think of a future when the Russian oppressors are expelled.

Courageous and spirited Czechs performed acts on that day in August which are an example to freedom loving peoples everywhere. The young Czechs bombarded and catcalled the Russian troops while their elders rose in their assemblies to speak out against the aggressors.

Perhaps the most moving event was when the American and European tourists held captive by the ruthless Communists were finally allowed to leave the country. The brave Czechs lined the streets and roads leading out of the country and waved a sad farewell to the lucky motorists. Many gave flowers to the tourists, and some even apologized for the cruel interruption of the visit. It is impossible to recapture these poignant moments with mere words.

But it is important that we be reminded of our own good fortune to live in a country which espouses freedom. The Czechs look to us as an example symbolizing a goal which they yearn to attain in their small country.

Just 2 weeks ago, during Captive Nations Week, I called upon all Americans

to renew and heighten their own awareness of cherished liberties and "to inform captive peoples in all possible ways that we truly understand and care, both for their freedom and ours."

I repeat this plea today: that we direct our efforts to breaking through the Iron Curtain, which alas still exists, to assure our Czech brothers and sisters, and those of all captive nations, that we stand proudly with them in the quest for freedom.

We must all reassert our profound disgust for a Communist system so fearful of individual liberty that it must quash all natural stirrings of freedom.

It is a fundamental truth that the desire for independence is impossible to subdue in any man. The desire is the birthright of every human being. In Czechoslovakia this spirit lives, and will continue to thrive until the oppression is broken and the Czech people live once again in freedom.

RECOMMENDATIONS FOR THE PROPOSED JUDICARE PROGRAM FOR CALIFORNIA

Mr. CRANSTON. Mr. President, it is expected that very shortly, perhaps, conveniently, while Congress is in adjournment, during August, the Office of Economic Opportunity will make clear the particulars of a $2.5 million grant to a "California legal services foundation"—a nonprofit entity organized exclusively by the California State Office of Economic Opportunity for the purpose of conducting an experimental judicare program. This grant was originally annnounced on June 30, 1971, by the OEO Director in a press release of that date. At that time, I raised serious questions about the grant and its purposes. To date, these questions remain unanswered.

Mr. President, the California State OEO is the same office that a recent GAO audit found to have substantially misused significant amounts of grant funds.

It is the same office which a recent OEO evaluation report described as "not an advocate for the poor."

It is the same office which "does not intend to serve in a helpful manner as prescribed in OEO instruction 7501–1 to alleviate the conditions of poverty in the State of California."

It is the same office, which the evaluation further found, has clearly failed to carry out the State OEO guidelines and instructions for State OEO offices, and, despite the expenditure of substantial funds—in excess of $800,000—for staff and other purposes, had achieved only negligible results.

Finally, it is the same office which was characterized by the independent judicial commission on CRLA as presenting in its report on CRLA "completely unwarranted," "totally irresponsible" and "unfounded" charges.

Mr. President, I agree with both the Office of Economic Opportunity and the Governor of California that the legal services program should be expanded so that it reaches as many Californians as possible. I am deeply concerned, however, that the altogether discredited California State OEO, which has been found to be philosophically opposed to alleviating and eliminating poverty in accordance with national OEO guidelines, and which is obviously biased aganst the California rural legal assistance program, should in any way be permitted to control the use of $2.5 million additional Federal dollars. I am equally opposed to having the Governor's office, for which the State OEO was, indeed, acting as an agent, receive such a grant.

Rather, I strongly feel that if a State judicare experimental program is to be established, Federal grants for its implementation should be made only to the State bar association—as recommended in resolutions of both the Los Angeles and San Francisco bar associations—and not to the highly criticized State OEO or an unrepresentative foundation established by that agency. I feel, too, that the director of such a program must be representative of the client community for which the program is to be established; that minority law groups and client representatives and legal services attorneys should be included among those consulted in the planning of the program and should, as well, serve on the program's board of directors.

In recent weeks I have been contacted by various groups in California—the Protective Council of California Senior Citizens, minority bar associations, and local bar associations, as well as private attorneys and individuals, asking me to urge that OEO grant this $2.5 million to a group representative of the State's attorneys and the client community which this experimental program would attempt to serve, and not to the State OEO. I already have urged former OEO Director Carlucci personally to adopt this approach.

Mr. President, I wish to go on record as being unequivocally opposed to such a grant to the State Office of Economic Opportunity or the Governor's office. I pledge to do all I can to see that such a grant occurs only in an accountable, responsible manner under the direction of the State bar association, minority member bar groups and legitimate representatives of the poverty client community, and I ask my colleagues to join me in this endeavor. To this end, I am today writing to OEO Acting Director Wesley Hjornevik expressing these views and recommendations.

DANGEROUS SPENDING TRENDS

Mr. CURTIS. Mr. President, it is very evident to all serious minded citizens that the U.S. Government has budget troubles; that we still have a large deficit, and the national debt is growing. It is very important, however, that we realize the cause of all of this. To know what the facts are is the first prerequisite to taking steps to reverse these unwholesome and downward trends.

If the U.S. Government is ever to face a fatal crisis financially, it won't be because of programs for public works or the space program or even the defense of the country. This last year our defense expenditures, in spite of the fact that we are at war in Vietnam, were at the lowest percentage of our national budget since 1950. The lion's share of the Federal expenditures is going for domestic-civilian programs. Many of these programs run in perpetuity. These programs called for small expenditures when they were initiated, but every year the commitments under these programs for expenditures get larger and larger.

If we are to ever get our financial house in order, there is one thing that can be done and that is to stop enlarging the Government, to stop voting in new programs and to stop creating new Government agencies. We should put an end to this practice of committing the taxpayers of future years to supporting growing programs when those who will then be in charge of our Government will have had nothing to do with inaugurating those programs. We haven't moved in that direction and the Congress must bear a substantial portion of the responsibility.

I have been shocked at the bills that have been introduced since we convened in January 1971. Were these bills to be enacted, our deficit would not be $23 billion or $25 billion, but literally more than seven times $25 billion deficit.

On April 5 I addressed the Senate regarding the staggering cost of legislation introduced in the 92d Congress through March 15.

Today, approximately midway through the first session, I would like to update the information contained in the original study and bring the figures current through July 15.

As you may remember, my earlier report covered some 85 measures for which cost figures or estimates were available. I noted at that time probably two-thirds that many additional measures should have been included had cost estimates been available, but unfortunately many bills merely authorize "such sums as may be necessary to carry out the provisions" thereof and no estimates are available.

I should add, also, before discussing the updated figures, that the same basic framework was again employed in developing the study and the following categories of legislation were excluded from the study:

First. Bills authorizing appropriations for the simple extension of existing programs.

Second. Bills relating to defense and military spending.

Third. Bills authorizing appropriations for public works.

Fourth. Bills establishing repayable loan operations such as the Rural Telephone Bank, National Student Loan Association, and so forth.

Fifth. Bills providing income tax deductions, exclusions, credits, or incentives.

Sixth. Bills increasing benefits or modifying coverage under social security, veterans, civil service, and railroad retirement pension programs.

For details of the framework in which

the study was grounded, see the CONGRESSIONAL RECORD of April 5, 1971, pages 9652–9654.

The updated study covers 112 bills introduced since March 15, for a total of 197 measures. Once again, nearly as many additional bills should have been included, had any cost figures been available.

The cost of the 112 additional measures, during fiscal year 1972 would total $25,580,107,000 or approximately $125 per person for every American citizen. This brings to $156.2 billion the single year grand total for new domestic spending proposals, a figure which represents about $760 for every man, woman, and child in the country or $3,040 for every family of four. And that is only the amount these bills, if enacted, would cost the taxpayers this year.

In terms of total cost, without, without regard for fiscal year limitations, the 112 new proposals authorize expenditures of $105,331,757,000, bringing to $351.3 billion the total cost of measurable domestic spending proposals now pending before the 92d Congress or already enacted by it. This amounts to more than $1,700 per U.S. citizen or $6,800 for a family of four, largely over a period of the next 4 years.

Is it any wonder that Congress suffers from a lack of credibility among the American people? It is quite obvious, on the face of it, when these figures are analyzed, that if these were all serious proposals and were indeed enacted, the financial consequences would be catastrophic. What, then do legislators who continually drop such bloated spending proposals into the legislative hopper really intend? Have they simply no head for figures? Or is it possible they simply seek the political benefits to be derived by promising largess from the Public Treasury to specific, readily identifiable elements of the voting populace who can be expected to respond with solidarity at the polls? Looking at the nature of many of these proposals, one is tempted to wonder if this is not the case.

I might comment at this point on an interesting sidelight of the study. As I noted in my earlier remarks, where the same or similar bills have been introduced in both the House and Senate—or more than once in the same body—the figures were included only one time, using the highest funding level where variations in cost occurred. For that reason, only one of the numerous "health security" or health insurance proposals, S. 3, estimated to be the most expensive, was included in the study. If, however, the seven such proposals for which some sort of estimates are available—and which, in fact, vary widely both as to provisions and cost—were added together, the total estimated cost of this one limited area of proposed domestic spending would, alone, total $194.9 billion in the first fully operative year; and that figure excludes at least three other measures of this type for which no estimates are available.

Thus, omitting S. 3 which was included in the study, the cost of health care proposals would add $117.9 billion to the previously noted $351.3 billion overall cost of pending domestic spending proposals, for a grand total of $469.2 billion. Of that total health care would constitute nearly a quarter.

Here we have a figure greater than the entire estimated national debt for 1972, $429 billion; and more than twice the amount of the entire fiscal year 1972 budget, $229.2 billion. Furthermore, it is nearly four times the $130.4 billion figure which represents the estimated 1972 income tax receipts. When those figures are kept in mind, it is difficult for me to characterize the legislative proclivities of this Congress as anything but profligate.

Look at the updated figures again with me. It is proposed that we spend $156.2 billion on new domestic programs in this fiscal year. Since no figures are included in the study if they represent the level of current expenditures for existing programs, there is not a great deal of overlap between the fiscal year 1972 budget request of $229.2 billion and the figure representing the cost of new programs. Only where budgeted items represent funds requested by the administration for new programs—such as the new spending requested in the special revenue-sharing bills—is there overlap. Thus, Congress is asking that the present deficit budget be increased by almost two-thirds. Think what a family of four could do with the more than $3,000 in increased taxes that would be required of them this year to pay for these programs. Then, consider the number of families who pay little or no taxes. What a burden we are talking about adding to the load already carried by the average American taxpayer!

Of the 112 new proposals, nearly half of the fiscal year 1972 total, $12.6 billion, would go for environmental programs; about one-fifth, $5.2 billion, for education and health; and something over 12 percent, $3.26 billion, for transportation initiatives.

Well over half the total cost of these new measures, without regard to fiscal year limitations, is designated for environmental programs, $60 billion.

Overall, however, in terms of the entire study, by far the largest category of spending is still for programs of health, education, and welfare. More than two-thirds of the fiscal year 1972 cost and nearly half the total cost of the 197 measures covered by the study is attributable to such programs.

This country has many problems. Some of them will undoubtedly require substantial investment of Federal revenues if we are to cope with them. But the criteria for such investment should be its future returns. Far too little of the legislation involved in this study anticipates meaningful future returns. It too often consists of patchwork remedies, mostly of the "dole" variety, which may soothe the ache but will only aggravate the cause, or. at best, whitewash it over while it festers and grows; and when the money is spent the problem will still be with us. Will a new generation of leaders then promise a new batch of solutions if only Mr. Working American will put up a grubstake to pay for their panaceas?

Mr. President, I think it is time Congress instituted some formal procedure for estimating promptly the cost of all bills as they are introduced, so that the American people may know exactly what we are asking them to pay for, how much it will cost, and who is responsible for these costly proposals

The updating of this study has only strengthened my feeling that it is not foreign invaders nor internal subversives that endanger our Government, so much as the ruinous implications of unbridled Federal spending. If the legislative proposals covered by my study are serious ones, they indeed represent unbridled Federal spending. If they are not, they represent an irresponsible sort of demagoguery which is equally dangerous to the fabric of representative democracy.

Many of my colleagues seem to espouse the viewpoint that the solution to all our problems is a greater outpouring of Federal revenues. I urge the American people to take stock of what their representatives are really saying when they offer solutions predicated largely upon vast expenditures of public revenue.

Such answers are, in reality, nothing more than a draining away, through taxation, of the life-blood of our people in an endless "pseudo-transfusion." Quite frankly, I find myself wondering today whether the patient is going to survive this modern-day version of the ancient art of "bleeding."

PRIVATE HEALTH INSURANCE COSTS

Mr. PELL. Mr. President, I have been intrigued with the many aspects of the Nation's current health crisis.

Probably one area which has received the least publicity but which may well require prompt congressional action is the regulation of health insurers.

President Nixon, in his health message of February 18, touched on this issue briefly and indicated that he would recommend legislation for regulating private health insurance at a later time.

To underscore this concern, I invite the attention of Senators to an article in the August 2 issue of Newsweek which relates how many companies are dealing with the health consumer.

I ask unanimous consent that this article be printed in the RECORD.

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

INSURANCE: THE HEALTH TRAP

Like most people, 74-year-old Thomas H. Brenegan was terrified whenever he thought of what could happen to his meager budget if a major illness struck. So, when he saw a newspaper advertisement offering a health-insurance policy that would fill "ALL THE GAPS" in his medicare coverage, the retired electrician from New Castle, Del., gladly sent in $3 a month for the added protection. But when Brenegan ran up a $2,000 hospital bill last spring and medicare covered only 80 per cent of it, his supplemental "Magna-Medicare" policy proved something less than it sounded. "They sent me a form letter," Brenegan said last week, "saying they were sorry but couldn't pay it. They just said we're not eligible—why, I don't know."

The reasons, of course, lay to the fine print of the policy and the artful wording of the Magna-Medicare advertisement—a combination that has prompted at least twenty states to take issue with the advertising and the insurer, Bankers Multiple Line Insurance Co. of Chicago. Sadly enough the case is only too typical of the abuses of of mail-order health-insurance policies. With few outright violations of the generally lenient state laws governing insurance, all too many companies indulge in hard-sell huckstering that crowds the legal boundaries, conceals loopholes and exaggerates benefits. "As soon as people turn 65, two things happen," comments Lewis Darlin, legal officer for the Delaware Insurance Commission. "The greedy companies go after them, and the regular companies try to drop them."

No one knows how much of the $17 billion-a-year health-insurance industry depends on mailed orders, but this portion of the business is flourishing at a time when soaring medical costs have put several major health insurers in the red. Bankers Life & Casualty Co., for instance—which happens to be the parent company of Bankers Multiple Line—writes more than $170 million a year in mail-order premiums, and Physicians Mutual Insurance Co. of Omaha sold premiums worth $51 million last year. And the firms doing best are the ones that manage, one way or another, to pay out a bare minimum in benefits. Many insurers achieve this through the so-called contestable period—the first two years of the policy during which pre-existing medical conditions aren't covered. Some have still another waiting period, with benefits for illness starting only after the third day of hospitalization.

While such old-line companies as Prudential Insurance Co. of America commonly offer policies that provide broad services or pay a stated percentage of medical bills, the mail-order insurers specialize in income or indemnity policies. "Extra Cash . . . up to $100-a-week when you go to the hospital," promises a typical brochure. But $100 a week—or just $14.29 a day—won't go very far when, according to Mrs. Sarah Sohn, medical economist with the Health Insurance Institute, the average daily charge for hospital room and board is $49.15, and extras very often double the bill. Furthermore, the mail-order actuaries have pinpointed precisely the risks they must avoid taking, and excluded them from policies. For example, National Home Life Assurance Co. in Valley Forge, Pa., insures newborn babies only after they're one month old—when the real risk has passed. And while it is conceivable that a hospitalization policy promising maximum benefits of $50,000 might pay off that much, it would mean a stay of years in an accredited hospital (nursing homes, veterans' hospitals and psychiatric facilities are usually excluded). As soon as a patient leaves the hospital, payment of his benefits stops; and the average hospital stay is only eight days.

Delay: Even when a claim does qualify, mail-order companies often prove reluctant to pay it. According to state officials, some firms ignore claims for extended periods; others offer part payment, or string out the process for months by sending an endless chain of forms to be filled out and "losing" the replies. According to Edward Freeman, deputy director of the Illinois Insurance Department, one mail-order insurer actually had a mimeographed form letter to be sent to state insurance departments in response to complaints, reading: "There was an error made when the benefits were computed after consideration of the claim . . ." When all else fails, the firm may charge that the ailment was caused by a mental or nervous disorder and therefore not covered.

To lure buyers, mail-order companies resort to a variety of ruses and hard-sell techniques. Several firms send out their forms in carefully chosen brown envelopes that resemble government invoices stamped "veteran" or "Disability Division." The promised benefits are worded vaguely, with legal disclaimers hidden in thickets of words. Magna-Medicare, for example, promises to fill "every gap" in medicare coverage but actually excludes payment for everything that is deductible under medicare during the first 60 days of hospitalization except for three pints of blood, worth about $45.

Tricky: Other language is equally ambiguous. "Guaranteed renewable and noncancellable," a phrase that pops up in many ads, is attractive to older people who have been dropped as risks by the major established insurers; what they fail to note, however, is that the policy can be canceled or premiums raised if it is done statewide—a fairly common act.

The insurance companies, for their part, flatly deny that their ads are misleading. "We say our policy picks up where medicare leaves off, after the initial deductible," says George Hunter, head of communications and advertising for Bankers Multiple Line. Hunter says the Magna-Medicare ad's language is taken almost word for word from the U.S. medicare manual, and adds that as for the firm's troubles with state commissions, "we hope to get this thing worked out to the satisfaction of everybody. I think because it's a new policy, involving a little different approach to the supplemental hospitalization area, that may have caused some misunderstanding."

Despite their obvious hard sell and frequent abuses, few mail-order insurers have been seriously inconvenienced by the authorities. Under Federal law, the Federal Trade Commission has not developed any jurisdiction over the mail-order insurers. State commissions have been reluctant to crack down, at least in part because putting a company out of business means that all of its customers are out of luck if illness strikes. Most state units are also understaffed, and many commissioners seem to believe that the public, not the insurance companies, is mostly at fault. "Maybe there's too much technical language in the policies and Madison Avenue pitch in the advertising," says Massachusetts commissioner Eugene Farnam. "But consumers should realize they're not going to get a Cadillac when they pay for a Ford."

Reinforcing this attitude is the stoicism of people who have been duped by mail-order insurers. "If a company quotes some loophole and tells a guy he's ineligible for benefits, most people accept that," notes Calvin Gonek, a Detroit attorney. "They think they just didn't read the policy right in the beginning." Even if a victim wants to fight, the cost of a legal battle can quickly exceed the amount of the claim.

Mail-order insurers are quick to say that most of their policies are meant only to supplement broader health insurance. But there's no doubt that many of their customers have no other coverage, and their illusions about what they have bought prevent them from getting the more expensive policies they need to provide such substantial benefits as care in nursing homes. And most of these victims are what Peter Walsh, spokesman for New York's Roosevelt Hospital, calls the "little people"—the aged and retired, with low incomes and little education. Asked if he could recall specific incidents involving these people, Walsh paused. "No," he said. "All I can remember is the look on their faces."

NOBODY KNOWS WHO PAYS

Mr. BELLMON. Mr. President, on May 14, 1970, the President signed Public Law 91–248, making significant improvements in the child nutrition programs. The new law emphasizes that the school lunch program must be available to children in all schools—and clearly sets priority on reaching needy children.

Under the new law, all schools receiving Federal assistance for their food programs must establish and publicly announce a policy and plan for providing free and reduced price meals to all needy children.

Another important provision is that the schools must also agree to protect the anonymity of children receiving meals free or at a lower price. Such children may not be singled out through work requirements, use of different color lunch tickets, or any other means.

In Oklahoma, schools have adopted various methods of assuring such privacy, including a unique "voting booth" method. The success which Oklahoma schools have had in implementing the new law is described in an article in the June 1971, issue of Food and Nutrition, a publication of the Food and Nutrition Service of the U.S. Department of Agriculture.

Mr. President, I ask unanimous consent that the article, entitled "Nobody Knows Who Pays," be printed in the RECORD.

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

NOBODY KNOWS WHO PAYS

Students at Duncan, Oklahoma's junior high school can enter the voting booth every day.

The candidate of their choice is a well-balanced lunch prepared in the school cafeteria. Just as the voting booth keeps your ballot secret, this booth conceals whether the student buys his ticket or gets it free.

Duncan, which is in the southern part of the State, and two other Oklahoma school systems are using unique methods to comply with USDA regulations that schools in the National School Lunch Program in no way identify students receiving free or reduced price lunches.

Tickets at Duncan Junior High are good for 2 weeks of lunches in the cafeteria, although students can buy meals for shorter periods at slightly higher cost, if they prefer.

With the voting booth method, only the person selling the ticket and the student receiving it need know whether the student pays the full price, a reduced rate or gets the ticket free.

In the Bartlesville school system in northeastern Oklahoma, elementary students file through the cafeteria line without meal tickets. At the first of each month, parents receive a bill for the total cost of the number of meals their child will be eating in the cafeteria that month. If students miss more than 3 days during the month, they can receive credit for meals. Parents of children eating free lunches do not send in payment.

This pay-in-advance method is especially helpful to Bartlesville's food service, where four central kitchens prepare meals for 14 "satellite" schools.

With lunches paid for on a monthly basis, school food service personnel can determine within two or three meals the number of trays to send to each school, since students rarely skip the prepaid meals.

The Lookeba-Sickles school district in central Oklahoma uses a slightly different approach to its credit system. Students sign for breakfast and lunch as they file through the serving line. The school secretary then compiles the number of meals served each student during the month and parents are billed for the total number of meals their child eats.

Since everyone who eats signs the register, no one knows who gets a free or reduced price lunch. Lookeba-Sickles has an average daily lunch participation of more than 90 percent.

Officials of all three systems point out that teachers are not involved in lunch collections, saving many hours of classroom time each month. And the collection causes no slowdown in the cafeteria line.

The National School Lunch and Breakfast Programs are administered in Oklahoma by the State Department of Education.

CONSCIOUSNESS III COMES TO THE MEDICAL PROFESSION

Mr. CRANSTON. Mr. President, when we talk of the health professions today we tend to think of them as parallel strata, each with its own role and function neatly fitting into an organizational structure. With today's innovations in treatment and explosions in knowledge the health fields are becoming more complex and more interdependent. Dean Jere E. Goyan of the School of Pharmacy at the University of California at San Francisco has written a thought-provoking article entitled, "The Pharmacist and the Physician" for the May 1971 issue of California Medicine likening this development in medicine, with particular reference to the relationship between the pharmacist and the physician, to the development of the Consciousness III American which Charles Reich identified in "The Greening of America."

I ask unanimous consent that his article and an editorial from California Medicine of May 1971, applying Dr. Goyan's thesis to the entire field of health manpower, be printed in the RECORD. I feel that these articles highlight the growing realization within the medical professions that health care must be provided in new ways and with the fullest utilization of the skills of each member of the health team.

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

THE HEALTH CARE TEAM: THE PHARMACIST AND THE PHYSICIAN

(By Jere E. Goyan)

It is well-nigh impossible to read any of the professional literature today without running across some allusion to "the health manpower crisis." This term, now being used so freely, is defined as "a stage in the sequence of events, at which the trend of all future events, especially for better or worse, is determined." [1]

Although almost everyone is willing to admit we have a health manpower crisis, most professionals are inclined to solve it with mild palliative treatment, rigorously insisting meanwhile on their own professional prerogatives.

A noteworthy example is the usual fashion in which physicians deal with what they have in the past referred to as the paramedical professions, but now—in deference to the sensibilities of the individuals concerned—they choose to call the allied health professions. Article after article has been devoted to the need of additional assistance for the physician. Recently, the American Medical Association went to the extreme of telling the profession of nursing what its future professional role should be.[2] Last September, writing in CALIFORNIA MEDICINE, Dr. Rheba de Tornyay, of the UC School of Nursing in San Francisco, explained why nursing did not take kindly to this sort of direction and how nurses themselves view their future professional roles.[2]

Another example has come from the discovery that allied health professionals can be of substantial financial assistance to the physician. At a recent seminar, it was noted that the group practice of medicine enables the physician to see fewer patients per week and yet make as much money as he does in solo practice—and possibly more. Responsible for this phenomenon is the fact that the physician makes great use of allied health professionals as technicians. The situation has been summarized by a leading medical educator and administrator as follows: "Previously, we have also tended to consign other health workers to a kind of nonprofessional limbo, regarding them as workers for us rather than for the patient." [3] Such an arrangement may be beneficial to the income of the physician, and to his ego satisfaction, but it also has disadvantages which are becoming more clearly evident.

This approach once seemed well and good. It may even be acceptable today to the individual defined by Dr. Charles Reich as the Consciousness II American [4]—the individual who is a firm believer in the corporate state, in authority, and in working for the common weal.* He, undoubtedly, is pleased to be part of a group practice in which he performs a certain number of B.U.N.'s per day, thereby making his contribution to "stamping out disease." He may not be too upset to realize that the physician is making most of the money and getting essentially all the credit.

The Consciousness II American, however, is being elbowed aside with great rapidity by Reich's Consciousness III American. The latter is far less willing to submit to an "unlived life" and rejects work which he finds boring or irrelevant. Increasingly, he is more interested in ego fulfillment than in mere economic betterment. For example. General Motors occasionally has to shut down its assembly lines because a third or more of the workers decide not to bother to show up for work on a given shift. It is fascinating to observe that not only has our society made it possible for people to make such choices, but also that, more and more, they are electing to do so.

It is ironic that now, when industry and our corporate state are being forced to face the difficulties of the production-line approach, medicine is attempting to adopt it. The features of multiphasic screening, assembly-line therapy, and computer-based medicine may be appealing to some health planners, but these features appear to be less acceptable to the patients being treated and to the people running the machinery. I believe such an approach is doomed to failure, and should be aborted now while still in the early stages.

Many of the difficulties which bedevil interprofessional cooperation may be illustrated at the physician-pharmacist interface. At the national level, organized medicine consistently compliments members of of my profession, using such pleasant but timeworn phrases as "valued members of the health care team." It is apparent to all of us, however, that this is mere rhetoric—a fact made startlingly evident by the almost paranoid reaction of much of organized medicine to the proposed challenge of existing anti-substitution laws now being considered by pharmacy organizations. Indeed, this sort of reaction has been the rule rather than the exception in pharmacist-physician reactions.

THE PHARMACIST OF THE FUTURE

My generation of pharmacists (composed almost entirely of Consciousness II Americans) was generally willing to accept a "back-of-the-bus" status. The Consciousness III American is not.

Accordingly, I believe that the future of health care in California, and in fact throughout the nation, depends upon better communications among all the members of the so-called health care team, and that dictation—which generally seems to be delivered from on high—is not going to be successful. I should like, therefore, to put forward my ideas of a viable role for the pharmacist of the future—a role which is complementary to that of the physician, and yet will provide adequate ego satisfaction for both pharmacist and physician, while simultaneously leading us toward our professed goal of better patient care.

Perhaps it is well to remember that, at one time, the apothecary played the part of "physician to the poor." Later, as the preparation of medications became more complex and difficult, and the rewards of shopkeeping more appealing, the pharmacist turned away from this role, adopting more and more that of combination merchant-and-chemist. After World War II, as the need for compounding medications on the premises became less important, he found himself increasingly estranged from the widely publicized but barely existent "health care team."

This estrangement was worsened by the discovery that what is good for the Pharmaceutical Manufacturers Association is not necessarily good for the pharmacist, and that his fellow professional—the physician, whom he held in such high regard—was quite capable of responding to the public outcry against the high cost of medical care by putting most of the blame on the pharmacist.

At the same time, the literal deluge of new pharmaceutical products required the pharmacist to carry an increasingly larger and more expensive inventory, much of it repetitious. The pressures of third-party payors, along with those from the general public for more economical medical care, reduced the profitability of his entire operation to a level far below that achieved by drug manufacturers.[5] Simultaneously, this plethora of new drugs was causing serious problems for the physicians, and iatrogenic disorders had become preponderantly drug-induced disorders.

THE DRUG-INDUCED DISORDERS

Dr. Henry E. Simmons, director for the Bureau of Drugs in the Food and Drug Administration, described the situation last September in these words:

"It is clear to me that the increasing misuse of drugs in America poses a major problem to us all. I would like to consider with you some of the dimensions of the problem. The information on this is sketchy, but rough figures are available. First of all, the American people are being dosed with approximately two billion prescriptions per year. This excludes the use of over-the-counter drugs, which, as you know, is even greater. It is common knowledge that much drug therapy avails little or nothing in terms of patient benefit and that a large number of these prescriptions have been for ineffective or only partially effective drugs. In fact, Americans spend nearly a half billion dollars a year for prescription drugs for which there is at present no valid proof of efficacy. Unfortunately, whether a drug is effective or ineffective, it can still cause adverse reactions and not infrequently, does. It appears that the incidence of complications in drug therapy is roughly 10 per cent, and that approximately 5 per cent of patients admitted to the medical services of general hospitals are admitted because of serious drug reactions. It is estimated that approximately one and a half million hospital admissions per year are necessitated by the diseases caused by drugs. After admission into the hospital for whatever reason, the hospitalized patient faces a 10 to 20 percent error rate in the drugs which he receives. In addition to that, far too many drugs are prescribed by at least some physicians. Numerous studies have shown that the aver-

Footnotes at end of article.

age hospitalized patient received approximately ten drugs per hospitalization and not infrequently up to 30 drugs. Certain drugs are used inappropriately and you are all aware of the widespread misuse of chloramphenicol and other antibiotics. In addition, there are other examples such as the use of combinations of thyroid, Dexedrine, diuretics and digitalis for obesity from which a number of deaths have resulted. Also there is an extraordinary variation in the way doctors treat patients with the same disease depending on which region in which the patient might find himself. This is not only difficult to explain, it is difficult to defend. The formulations of many commonly used combination drugs are not rational as fixed combinations, and make it virtually impossible to practice good therapeutics. In spite of this, approximately 40 percent of the best selling drugs in America are fixed combinations." [6]

At the Los Angeles County-University of Southern California Medical Center, Dr. Robert Maronde and his associates have added forbidding documentation to such comments on irrational prescribing. In a study of some 52,000 consecutive prescriptions, representing the 78 products most frequently prescribed for outpatients, they found nearly 7,000 that called for drug amounts in what were clearly grossly excessive quantities. Among the examples were single prescriptions calling, respectively, for 800 capsules of chlordiazepoxide, 800 tablets of methyldopa, and 2,000 tablets of furosemide.

One patient, Dr. Maronde reported, received 54 prescriptions over a 112-day period, including 12 individual prescriptions on one day, and 11 on another. "He received during this time 1,130 capsules of propoxyphene, 870 capsules of chlordiazepoxide, 700 capsules of diphenylhydantoin, 620 capsules of griseofulvin, 520 tablets of sodium salicylate, 500 tablets of phenobarbital, 500 tablets of nitroglycerine, 300 tablets of thyroid, 300 tablets of multiple vitamins, 300 tablets of furosemide, 300 tablets of acetaminophen, 240 tablets of triamcinalone, 230 tablets of hydrochlorothiazide, 200 tablets of phenobarbital-ephedrine-theophylline, 200 tablets of digitalis, 200 tablets of probenecid, 200 tablets of acetylsalicylic acid, 40 tablets of sulfamethoxaxole, 40 tablets of chlorpromazine, and 26 tablets of aluminum hydroxide-magnesium hydroxide gel." [7]

THE PRESCRIBING PATTERN OF PHYSICIANS

In its historic reports, in 1968 and 1969, the HEW Task Force on Prescription Drugs surveyed the prescribing patterns of physicians.

"We find that few practicing physicians seem inclined to voice any questions of their competency in this field of therapeutic judgments," the Task Force stated. "We also find, however, that the ability of an individual physician to make sound judgments under quite confusing conditions is now a matter of serious concern to leading clinicians, scientists, and medical educators." [8]

Among the factors contributing to the problem, the Task Force said, were these:

Inadequate training in the clinical applications of drug knowledge during the undergraduate medical curriculum.

Inadequate sources of objective information about drug properties and indications available to practicing physicians.

Widespread reliance by prescribers for their continuing education upon advertising and promotional materials distributed by drug manufacturers.

Exceedingly rapid turnover in the popularity of prescription drug specialties.

The limited time available to practicing physicians to examine, evaluate, and maintain currency with the therapeutic claims for newly marketed products.

Dr. Harry F. Dowling, formerly chairman of the Department of Medicine at the University of Illinois, presented this summary: "The few studies that have been made on how doctors use drugs show that (1) sources of information from the drug industry appear to rule the doctor's actions as much as those coming from his colleagues, and (2) a substantial proportion of doctors practice poor therapeutics, by any reasonable standard . . ." [9]

The problem of achieving rational therapeutics is both real and and severe, and no panacea is readily available. Many have looked to the establishment of divisions of clinical pharmacology in every medical school as the cure for the ailment. The recognition of this new discipline, and the consequent increased emphasis on therapeutics in medical curricula, will undoubtedly have a healthy effect upon future practitioners. Moreover, clinical pharmacologists, working as medical investigators, will help to solve many currently baffling aspects of therapeutics. But it seems unlikely that the physician of the future will have the time or the inclination to devote the effort needed to maintain his therapeutic knowledge at the same high level which peer review and self-respect demand of his diagnostic competency.

THE PHARMACIST AND THE THERAPEUTIC REGIMEN

Thus, I propose that physicians should start thinking of the pharmacist as a colleague vitally interested in the therapeutic regimen of the patient. This is not to suggest that the pharmacist take over therapeutic management, but rather that he work with the physician cooperatively to ensure the best possible therapy for the individual patient.

Obviously, this interaction will have to take place in all the different settings in which patients receive care. In the institutional setting, for example, the pharmacist must participate in patient rounds and become familiar with the problems of all patients in his section. Here the need is essentially to make the pharmacist intimately concerned with the physician or dentist regarding the curing function, and with the nurse regarding the caring function.[10] Already a number of hospitals throughout the United States are engaged in experimental projects which utilize the pharmacist in such fashion. The results to date are most encouraging, but definitive studies, including those on cost effectiveness, are not yet complete.[11] [12]

Perhaps of even more interest to the readers of a medical journal is the potential utilization of the pharmacist in ambulatory care. Many pharmacists have already undertaken the responsibility of keeping family medication records; these enable the pharmacist to alert the physician when he has unwittingly prescribed a drug which is contraindicated because of other medication currently being taken by the patient, perhaps prescribed by another physician. In addition, the pharmacist is also generally aware of the over-the-counter drugs with which the patient may be dosing himself.

In individual cases, where mutual trust and respect had been established, it would certainly seem logical to give the pharmacist responsibility for monitoring the drug regimen.

The physician might well allow the pharmacist to select the source of a prescribed drug product—a responsibility which he already carries in many hospital centers. Unquestionably, cost must be an important consideration—second only to the clinical welfare of the patient—in every step of health care delivery, and the pharmacist should assume appropriate authority for this aspect of drug therapy.

Physician-pharmacist cooperation can improve the patient's therapy and, in many cases, hold costs to a reasonable level. This approach is often decried, at least in theory, as antithetical to "the physician's free right of choice." Such a charge may or may not be valid in theory, but the results of practical application have generally been satisfactory. Where physicians and pharmacists have worked together to establish guidelines and methods, their cooperative efforts appear to be successful.[13]

The American Pharmaceutical Association is developing a model agreement for use by physicians in authorizing a pharmacist to choose the source of drugs dispensed when the physician prescribes by brand name, thereby circumventing the anti-substitution law. (Such an agreement has been successfully in effect for many years in many leading hospitals and drug insurance or health prepayment plans.) It is probable that many California physicians will be asked to participate in an agreement of this kind, and it would be worthwhile for them to give the proposal their serious consideration.

DIFFERING VIEWS OF THE PHARMACIST'S ROLE

Innovative medical educators, such as Dr. Edmund Pellegrino, Dean of the School of Medicine at the State University of New York at Stonybrook, have suggested a number of additional tasks for the pharmacist in an emergent health care system, with a role as a drug information expert for pharmacists in each center for primary, secondary, and tertiary care.[14] Others, such as Dr. Robert Ebert, Dean of the Harvard School of Medicine, have suggested important roles for the pharmacist more closely related to the present health care systems.[15]

In contrast, Dr. Dwight L. Wilbur, former president of the AMA, has suggested: "It is the feeling of the AMA, and my feeling, that pharmacists . . . can play a large role in the health team by accepting more responsibility as pharmacists—rather than by trying to make themselves therapeutic consultants to physicians." [16] More recently, the Indiana State Medical Association scoffed at the idea of the pharmacist providing advice on drugs to the physician, seeing the pharmacist as threatening to switch from his traditional role as "an expert on pharmacology" to that of an "interloper in therapy." [17] In this connection, it should also be noted that many pharmacists view with trepidation the prospect of playing any meaningful role in therapy.

Nevertheless, the fact remains not simply that the physician-pharmacist interface is marked with fear, hostility, suspicion and fractured egos, but that there is an undeniable need to improve drug therapy for the patient. In the long run, what matters is not interprofessional disagreements, but patient welfare. As one major step in achieving better, more rational drug treatment, there is an urgent necessity for better communications between the physician and the pharmacist. It is time that our professions start meaningful communications and, in the jargon of youth, "telling it like it is."

There is no doubt that our professions sincerely want to provide the best possible health care for all Californians. Similarly, there can be no doubt that the only way of achieving this goal is by working in concert. If a manpower crisis is indeed upon us, as the leaders of medicine have emphatically declared, then it is imperative that we all must discuss, plan, test and eventually implement new approaches to the delivery of health care.

Without that cooperation between all of the health professions, the probability of Californians receiving the quality of medical care they deserve is indeed bleak. With such cooperation, we may be able to provide it.

Footnotes at end of article.

FOOTNOTES

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* See editorial, "Of Pharmacists, Physicians and Health Care," in this issue.

OF PHARMACISTS, PHYSICIANS AND HEALTH CARE

In his wide ranging discussion which appears elsewhere in this issue Dean Goyan forthrightly addresses himself to many problems in patient care which he recognizes as going far beyond "the physician-pharmacist interface." Pharmacy is indeed in crisis, finding itself since World War II "increasingly estranged from the widely publicized but barely existent 'health care team'" at a time when problems relating to the use and misuse of both prescription and over-the-counter drugs are becoming of truly massive importance to all who are concerned with health care. Dean Goyan is an acknowledged leader who envisions the pharmacist in an important new role in which his particular knowledge of drugs and drug preparations will result in their more appropriate and more precise use in patient care and maintenance of health. The problems of pharmacy are acute indeed and many of them are shared to a greater or lesser degree by the many other professions which together compose the "health care team."

In his book *The Greening of America* (to which Goyan refers) Charles Reich identifies what he calls Consciousness I, II and III Americans. Whether this distinction proves to be valid and whether the thesis that Consciousness III Americans will eventually displace the Consciousness I and II types will prove correct, remains to be seen. Briefly the Consciousness I American is described as having the traditional outlook of the American trying to get ahead, competitively pitting his success against the success of others in essentially unregulated fashion—free enterprise, if you will. The Consciousness II American is described as accepting the values of organization and the necessity for control, even though this means domination of the individual and his submission to the corporate ideal, whether public or private or the State itself, a view which Reich associates with "liberalism." And the Consciousness III American is described as "the new generation" which seeks liberation from the imperatives of society, sees through "phoniness" with astonishing clarity, is deeply committed to personal fulfillment for all as well as to the betterment of communities and of society as a whole, and which seeks to share actively in the decision-making processes through what is coming to be called "participatory democracy."

It is becoming obvious, as Dean Goyan intimates, that what might be called the Consciousness III attitudes are gaining considerable acceptance and influence in various allied health professions, and in consequence the traditional organizational hierarchy in patient care, like corporate industry or the corporate state itself, is being increasingly challenged, particularly by the younger members of these professions, and this includes medicine. The dictation or direction by physicians or organized medicine of what shall or shall not be the function of other professions is no longer well received, and even the doctor's "orders" in the hospitals and elsewhere are beginning to be questioned by nurses, pharmacists and others, and even by consumers where matters of cost are involved. All of this seems to be far more deeply rooted than it might first seem, and likely it foreshadows some very fundamental changes in the governance of patient care and the delivery of health care services, perhaps sooner than many might think possible.

So far the nature and group dynamics of "health care teams" have received very little consideration or study by the medical profession. Others have been giving it far more thought. Physicians are apt to take it for granted that if there are to be health teams they will always be the captains. In certain situations, as when a life is in the balance on the sickbed or in the operating room for example, this will be uncontested. Here there must be a team captain, he must be a physician, and like a general on a battlefield he must make the best decision he can with whatever information and resources are available, and his decision must be obeyed by those in attendance. But in less critical circumstances this traditional command authority may become more diffuse and other professionals are found more directly involved in the decision-making processes of patient care. The thought, perhaps specter is a better word, of patient care being directed by committees of health professionals, very possibly with consumers added as voting members, inevitably comes to mind. Yet this in fact already occurs (although so far without consumer or public participation) in certain areas of rehabilitation and in the actions of tumor boards for example, and the experience has been by no means all bad.

Dean Goyan has raised as many questions for physicians to ponder, as he has for pharmacists. It is time that medicine gives as much thought to the roles of the various allied health professions in the governance of patient care and health care as has already been given by a number of other professions which are properly concerned. "The times they are a-changin'." Patient care and the maintenance of health are now everybody's business and participatory democracy is surely in the air.

A FREE CZECHOSLOVAKIA

Mr. CURTIS. Mr. President, western civilization in the 20th century has made fantastic technological advances. Yet for the proud and ancient people of central and eastern Europe, it may well be the cruelest century in modern history.

In a period of less than 50 years they achieved political and cultural independence only to be smashed down thrice by the Nazi and Communist despotisms.

Czechoslovakia is perhaps the supreme and most tragic example among these martyred nations.

Possessed of an ancient Christian culture, it contributed as well to the great technical surge that made Europe the most advanced of all continents.

Betrayed by the infamous great-power agreement at Munich in 1938, it was partially and then almost entirely occupied by the Nazi machine. After the Hitler-Stalin pact of 1939, it was ripped apart by the two tyrants and suffered their calculated infamies until its liberation at the end of World War II.

Thereafter an obvious and growing breach developed between the Russian Communist empire and the free nations. Czechoslovakia saw itself as a kind of bridge between these two worlds.

This was not enough for the Kremlin Communist leaders. In 1948 they engineered a brutal overthrow of the free Czech Government and, with Soviet divisions at the ready, installed the first of a series of puppet regimes in Prague.

For 20 grim, depressing years thereafter, Czechoslovakia groaned under the cold and deliberate economic exploitation of Soviet communism.

In 1968, changes became evident. There emerged in the spring of that year a new leadership determined to establish a more humane, open society in Czechoslovakia.

These men, such as Alexander Dubcek, were realists. They attempted no domestic or foreign poltical adventures that could offer the least challenge or threat to the enormous power of the Soviet Union.

The response in Czechoslovakia was breathtaking. One could sense the renaissance of spirit and hope throughout the country, among factory workers, farmers, students, the professions, among men, women, and children.

We had been assured that there was as well a new spirit in Moscow. The Stalins, the Berias, the Khrushchevs were gone. The new rulers, we were told, were not ideological fanatics. They were more the second generation of managers and technocrats, more interested in improving the standard of living in Russia, more open to rapprochement with the West. Surely they would accept this movement toward a more humane, less repressive, Socialist government in Czechoslovakia.

There followed a series of conferences between Czech and Russian leaders which seemed to give credence to this rose-colored analysis.

Then the masks were put aside. Stalin's

heirs showed how well they had learned their lessons from that evil master of deceit and terror. Czechoslovakia was invaded by the Russian armies; those who resisted were killed or imprisoned. The Czech Government was literally dismantled; its leaders broken and banished to the grey world of house arrest, or prison. A few managed to flee from their native land.

August 21, 1968, is the day Czechoslovakia was once more smashed into submission. Moscow's economic design for exploitation was restored; political repression was renewed.

Thus it is that I say the 20th century may well be remembered as the cruelest in the history of Czechoslovakia. Dreams of independence became reality, only to be crushed, not once but three times.

We in America can thank God we have been spared such agony; we can pray and hope and work for a free Czechoslovakia. And on August 21 of this year we can unite in calling attention to this Soviet Day of Shame, when the mark of the Communist beast was once more branded into the minds and bodies of a people whose only fault was that they would be free.

REMOVAL OF AMPHETAMINES FROM CONTROLLED SUBSTANCES ACT

Mr. TOWER. Mr. President, I have become a cosponsor of S. 674, a bill which would amend the Controlled Substances Act by removing amphetamines and certain other stimulant substances from schedule III of the act and placing them in the more restrictive schedule II. I am pleased that I have the opportunity to support this legislation, which is another important step in our efforts to effectively control the problem of widespread drug abuse.

After carefully reviewing the problem, I have arrived at the following conclusions. First, whether the legitimate production of amphetamines and methamphetamines is 2 billion dosage units a year, as estimated by the drug companies, or 8 billion dosage units, as estimated by the National Institutes of Health, the numbers game is irrelevant. All these estimates, even the lowest, indicate that the production greatly exceeds the legitimate medical needs.

Second, when such an excess of drugs exists, the use of this drug is subject to abuse. According to the Food and Drug Administration, in an order concerning the proper labeling of amphetamines and methamphetamines, the medical usefulness of these drugs is limited to three uses: First, narcolepcy—a rare sleeping illness: second, hyperkinesis—a mineral brain dysfunction in children manifesting itself in hyperactivity; and third, obesity—for limited short term treatment for appetite control. Because the legitimate medical uses are so limited, and the number of dosages produced are so unlimited, the excess production is diverted to less than valid uses. The seriousness of this abuse ranges from the unsupervised and widespread use of these drugs as stimulants—by housewives, students, truck-drivers, businessmen, and anyone else who wants a lift, an upper, or a clear head—to the more acute abuse by individuals referred to as "freaks" who inject the drugs intravenously, which is known as "shooting speed."

Third, the abuse of these dangerous drugs is facilitated by the lack of appropriate controls. At this time, I want to express my appreciation for the efforts of the Attorney General to remedy this situation. By direction, he has placed amphetamines and methamphetamines in schedule II. His actions have been compromised by administrative stays pending hearings from drug companies and the prospect of a lengthy court battle. This problem is too serious to lose time while awaiting a decision as to whether or not the Attorney General has the authority to make such a decision. Congress, however, has the legislative authority to place these drugs in schedule II, and it should act accordingly.

It has been estimated that half of the legitimate production ends up on the illicit market. These attempts at subterfuge of the proper regulation of these drugs range from blatant theft to forged prescriptions. Because these drugs, stimulants to the central nervous system, are just as dangerous as narcotics, and just as subject to abuse, I feel that they should be as closely regulated as narcotics, which are located in schedule II.

By enacting legislation which would place amphetamines and related drugs in schedule II, the Attorney General would have the authority to effectively regulate them. The Justice Department could set production quotas, which would eliminate the dangerous overproduction of these drugs. Those establishments dealing in these drugs would have to prove that they have a legitimate operation and would have to order them on Government forms. These drugs could only be dispensed by a physician with a written prescription and the prescription could only be refilled with a doctor's permission.

Fourth, I feel that the enactment of this legislation would further our efforts to control the international trafficking in drugs. I commend President Nixon for his efforts in this area. Recently, the United States and 22 other nations signed the Convention on Psychotropic Substances, which requires the signatory nations to provide for the complete licensing, inspection and control of the manufacture, distribution and trade in dangerous synthetic drugs. The convention, which is now pending before the Senate Foreign Relations Committee, would necessitate increased regulation of amphetamines and related drugs, which would be facilitated by placing these drugs in schedule II of the Controlled Substances Act. In order to import or export these drugs, a manufacturer would be required to obtain authorization from the Justice Department.

Although the battle to eliminate the problem of drug abuse is a complex and difficult one, we can be successful if we continue to isolate its various components, and then seek to provide the appropriate remedy. I feel that S. 674, which addresses itself to the stimulant drugs of the central nervous system, provides the appropriate measures necessary to more effectively control their production and distribution in a serious effort to eliminate the widespread and dangerous abuse of such drugs.

MINING AND THE ENVIRONMENT

Mr. CHURCH. Mr. President, on July 31, Gov. Cecil Andrus, of Idaho, addressed the annual convention of the Idaho Mining Association in Coeur d'Alene. His topic was the responsibility of the mining industry in an age of environmental concern.

This is a strong speech, Mr. President—but a speech which should be read and considered, not only in Idaho, but throughout the land. It is a speech which rightly identifies one of the most pressing problems of the day: the need for the mining industry to take strong measures to protect the environment while, at the same time, the industry continues to harvest mineral resources.

I urge Senators to read the speech. I ask unanimous consent that it be printed in the RECORD.

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

IDAHO MINING ASSOCIATION ANNUAL CONVENTION—COEUR D'ALENE

(By Gov. Cecil D. Andrus)

I was particularly pleased to have this opportunity to address the Idaho Mining Convention because mining has played an important role in the history of Idaho, both as a territory and a state. I am sure that it will continue to play such a role.

Many people have perhaps forgotten that it was mining that attracted the first sizeable population to Idaho, and undoubtedly if it had not been for mining, Idaho would have achieved statehood several years later than it did.

It was the discovery of gold in the Orofino area, and later in the Boise Basin, that first attracted large numbers of men to Idaho and mining has continued to be one of the state's principal industries.

It was 110 years ago that the first important gold discoveries were made in Idaho, but unlike today there was no concern then about preserving the environment or disturbing the ecology of what seemed to be a limitless wilderness.

When the first discoveries were made, the new wealth was desperately needed. At first, mining helped finance the North in the War Between the States, and later helped provide the vast sums and metals needed for opening the west and building this nation.

However, that's all history now. We can no longer afford to reflect on days gone by when all was clean and unmarred by the tools of man. We must focus our concern on today and future days.

The need for metals and minerals is even more important today—not so much to provide monetary wealth for a developing nation as supplying the basic materials that have become essential to maintaining our standard of living.

When gold and other metals were first discovered here, miners were concerned with four major goals: discovery, extraction, transportation and profit. The mining industry today retains those four basic goals, but to these must be added a fifth—the need to protect the environment in the process of discovering, extracting and refining.

The Mining Law of 1872, enacted to encourage development of the mining industry suddenly is under attack by conservationists and environmentalists. And, rightly so.

In 1872 members of congress could look west and see an unlimited supply of land and minerals and the law seemed proper and just. Today, members of congress can still look west, but that "limitless" expanse of wealth in our soil, stream beds and mountains has become a precious national treasure deemed worthy of regulation and protection from indiscriminate mining practices.

At one time, even the smoke stacks that belched black smoke in industrial plants were proud symbols of achievement. Now those same smoke stacks are viewed as polluting villains.

It is interesting to note that the stock certificate of a well known American industry until quite recently bore a picture of such a factory filling the air with smoke. The engraving was changed in the face of criticism generated by today's standards.

Dirty smoke stacks are no longer a symbol of achievement. Whether we agree or not, gentlemen, it's a fact of life.

In like manner, forests in the early days of our history were slashed clean to provide the lumber needed for a growing America. There was no thought given to the environment in that industry either. But today the battle rages over clear-cutting and I believe that we will soon see that practice halted except as a management tool for specific exceptions.

Even the early day farmers abused their land, robbing it of productivity and opening it to erosion. Again, the thought was always of new lands still to be cleared and made productive.

Hunters slaughtered the buffalo, the carrier pigeon, the ducks and geese to provide food for the troops who were then driving our Indians from their lands, or for the men building the railroads to link east and west, or to provide gourmet dishes for the New York restaurants.

We spilled our garbage, our sewage and our industrial wastes into rivers and lakes without a thought for the eventual consequences. And . . . today, Lake Erie, the Potomac, the Hudson River and tortured lands are mock testimonials to builders of a day gone by.

In other words, we have been a wasteful nation . . . wasteful of our resources and lacking in concern for generations who would inherit the land.

Again . . . that's history now. The solution will not be found by casting stones at the past. Just as the environmentalists must stop looking backward to find scapegoats, so too must you stop looking backward at your heralded history to justify unsound practices today.

Today our people, especially the young, have established a new priority. This priority is to regain what we once had in abundance and believed we could not destroy—clean air, clear water, beautiful forests, fertile farmlands and outdoors to be enjoyed.

This generation of young men and women is desperate, in fact, almost frantic, to regain these treasures the nation once beheld. Their desperation is understandable and justified.

Nonetheless, our growing population and rising standard of living have multiplied the demands upon our natural resources both in terms of what they must supply materially and in what they have to offer in an esthetic and recreational vein.

The paradox here is that this new priority has not demeaned the importance of your priority to develop and supply.

Although there have been a few scattered proposals, Americans have not responded to demands for fewer automobiles, fewer appliances and less electricity. On the contrary, industry urges the consumer to buy and use more and more. Until we change America's addiction for more of everything the drain on unrenewable resources will continue to grow and it will exceed its present alarming rate.

Equally important at this time is the need for industry to become actively and genuinely involved in a recycling program that works. It's an either/or situation. Either you assemble a program to recycle your metals or you will soon be a dying industry with knowledge and tools to find new deposits that do not exist.

Obviously, present exploration for new ore deposits, and the production from those deposits, will create some disturbance to the surface of the earth. The problem the mining industry faces here is to get maximum production in selective areas with minimum disturbance to our lands. It must be an honest effort to effect a minimum disturbance to the ecology.

I think, too, that we have reached the day when slick mining brochures and chamber of commerce testimonials or resolutions are no longer *the* ingredients for successful public relations. The new generation that is giving you much cause for thought won't buy that approach because it is less than convincing.

Pressures from environmentalists will get stronger and your activities will be watched more closely with a greater degree of sophistication.

The mining industry must begin to follow a policy of what is best for all of the people, not just a few. You must evaluate each new venture with this in mind.

The White Clouds issue illustrates my point. Idaho's people have dramatically expressed their desire to save the White Clouds. They have taken their cause nationwide. The Clouds have become somewhat of a national symbol and a key battle in the efforts of the young to maintain environmental quality.

Furthermore, the Western Governors' Advisory Council for Mining reported this month that molybdenum is one of the few surplus metals. Even so, the mining industry has failed to grasp the obvious fact that the harder you try to force a surface mine in those splendid mountains, the more you irritate and alienate the public. And, unfortunately, as you pursue that project, you lose credibility in other areas where efforts are being made by the mining industry to cope with environmental problems.

The report to the Governors also mentioned industry concern for the great numbers of young people who are turning against all development. In light of the White Clouds issue, when you respond that such a position is less than logical, they counter with "so too is the mining industry's favor for all development—at any cost to the environment."

I have faith that the mining industry will respond to the challenges at hand. Already the new Antimony plant in the mining district is viewed as a substantial commitment to improvement and protection.

I am willing to work with you. There are problems which must be faced together. For example, there is no question that the price of silver has only one way to go . . . up! If we can help to increase the silver market tell us how. We want to help and we're ready to help.

Again, I want to express my appreciation for the opportunity to address this convention. Mining has contributed to the growth and development of Idaho and we look forward to further contributions in the years to come.

THE OREGON ENVIRONMENT

Mr. PACKWOOD. Mr. President, I take pride in calling the attention of the Senate to the dynamic achievements of the 1971 Oregon Legislature in preserving the quality of the environment.

Ecology, recreation, and the preservation of Oregon's unequaled scenic beauty are more than political catchwords in Oregon. They are an enduring conviction which strongly motivates most Oregonians and all of our public officials.

It is my hope that the Congress will look closely at this legislation and consider its adoption on a nationwide scale.

Mr. President, I ask unanimous consent that the text of an editorial which appeared in the New York Times of August 4, be printed at this point in the RECORD.

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

THE OREGON ENVIRONMENT

The Oregon Legislature recently passed a set of bold new laws designed to help protect and enhance that state's unique environmental quality.

These measures include the nation's first mandatory beverage-container deposit legislation to help reduce the staggering problem of litter; a property-tax advantage for land devoted to outdoor recreation rather than real estate subdivision; and rigid rules governing the location of nuclear power plants. The Legislature has also directed that more than 3,000 billboards be removed in an aggressive campaign against roadside blight; that the state's Department of Environmental Quality be given authority over pollution control of motor vehicle emissions; and—in a surprising and refreshing victory over the highway lobby—that $1.3 million in state highway funds be used for construction of hiking and bicycling trails throughout the state.

This impressive record of the Legislature follows an earlier unprecedented decision by the voters themselves, approving a special petition to protect 500 miles of Oregon's unspoiled scenic rivers from construction of dams, highways, and industrial and other commercial developments.

Oregon's hardening attitude toward the hazards of environmental deterioration was wryly summed up by Gov. Tom McCall when he said: "Come and visit us again and again. But for heaven's sake, don't come here to live."

GENOCIDE: THE PRICE OF INDIFFERENCE

Mr. PROXMIRE. Mr. President, the controversial teacher and writer Marshall McLuhan is widely known for his ability to befuddle and baffle readers with pungent aphorisms and cryptic sayings. As my colleagues in this body would agree, that is no mean talent.

But I have recently come across one of the professor's statements that beautifully, and conveniently, captures a thought which says much about the present status of the convention outlawing genocide. "The price of constant vigilance," wrote McLuhan, "is indifference." Actually this could be seen as an elaborate restatement of the old saying, "familiarity breeds contempt." Obviously if a person is exposed to too much of something, it will not take very long before he becomes tired of it, or accepts it as routine and unexceptional.

History shows that genocide did not originate in this century, but it does seem that man's capacity to brutalize or destroy his fellow man has increased enormously during this time. As the military hardware of nations become more and more efficient, it becomes easier to maime

and kill. It takes less effort. It is less trouble.

This is true not only of soldiers, but also of politicians and other civilians who are not directly involved in the carnage. After a period in which photographs of destruction, horror stories about soldiers' atrocities, investigations into the infamous cunning of war strategists, and other gruesome details become commonplace, it is only logical that people become inured to brutality. In this respect, man's capacity for adaptation is truly frightening. For technology has reached a state of sophistication in which it is possible to beam newsreel footage of assassinations, warfare, and other forms of violence into living rooms around the world; people become accustomed to being passive observers. Atrocities which once would have outraged or scandalized a nation now can be ignored, disbelieved, or belittled without much difficulty. We can just sit back and stare, with all sense of personal involvement rendered unnecessary or obsolete.

But if we were to penetrate beneath the detachment and lack of feeling on the surface, I think we would find that our basic human instincts are still intact. Our fundamental decency still festers, waiting for a chance to emerge amid the violence and brutality which mark our everyday lives.

There are things that we can do to help.

The United States can join with 75 other nations of the world by ratifying the Genocide Convention, which would outlaw genocide—whether committed in war or peacetime—and establish procedures for trying and punishing any persons charged with involvement or complicity in attempts to destroy a national, racial, ethnic, or religious group. I believe that the goals of this treaty are wholly consistent with our humanitarian principles both as a nation and as a people.

Mr. President, the United States cannot afford the price of indifference. We cannot afford to stand aloof from world opinion, which has risen up to condemn genocidal acts as crimes. The United States opposes criminal genocide as strongly as ever. That is why the Senate should approve the Genocide Convention soon.

EDUCATION BENEFITS FOR VETERANS

Mr. TOWER. Mr. President, I am very much pleased to have the opportunity to join as a cosponsor of S. 2161, the Veterans' Education and Training Assistance Act of 1971.

The institution of a program of education benefits for our Nation's veterans was a fine moment in our history. These benefits are more than a nation's expression of its gratitude for the sacrifices of the men who fought to defend our liberty and freedom; they are a declaration of our sense of moral obligation. In our increasingly complex and technical society, education has become an essential component of successful job placement and career mobility. It is only just that our veterans have the opportunity to obtain the necessary education, which they have forgone while serving their country, so that they can successfully enter the civilian work force. Furthermore, it is in our national interest that these men and women have every opportunity to continue contributing to the welfare of our country.

Since we initiated the program of education benefits, we have constantly sought ways to make the program applicable to the needs of the veteran. The program has grown to include benefits to veterans who participate in farm cooperative, apprenticeship, and on-the-job-training programs. Furthermore, we have instituted a program entitled PREP, which is designed to assist veterans in need of additional preparation in order to enter and successfully pursue a course of higher education.

In spite of these efforts, the percentage of veterans taking advantage of these benefits has substantially decreased. Following World War II, some 50 percent of those eligible used their benefits; following the Korean war, approximately 42 percent of those eligible used their benefits, and during the first years of the Vietnam conflict, only a disappointing 20.7 percent participated in the program. In view of the ever-increasing level of educational attainment in our Nation with the resultant competitive advantage of trained people in the labor market, in view of the shockingly high unemployment rates for the Vietnam era veteran, and in view of the increasing scope of education benefits which have been provided to the veteran, we must ask ourselves why so few Vietnam era veterans have taken advantage of their benefits.

I feel that part of the answer lies in the spiraling costs of higher education and the rapid rise in the cost of living. This prohibits many veterans from seeking further education. The financial assistance that we have offered the veteran has simply not kept pace with increasing costs. The average cost of a college education in 1952 was $968. The monthly allowance available to the Korean veteran was $110 a month. Although the average yearly cost for college tuition, books, and fees is now about $1,940, the assistance offered a veteran pursuing a full-time course of study at an institution of higher education is now only $175. The correlation between the level of support and the percent of participation has been aptly demonstrated. Public Law 91–219, which provided the most recent increase in benefits, became effective as of February 1, 1970. During the following 12 months, the number of individuals participating increased by 33 percent.

The program of education assistance was never designed to pay the entire cost of the veterans' education. However, I feel that we should bring the level of benefits in line with those we offered to the veterans of the Korean conflict. Because the benefits we presently offer are insufficient, many veterans cannot afford to obtain further education. Instead, they are attempting to enter an already saturated job market. Our Nation must renew its efforts to meet its obligation to assist the Vietnam veteran in successfully readjusting to civilian life after completing his service in our Armed Forces.

I believe that the Veterans' Education and Training Assistance Act of 1971 is an enlightened piece of legislation which will do much to fulfill obligations to our veterans as well as further the interests of our Nation. I am confident that the Senate will give this matter its careful consideration and will act with appropriate speed.

WRECK ON THE HIGHWAY—AUTO INSURANCE SYSTEM IS A MONSTER

Mr. HART. Mr. President, the National Observer of Monday, August 2, 1971, contains a front-page article entitled "Wreck on the Highway—Auto Insurance System is a Monster," written by Daniel Henninger.

Perhaps the tort-liability insurance system is called a "monster" because it devours—per attorneys, agents, adjusters, insurance companies, and the nonseriously injured—far too much of the insurance fund. These sums otherwise might be available for seriously or fatally injured accident victims and their dependents, and for the reduction of liability insurance premiums.

During the national no-fault auto insurance legislative hearings, a witness, Mr. William Mortimer, asked rhetorically:

> Who can afford the tort-liability insurance system? Only those few who are profiting greatly from its inherent waste and inefficiency and who are now speaking loudest for its continuation.

Who are "those few"?

Auto injury trial and defense lawyers are the loudest and most visible. What accounts for their opposition to a no-fault, no-lawsuit auto insurance system? Well, in 1970 trial lawyers received $1 billion and defense lawyers $300 million out of the $4.2 billion insurers paid to cover the $6.8 billion of auto accident victim loss.

Most insurance agents and adjusters also are against a plan of no-fault auto insurance reform which would abolish the auto accident fault-finding process. The agents have a vested interest in maintaining their commission income which is based on a percentage of the premium. We were told during hearings that a no-fault, no-lawsuit system would better enable millions of consumers to buy lower cost auto insurance. But this could cost agents some of the $2.4 billion in commission income from all auto insurance—$1.3 billion from liability coverages.

Several insurance companies also oppose State and Federal meaningful no-fault, no-lawsuit reform and have sponsored—what I believe—are more costly proposals. One reason may be that these companies fear losing their favorable position in the family auto insurance market if no-fault, no-lawsuit insurance were adopted. As Mr. Henninger cogently observed in his well-written article, another reason is that some companies could lose millions of dollars in investment income on assets now held against required reserves. I ask unanimous consent that table 1 showing the realized investment earnings on assets held against

auto liability reserves in 1970 for State Farm Mutual and Allstate be included in the RECORD at this point. Of the 900 auto insurers, these two companies write 20 percent of the business. They do not support no-fault auto insurance reform which would abolish lawsuits.

The average motorist most likely would favor no-fault insurance if he were aware that he would pay less and receive more should he be seriously injured under this system. Table 2—which I ask unanimous consent to have printed in the RECORD at this point—shows clearly that seriously and fatally injured auto accident victims receive pitifully little under the current system while the nonseriously injured auto accident victim is overcompensated. Yet, the average driver with nonserious injuries—who has been paying high insurance premiums for years to protect other drivers—feels that he has a "right," under the present system, to get even through that other guy's insurance company. So the need for medical attention, entailing lost workdays, is many times exaggerated. These are the "special damages" that are ballooned, in order to collect more "general damages"—such as, "pain and suffering."

Would it not make more sense if premiums were lower in the first place, and those premiums paid for compensation without question of fault, particularly if those injuries were serious? Would it not be less costly for 108 million motorists if a system were adopted which would compensate with more certainty for all injuries, and more fully for the less likely serious injuries, as well as for all out-of-pocket medical and wage loss for the more likely nonserious injuries? After all, 88 percent of those having economic loss in 1967 had nonserious injuries.

However, under the present system, all of us pay premiums that would cover losses for the "other guy." This means that the average consumer—especially the young and the old—who may have little to protect himself still must pay an inflated premium on the chance he may be found responsible for others' more serious losses.

In other words, we pay for "uncertainty" under the present system.

This would be removed under the Hart-Magnuson "no-fault" plan.

For each consumer would be insuring himself and the insured would have a great deal of "predictability" in deciding what loss of income and injury losses each driver would have. The result would be premiums which better match the risk—low for those with the chance of low losses and higher only for those who might have higher losses.

Mr. President, I ask unanimous consent that the National Observer article be printed in the RECORD.

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

WRECK ON THE HIGHWAY

(By Daniel Henninger)

Many drivers will tell you that the only thing worse than a car accident is the creaming that they took from the insurance company for having the accident. Wary of having their policies canceled, thousands of American motorists are actually afraid to use their high-priced protection after an accident.

Congressional critics maintain that the big auto insurers are fat with profits earned by investing the cash reserves that insurance companies must retain to pay off claims losses and policy rebates. Last year the Allstate Insurance Co. made $57,000,000 by investing this idle cash.

BEING BLED DRY, SAY INSURERS

The insurance companies, faced with rising opposition to wholesale policy cancellations and ever-higher premiums, insist that they are being bled dry by auto-repair costs and medical bills of auto-accident victims. If they were forced to report as operating income their earnings from cash-reserve investments, they argue, smaller companies would be driven to the wall and competition stifled.

The Department of Transportation (DOT) concluded after a $2,000,000 study that the present auto-insurance system doesn't even give drivers the protection that they pay for In 1967, DOT says, auto accidents cost U.S. drivers $10.5 billion but their insurance paid them back only $6.4 billion. Last year the system repaid only $5.7 billion of a $13.1-billion liability loss.

One state insurance commissioner calls the present system "a monster." Another terms it "the worst possible system." One of every four families in the DOT survey lost its insurance after filing a personal-injury claim. And Consumers Union, a private research organization, says that 14,000 persons didn't file post-accident claims in 1969 for fear of a policy cancellation or premium jack-up.

Almost everybody agrees that something has to be done, but there's deep disagreement about what to do.

DOT says the present system should be junked and replaced with a no-fault system. A complete no-fault plan would pay policyholders' losses immediately, ending the practice of spending months or years in litigation trying to figure out who cracked up whom. Theoretically the money saved by quick claims settlements would be passed on to policyholders as reduced premiums. That's the way it has worked out in Puerto Rico and Saskatchewan, Canada, where no-fault has been operating for some time.

Critics, notably lawyers who would take a big cut in income if court claims were eliminated, say no-fault punishes the innocent by giving reckless drivers a right to compensation. Another allegation is that complete no-fault takes away one's right to pain-and-suffering damages, the intangible psychological loss that juries often translate into big cash settlements.

A MATTER OF SEMANTICS?

Industry spokesmen admit to a cancellation problem. Donald W. Perin, Jr., of the National Association of Insurance Agents, says it "has been quite bad for the past two years. There's undoubtedly been too much cancellation."

A spokesman for the American Insurance Association says many auto insurers are covering the problem with semantics. "When the policy is up for renewal, the insurance companies don't call it cancellation, they call it nonrenewal," he says. "To you and me as the consumer the effect is the same: We don't have a policy any more."

The reason given most often for the cancellation flurry is that state insurance commissioners have strangled the industry's profits by holding down premium rates. One company spokesman explains how low rates breed cancellations. Say a company requests a 15 per cent increase but only gets 7 per cent. "The other 8 per cent the company would make up by reducing the number of policies it had," the spokesman says.

PREDICTING ACCIDENT RECORDS

Though rating climates differ from state to state, this general description of the industry's cancellation rationale is "perfectly true," according to Louis Runge, underwriting supervisor of the Kemper Insurance Co. At policy-renewal time, underwriters "adopt a somewhat different attitude toward people who have produced accidents and have convictions," he says. "You have to match the cost of providing the service with what the law permits us to charge for offering the service. If the two don't provide the profit incentive to us, obviously you lose interest in selling your product."

When that happens, insurance companies tend to write policies for only the "preferred risk"—the ideal driver who has never had an accident or traffic-law conviction, and isn't likely to have either.

How can the companies predict this? They say it isn't so arcane a judgment as many drivers believe. Besides past accident and traffic-violation records, companies judge applicants on their age, sex, occupation, where they live, whether they're married, and how often they drive their car.

Insurers also run routine credit checks, which sometimes uncover personal quirks that underwriters find objectionable, For example, the Nationwide Insurance Co. is leery of people who drink too much, job hop, don't pay their bills on time, resent authority, or have "poor morals."

John Spielman of Nationwide's public relations office say that some people have difficulty believing such things have anything to do with how they drive. But he insists that our "computerized data show that people in these categories have accident records ranging from 60 per cent to 1,700 per cent above the average."

"A person may say he's perfectly normal," says Mr. Spielman. "But we know he's had four jobs in three years, but none of them was an improvement. A little bit of an element of a drifter there. Now the guy might say, 'What the hell does that have to do with it?' All we can show is results: The guy with that kind of a record has about 15 per cent more chance of having an accident."

An aide of the Senate Commerce Committee say what the companies are really looking for are policyholders who'll impress a jury if they appear in court.

DO THE COMPUTERS FIB?

One insurance man concedes that his company would rather not insure a married man whom the company knows is having an affair. The reason: "If the plaintiff's attorney brings out his extra-marital activities, he's dead as a witness. The jury just won't believe him."

Pennsylvania Insurance Commissioner Herber S. Denenberg says, "Underwriting has always been sort of subjective and sort of irrational." Another commissioner calls underwriters "crystal-ball gazers."

The insurance companies resent this criticism. They insist that their computer analyses of huge statistical samples prove that certain groups of people have more potential for making claims and causing accidents than drivers whose computer results are considered safe.

Two professors, David Klein of Michigan State University and Julian A. Waller of the University of Vermont, analyzed the industry's criteria as part of the DOT study. They found serious flaws.

For one thing, underwriters depend heavily on accident data collected by police when setting an area's premiums. Mr. Klein and Dr. Waller found this criterion unreliable: While California police recorded 81 per cent of all reportable crashes in 1969, Illinois police reported only 36 per cent.

The professors also found the police less likely to ticket and charge affluent, older drivers than young or poorer drivers breaking the same laws. Thus, they imply, official statistics tend to exaggerate the bad driving records of teen-agers and the poor, who often pay very high premiums.

Screening techniques are at best only 80 per cent accurate, the professors maintain.

So a good driver has one chance in five of being inaccurately classified as a bad driver.

"Such serious inadequacies exist in the current methods for data collection by official agencies," conclude Mr. Klein and Dr. Waller, that the assumption that one can distinguish a high-crash risk from a low risk "is largely without validity."

But it isn't much consolation for people who've been priced out or thrown out of the auto insurance market to discover they've been done in by allegedly bad data. They're fed up with a protection system that is causing so much financial pain. The most-discussed alternative is no-fault insurance. Two such plans are before Congress, and a few states already have passed their own no-fault plans.

BILLS NOW IN CONGRESS

The Nixon Administration is sponsoring a plan that urges states to draw up their own no-fault systems along Federal guidelines. Another plan, sponsored by Democratic Sen. Philip A. Hart of Michigan and Sen. Warren G. Magnuson, Democrat of Washington, would establish Federal standards and let the states set premium rates.

The Nixon guidelines suggest that insurance companies pay all of their policyholder's losses, regardless of who caused the accident. Lawsuits would be eliminated except for catastrophic losses such as loss of an eye or a limb.

The Hart-Magnuson standards would assure the victim of payment for his medical expenses, physical rehabilitation, and 85 per cent of his salary up to $1,000 a month, plus the right to sue for losses exceeding $30,000 or for death or serious disability. Under the Hart-Magnuson plan, an insurance company could cancel a policy for only two reasons: failure to pay a premium or loss of driver's license.

The no-fault laws passed by several states are limited versions of the Nixon and Hart-Magnuson plans. In Massachusetts, where insurance costs had gotten completely out of hand, no-fault payment is made only for medical expenses under $2,000. Everything else is still settled in court under the fault system.

Florida's plan covers all expenses, including property damage up to $5,000. Oregon, Delaware, and Illinois have passed laws compelling all drivers to buy medical coverage on themselves.

Proponents of a complete no-fault system criticize the state plans because they probably won't produce the big premium reductions and cost savings that no-fault advocates promise. Beyond different limits, the state plans still let people sue for pain and suffering on the basis of fault. That means a continuation of high adjustment expenses, lawyers' fees, and long court battles.

A system similar to Puerto Rico's is what no-fault partisans have in mind. Puerto Rico has been operating a complete no-fault system for 1½ years. Ninety cents of every premium dollar collected is available for loss compensation, premiums have dropped, another cut is in the offing, and the government agency administering the program wants to raise the ceiling on benefits.

THE LAWYERS' BRIEF

The harshest critic of no-fault is the American Trial Lawyers Association, representing 26,000 lawyers who may see over 90 per cent of their legal fees evaporate if Hart-Magnuson becomes law. Indeed, many trial lawyers in Massachusetts now complain that the state's partial no-fault plan has ruined their business. No-fault backers say that's the very reason the lawyers are trying to kill all no-fault plans.

On July 20 a committee of the California Senate eviscerated a proposed no-fault insurance system introduced by Republican State Sen. John Harmer, who termed his bill's defeat "a triumph of special interests over consumer legislation." California's insurance commissioner, Richards Barger, says pressure from lawyers smothered the bills in committee. "Sooner or later," Mr. Barger says, "the public's going to finally figure out that the real opponents are the lawyers, that no-fault would mean a monetary loss to them."

The lawyers deny that they're so crass. "Only the guilty will get their money's worth under no-fault insurance," says Richard Marcus, president of the Trial Lawyers Association. "The drunk, the drag racer, and the speeder are treated with new honor and distinction, while taking their payments from the rights of the innocent."

Edward W. Kuhn, testifying before the Senate Commerce Committee for the American Bar Association, said that no-fault plans "do violence to our traditional and moral belief that the negligent party should compensate the innocent victim of an accident. They should not be treated as equals."

Mr. Kuhn says several surveys have shown the public does not want no-fault. A recent Gallup poll, the only independent survey to date, found that 80 per cent of the public hasn't made up its mind on no-fault.

TABLE 1.—AUTO LIABILITY INVESTMENT EARNINGS ON ASSETS HELD AGAINST AUTO LIABILITY INSURANCE RESERVES FOR STATE FARM MUTUAL AND ALLSTATE INSURANCE COMPANIES, 1970

[In millions]

Company	Assets [1]	Reserves [2]	Investment earnings [3]	Auto liability investment earnings
State Farm	$1,924	$1,091	$57	$29
Allstate	2,173	1,170	96	52

[1] Cash and invested assets.
[2] Includes auto bodily injury and property damage liability loss, loss adjustment, and unearned premium reserves as of Dec. 31, 1970.
[3] Total net investment income plus (or minus) net realized capital gain (or loss).

Note: Formula used: Reserves [2] divided by assets [1] times investment earnings [3] equals auto liability investment earnings.

Source: U.S. Senate Antitrust and Monopoly Subcommittee. Derived from: 1970 annual statements on file with State insurance departments.

TABLE 2.—RATIO OF BENEFITS FROM TORT-LIABILITY AFTER LEGAL FEES TO COMPENSABLE ECONOMIC LOSS [1] BY EXTENT OF INJURIES, 1967

[In billions]

Extent of injuries	Number	Loss	Benefits	Ratio
Very serious or fatal [2]	45,000	$3.447	$0.169	0.05
Serious [3] or fatal	450,000	1.402	.644	.46
Nonserious	3,750,000	.840	1.062	1.26

[1] Personal and family loss, i.e., medical and wage loss, and future earnings loss of fatality victims with dependent survivors. For purposes of this table, property loss has been excluded from all data.
[2] I.e., those with $25,000 or more of personal and family loss.
[3] Serious injury is defined in Economic Consequences of Automobile Accident Injuries, Department of Transportation, vol. 1, at p. 17, to be an injury which resulted in: Medical costs (excluding hospital) of $500 or more, or 2 weeks or more of hospitalization, or, if working, 3 weeks or more of missed work, or, if not working 6 weeks or more of missed normal activity.

Source: U.S. Senate Antitrust and Monopoly Subcommittee. Derived from: Motor Vehicle Crash Losses and Their Compensation In the United States, Department of Transportation pp. 2, 5, 6 and 11 (March 1971); Economic Consequences of Automobile Accident Injuries, Department of Transportation, vol. 1, pp. 23, 89, and 155 (April 1970).

THE FARM CREDIT SYSTEM

Mr. McGEE. Mr. President, the farm credit system has made a significant contribution to the betterment of American farmers and ranchers since the Federal Farm Loan Act was enacted in 1916. Having personal knowledge of this record and the continuing needs for sound, readily available agricultural credit, I was a sponsor of S. 1483, the Farm Credit Act of 1971. I am, therefore, very gratified that the Senate has now passed this measure. I hope the House will be able to take up this bill in the very near future.

In Wyoming, livestock enterprises and irrigation farms have been developed, improved, and expanded similar to the widespread agricultural advances that have taken place all over the country in the past half-century. The Farm Credit Banks and Associations through their lending programs have contributed substantially in Wyoming to the orderly transition of the farms and ranches of the "Twenties" to the modern mechanized operations of the "Seventies."

Last year, Wyoming farmers and ranchers borrowed over $66 million from local Production Credit Associations in short and intermediate term loans. Loans outstanding from Federal Land Banks total about $55 million. Over one-fourth of the total farm mortgage debt in Wyoming is held by Federal Land Banks, which means one out of four farmers and ranchers in Wyoming turn to the Federal Land Banks for their long term loans.

Agriculture has now reached the point when the hodge-podge of enabling laws for these farmer-owned organizations needs to be updated if they are to be able to provide the credit needs of the farmer of the future. S. 1483 will do just that. It provides for continuing the basic lending authorities of units in the farm credit system in the present law and grants some limited additional authorities to enable them to serve modern-day farmers and ranchers.

I have studied the provisions of this act and the extensive hearings regarding it. Through my work as chairman of the Senate Subcommittee on Agricultural Appropriations I have become deeply acquainted with farm credit programs and, early this year, had an opportunity to hear testimony on the farm credit bill. This measure provides many checks and balances within the farmer-owned organizational structure, under the general supervisory control of a Federal agency, the Farm Credit Administration.

This system has proven that it can provide a viable and sound lending program for American agriculture over more than a half century, without use of the taxpayer's dollars, without any loan guarantees, and without subsidies of any kind. There are monumental credit demands ahead for farmers and ranchers and I believe this system is capable of continuing to serve all borrowers well if we provide the necessary means provided in S. 1483.

I am particularly impressed by the provision in this bill to provide loans to young farmers and ranchers. This is a wise and needed step in the right directon, particularly when we realize that the average age of farmers and ranchers is approximately 55. To guarantee future food supplies for the American people we must do more to encourage young families to enter agriculture as a career. Therefore, I am pleased that this bill will move us in the right direction.

MORTGAGE PROTECTION FOR DISABLED VETERANS

Mr. BENTSEN. Mr. President, the Senate has passed and sent to the President one of the first bills which I introduced in this body after becoming a U.S. Senator, and I want to take particular note of it. The bill was S. 925, which I introduced on February 25 of this year. It has cleared the Congress and is being sent to the President designated by the number H.R. 943, the exact same bill which passed the House.

I am particularly pleased, Mr. President, that the Senate has passed this measure under my sponsorship because primarily it is needed. I am further pleased because this same measure passed the House last year, and died in the Senate last year. This measure addresses the need for mortgage protection life insurance for severely disabled veterans.

My bill, which I hope the President promptly signs, authorizes the Administrator of Veterans' Affairs to purchase a policy from a commercial insurer to provide mortgage protection life insurance for seriously disabled veterans who have been granted assistance under chapter 21, title 38 of the United States Code. Veterans receiving compensation under this chapter include quadriplegics and paraplegics, as well as others who have suffered serious service-connected disabilities, including blindness, the loss of one lower extremity, and serious organic diseases requiring the use of a wheelchair for locomotion.

The central provision of my bill authorizes the Administrator to purchase up to $30,000 in mortgage protection life insurance for the veterans who have suffered the serious disabilities listed above.

Mr. President, no words can better express the need for this legislation than those spoken by Michael W. Burns, executive director of the Paralyzed Veterans of America when he testified before the Senate Committee on Veterans Affairs:

> The plight of a severely handicapped veteran in society is not an easy one. Congress indeed has been generous in the compensation that they have allowed him. Yet, there are factors which this compensation cannot overcome. One of the many is the discrimination in the field of insurance.
>
> To a disabled veteran, as any man with a family, the home is the very fiber of his life. His wife and children provide him with care and affection, but what does he, as head of the household, think about when he knows death is near? He thinks of the often pitifully small amount of converted life insurance he has, because he can qualify for no other. He thinks of the token amount of Dependency and Indemnity Compensation benefits his wife and dependents will receive after his death. He thinks of his home which has been so much a part of the family's life, having to be sold by his widow because the mortgage is not insured, and she will not be able to continue the payments. It is not insured because he cannot qualify for that insurance. He is too great a risk, they have told him, and he cannot have it. VA Mortgage Protection Life Insurance would qualify him, and more would allow him to pay for it from his compensation while he is still alive.

It is a documented fact, Mr. President, that the men with these disabilities have severely curtailed life expectancies. Moreover, few, if any, of them can obtain mortgage protection life insurance from commercial sources. It is a matter of simple justice, therefore, to allow these men, who have sacrificed their physical health to defend their country, to be secure in the knowledge that their widows and families will be protected in their efforts to maintain a home in the event the veteran dies before the age of 70.

The mechanics of the legislation are quite simple. The insurance provided under the bill would go into effect on a date set by the Administrator; it would be automatic, unless the eligible veteran elects in writing not to participate. His unwillingness to participate at the outset of the program would not preclude him from applying to be insured at a later date, providing he paid the required premiums and complied with other terms and conditions set by the Administrator.

The amount of the insurance could not exceed $30,000 or the amount of the mortgage loan outstanding on the date the insurance is placed in effect, whichever is the lesser figure. The amount of the insurance would be reduced as the loan is amortized and the insurance would be payable only to the holder of the mortgage loan. No insurance would be payable if the loan was paid fully prior to the veteran's death.

The $30,000 figure is a reasonable one in view of the Veterans' Administration estimate that "the current average cost of a specially adapted house is between $30,000 and $35,000."

The eligible veterans under this program would pay premiums at a rate not to exceed the cost of premiums in similar policies covering persons leading "standard lives." The remainder of the premium costs would be paid by the Government from the appropriation for compensation and pensions in the Veterans' Administration budget. The Government would also pay the administrative cost of the program. The Veterans' Administration estimates that administrative costs would run about $200,000 in the first year and $40,000 for each of the following 4 years.

The Veterans' Administration has also estimated that the premium costs paid out of Government funds would be about $1,575,000 per year with an additional $200,000 to be paid in premiums by the veterans themselves.

We are speaking in terms of the 11,198 specially adapted housing grants made as of January 31, 1971, and an estimated increase of 500 new grants to be made each year.

In other words, Mr. President, we are talking about a program that will cost about $1,750,000 during its first year of operation and somewhat less in the following 4 years, considering the reduction in administrative costs.

I do not think it is too much to ask for Government to assume the burden of these insurance costs. Indeed, I am disappointed that the administration, in its comments on the bill, considered it to be "discriminatory," because the disabilities of many service-connected veterans do not qualify them for specially adapted housing as defined in chapter 21.

If a veteran has lost one or more of his extremities, has become blind, has lost his power of locomotion, he is obviously in a very special class. He warrants our most sympathetic consideration, and I believe it is both shortsighted and callous to claim otherwise. This modest program is the very least we can do for more who have sacrificed so dearly for a cause many of them did not understand or even condone.

Nor do I accept the argument that the survivors of these veterans often have no use for the special housing after the veteran's death. That argument assumes that the housing is only appropriate for the handicapped. In reality, quite the converse is true. Aside from alterations in bathroom facilities, in the size of hallways, in the absence of steps, the houses are completely suitable for individuals without handicapping conditions, and the veteran's family could easily live in them after his death. The more likely condition is that these houses have to be abandoned by the survivors, because they simply cannot meet the mortgage payments.

I am pleased that the Veterans' Committee has acted expeditiously on the legislation, and I particularly want to congratulate my colleagues, Senators HARTKE, HUGHES, and BAKER for their support of this measure. I commend Chairman TEAGUE of the House Veterans Affairs Committee, and Congressman MONTGOMERY for their successful efforts. I believe the action we take today will contribute significantly to providing secure living conditions for our disabled exservicemen, and I am particularly proud to have this measure as my first bill passed through the U.S. Senate.

THE INTERNATIONAL COUNCIL OF VOLUNTARY AGENCIES

Mr. HART. Mr. President, the International Council of Voluntary Agencies, whose headquarters are in Geneva, met in New York City recently. The meetings drew nearly 300 representatives of private voluntary agencies from every continent, including a substantial number from the United States. Among the speakers was our distinguished colleague, the senior Senator from Massachusetts (Mr. KENNEDY).

In his timely address Senator KENNEDY highlights the need for the international community to strengthen its commitment to serve mankind. The rising toll of disadvantaged peoples throughout the world—in India and Pakistan, in Indochina, in the Middle East, in Latin America, and in Africa—points continuously to the role that the international community must play in organizing effective humanitarian relief.

Mr. President, I ask unanimous consent that the address by the senior Senator from Massachusetts be printed in today's RECORD, as well as the invocation delivered by Monsignor Landi.

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

INVOCATION DELIVERED BY MONSIGNOR ANDREW P. LANDI, ASSISTANT EXECUTIVE DIRECTOR OF CATHOLIC RELIEF SERVICES, AT BREAKFAST MEETING OF CHURCH WORLD SERVICE, JUNE 30, 1971

Let us pray . . . In the spirit of our Judeo-Christian heritage we reflect on the humanitarian concept eloquently expressed by Saint John Chrysostom of the early Church when he said:

"All these qualities ought to be in the man who receives strangers: readiness, cheerfulness, liberality. For the soul of the stranger is *abashed*, and unless his host show excessive joy, he is as if slighted. For who would hesitate, knowing that the work is done for Our Lord."

We also pray that all of us be blessed with these desirable qualities especially in our appointed tasks in behalf of refugees from all of the world's people's.

Bless also in abundance all present here with the richest graces as we give thanks for the food we are about to partake, and for the gifts of love, of hope, of security which constantly come to us from your Goodness and generosity, through Jesus, the Lord. Amen.

ADDRESS OF SENATOR KENNEDY BEFORE THE INTERNATIONAL COUNCIL OF VOLUNTARY AGENCIES, COMMODORE HOTEL, NEW YORK CITY, JUNE 30, 1971

It is a great pleasure for me to be here this morning.

As one who shares the deep admiration of so many Americans for the important work of voluntary agencies throughout the world, let me add another—welcome to New York.

I recall very well your last conference in London just three years ago, and regret that I was unable to participate in those sessions. So I especially appreciate the opportunity to join today's meeting, sponsored by Church World Service.

Like all the member agencies of the International Council, Church World Service has an outstanding record of accomplishment on behalf of disadvantaged people throughout the world.

Over the years, all of you have meant a great deal to me. Because of your expertise—and your compassion toward your fellowman—I have looked to you for guidance and counsel and support. It has been a privilege to work with Jim MacCracken and John Schauer of Church World Service—and the representatives of the other agencies of this country and overseas.

With the early flow of refugees in Indochina—you were there.

With the first warnings of starvation in Biafra—you were there.

With the outbreak of civil war in East Pakistan—you were there.

You were organized for relief in these areas, and elsewhere—and your very active concern for people caught in conflict, or natural disaster, helped to mobilize public opinion, and governments, to move on humanitarian relief.

We are here today to renew a commitment to build on this record—and to strengthen our joint efforts to better serve mankind, at a time when the growing toll of human suffering seems to outpace the ability of governments and the private sector to meet the requirements of adequate relief.

Nothing illustrates this more, perhaps, than the tide of human misery and death produced by the civil war in East Pakistan. The tragedy is unequaled in modern times. In a matter of weeks, well over 6,000,000 persons—a number greater than the population of Switzerland or my own state of Massachusetts—have found it necessary to flee to India to escape conditions in their homeland. Countless thousands of others have been slaughtered or wounded in the civil strife. And millions more face disease and starvation, unless something more is done to help them. Regrettably, whatever progress is being made in bringing peace and relief to the area, is being out-paced by mounting tragedy—as conditions in East Pakistan deteriorate even more, and the massive flow of refugees into India continues.

A regional crisis of people also exists in Indochina. Over many years of war, some 8,000,000 persons—nearly one third of the population of Laos, Cambodia, and South Vietnam—have been displaced within their country or forced to flee over international boundaries. Civilian casualties, including deaths, number well over 1,000,000. And countless others have suffered in North Vietnam as well. Again, regrettably, war continues, and Indochina's crisis of people escalates daily.

As if the situation in South Asia and Indochina were not enough cause for concern, "people problems" continue throughout the world. Especially distressing in Africa is the festering problem in southern Sudan. And problems continue, as well, in the Middle East, in Europe, in Latin America, and Hong Kong. And always interspersed with the special needs of refugees and victims of conflict and oppression, are the emergency needs of those struck by natural disaster—and the long-standing needs of many others who are simply disadvantaged.

We are conditioned in the world we have created to accept suffering and injustice—especially in our time when violent conflict and oppression are active in so many areas. But the newer world we seek will not evolve if we ignore these challenges to leadership, and take comfortable refuge in the mundane patterns and attitudes of the past.

Several items are on the agenda for action—you know them better than I. A good share of these items deal with immediate problems. But there are two items of longer term, which I strongly feel need top priority by all concerned. I recommend these items for active consideration in your meetings this week, and ask for your help and support in seeing them through.

The first relates to rehabilitative needs in Indochina, and the second to more innovative international machinery for responding to human suffering in times of crisis.

In the case of Indochina the needs of the war victims are great. The efforts being made to meet these needs are fragmented—and without a sense of urgency the situation demands.

I have long believed that the U.S. bears the major responsibility to salvage and rehabilitate the people of Indochina—but as I suggested in comments to a Geneva meeting of the International Council more than 5 years ago, voluntary agencies from many countries and individual governments should also participate.

Over the years a measure of participation by the international community has occurred. And it is gratifying to note that in recent months, especially, interest and concern and offers to help, have grown considerably—on the part of voluntary agencies, international organizations and various governments.

In this connection, I recommend today that the highest priority be given by all concerned, to involving the United Nations in the relief and rehabilitation effort so urgently needed in Indochina.

The Secretary General of the United Nations should be requested to convene as soon as possible an international conference on Indochina relief. The current and long term needs of the people throughout this area can never be met through existing relief mechanisms.

Such a conference would lend fresh perspective in the possibilities of expanding emergency relief operations, and in the approaches to the bigger task of social rehabilitation and reconstruction.

Through the good offices of the Secretary General, the conference should make an effort to establish an international relief mechanism for Indochina. It should be the function of this body to receive and channel relief contributions, to appeal for the safe conduct of mercy missions into difficult areas, to supervise and coordinate general relief operations, and to involve additional humanitarian and development agencies—including those represented here today.

In the case of better international machinery for responding to human suffering as it occurs—there is today no broadly based and continuing mechanism to render massive emergency assistance to populations ravaged by conflict and oppression or natural disaster. Although a large number of international public and private organizations—including those within the United Nations—exist for this purpose, the fact remains that these organizations are too often limited in what they can do, by their individual mandate, tradition, political or regional association, and small resources.

In light of distressing developments involving humanitarian aid to victims of the conflicts in Vietnam, Nigeria, and today in East Pakistan and India—new initiatives must be taken within the United Nations to establish a United Nations Emergency Service (UNES), supported, perhaps, by a declaration on humanitarian assistance to civilian population in armed conflicts and other disasters. Such a service would exist purely for humanitarian purposes. It would function as a separate office within the United Nations—responding to a call from the Secretary General to mobilize and coordinate the vast resources of the United Nations and its specialized agencies. In this connection, the pattern of procedures and activities developed by the United Nations High Commissioner for Refugees, offers some guidelines for the operations of the emergency service. The Service would be headed by an impartial diplomatic leadership for negotiating mercy agreements and consent for the deployment of relief corps. The relief corps would consist, in part, of nationally financed technical units, organized on a standby basis and equipped for use in combat zones, famine-stricken areas, flooded provinces, refugee camps, and devastated cities. The national units would be placed under international direction in the event of an emergency. Along with personnel resources from other offices and agencies of the United Nations, regional organizations, individual governments, and voluntary agencies—the national units would be deployed with maximum speed to stricken areas. The emergency service would have the authority to call for and receive contributions in funds and kind from public and private sources within the international community. It would supervise and coordinate emergency relief efforts under its umbrella.

To establish a United Nations Emergency Service is a logical extension of United Nations activities in humanitarian questions—and, hopefully, it would also be a means to blunt and overcome some norms of international conduct, bureaucratic inertia, and diplomatic complexities reflected in the erratic and timid international response to massive human suffering in so many troubled areas. The experiences in East Pakistan and India today should compel all men of good will, to do all they can to enlist the support of their governments in bringing this matter before the next session of the United Nations General Assembly.

As I said a few minutes ago, we meet at a time when the growing toll of human suffering seems to outpace our ability to meet the requirements of adequate relief. This gap can and must be closed. And I strongly believe the items I have recommended will put us far down the road in accomplishing this objective. We know the needs. We also know how to meet these needs. There is nothing but inertia to prevent meaningful progress.

MARY HIGGINS—QUIET SERVANT

Mr. BELLMON. Mr. President, during the past week those of us in the Oklahoma congressional delegation as well as many others who knew her have mourned the passing of Mary Higgins. Her long career of faithful service as Representative PAGE BELCHER'S administrative assistant won her a host of friends and admirers.

Among the tributes that have been paid to this magnificent woman is an editorial in the Tulsa World, which not only recognizes her personal successes but also the role of others who handle major responsibilities as Mary so ably did.

In order that others may share in the appreciation that is felt for the contributions that Mary Higgins made and know of the esteem in which she is held in her native State, I ask unanimous consent that this editorial be printed in the RECORD.

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

THE QUIET SERVANTS

Thousands of Oklahomans who never saw her in person owe a debt of gratitude to MARY HIGGINS.

As Administrative Assistant to Congressman PAGE BELCHER, MISS HIGGINS served her State and nation in an important but little-publicized role.

Everyone knows that a Congressman's job is passing laws. Not everyone realizes that his job also includes a tremendous workload not related to legislation in any way. He is a father confessor, ombudsman and occasionally, a court of last resort for constituents who have problems.

Whether the problem involves a multi-million-dollar program in his District or a mix-up in an old woman's Social Security payment, a Congressman hears about it. How well he can handle it depends largely on his staff.

In the tough and demanding yet little-publicized area of Congressional staff work, MARY HIGGINS was a standout. Her importance would be hard to exaggerate. In her death, Oklahoma and the nation have lost a valuable servant.

GROWING INEFFICIENCY IN INDUSTRIAL PRODUCTION

Mr. FULBRIGHT. Mr. President, the Northwest Arkansas Times of July 29 contains an excellent editorial on one of the most important problems confronting our country, our growing inefficiency in the field of industrial production. One of the casualities of the war along with so many others in the human field, is the efficiency of our nonmilitary industrial productivity. I ask unanimous consent that the article be printed in the RECORD.

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

GREATEST DEBATE

The Christian Science Monitor, in an editorial a few days ago, offered some interesting thoughts on what some people are calling America's neo-isolationist movement. The U.S., with its far-flung foreign investments, commitments and involvements isn't about to become an international drop-out, in our view. But there are problems in Uncle Sam's relations abroad, economically and politically, and with resulting difficulties at home, economically and philosophically, which cause a certain amount of national introspection.

The U. S., and to a large extent Russia, too, the Monitor observes, is lagging behind much smaller countries in terms of industrial efficiency and in services to its people. A dramatic example of this lag, the editorial states, is provided by recent United Nations figures on comparative industrial productivity. On the UN scale for the years 1958–1969 (roughly the decade of the '60s), Japan scored 372 against 157 for Russia and a mere 85 for the United States.

The discrepancy between Russia and the U.S., apparently, is explained by the fact that Russia still is in the catching-up phase of industrialization. In true terms, we feel sure, the Soviets are slipping even farther behind the U.S.

Japan's spectacular economic progress is only partly a combination of catching up and relative position, however. In true terms, Japan is simply outstripping the rest of the world in industrial efficiency and production, according to anyone's figures.

American economist Herman Kahn, the Monitor notes, predicts that the Japanese will pass America in per capita wealth by 1990 (less than 20 years), and will double the American per capita figure by the year 2000. This means, in actual figures, that by 2000, Japan will have become the richest country in the world.

In addition to Japan, other small nations (West Germany, for one) are showing a fleeter economic foot than either Russia or Uncle Sam. This circumstance, says the Monitor, may pose "the greatest of the 'great debates' of American history . . . As smaller countries become competitive with American industry, the demand grows for protective quotas and tariffs to save American industry from foreign competition."

The U.S., the thesis goes, is going to have to decide, and fairly soon, whether it wants to remain competitive, or live in economic isolation. "We think," says the Monitor, "the American people are far too intelligent to do any such foolish thing (as embrace total isolation). But we also suggest that the greatest present danger to the American Republic lies not in its unresolved racial conflicts, or in the adventuresomeness of its younger generation, or in its tendency to foul its own land, sea, and air, but in an inclination to shrink from economic and social competition with the vigorous small countries of today."

Without much question such issues as Japanese textile import quotas, Italian shoe import quotas, underpinning by federal treasury of non-efficient big business, and the whole foreign aid program, are part of this "great debate." And its seriousness seems only dimly perceived as yet.

THE COST OF CREDIT

Mr. TAFT. Mr. President, yesterday in a statement to the Senate, I urged Congress to delay consideration of additional credit legislation until the National Commission on Consumer Finance has an opportunity to do the research and make the report for which it was established under the truth in lending law. My reason for making that proposal was that the information essential to wise and prudent legislation is not now available. It is quite likely, therefore, that premature legislation would not only fail to produce new protection for the consumer but might, inadvertently, do great damage to the availability of credit and, in fact, might turn out to be sand in the gears of our recovering economy.

Since making my prior statement on this subject, I have had a chance to review the findings of studies done in two States where the cost of credit has been set by law. The results bear out the fears that I have expressed.

For example, in the State of Arkansas, there have been severe limitations on interest for many years. The interest limitation is interpreted to mean 10 percent simple interest on all types of credit. A study was completed by a professor from the University of Arkansas on the effect of this limitation. The following excerpts from the conclusions in his study indicate the effect of this restrictive legislation:

The ten percent simple interest limitation in the Arkansas Constitution was intended to assure fair and equitable treatment for borrowers. Today, the law must be defended on other grounds, if at all, because the impact of the law is exceedingly discriminatory. It discriminates against cash buyers in favor of credit buyers, causing the former to pay a subsidy when paying cash for items generally sold on credit. . . .

The ten percent limit deprives the state of income and economic growth to the extent that it hurts merchants in the state and encourages buyers to go out of state. Commercial development, especially retail establishments, in border areas has been more substantial in border states. Arkansas loses the earnings from commerce as well as sales taxes paid in other states.

At some time, an equitable solution must be reached. The most equitable credit scheme would seem to be that which requires the user of credit to pay its full cost.

The Graduate School of Business Administration of the University of Washington—Seattle—in 1970 published a study of the impact of a 1968 State "initiative" limiting service charge and interest in consumer credit transactions to 12 percent per year. The study was made in the year following the effective date of the law for the purpose of determining what changes in credit availability, price or credit-granting policies resulted from the mandatory reduction of service charges from 18 to 12 percent.

EFFECT ON CREDIT CHARGES

First. Seventeen percent of the retailers who previously offered 30-day, no-charge accounts eliminated them in favor of other plans which assessed a service charge.

Second. Thirteen percent of the retailers cut their 60- to 90-day open accounts to 30-day accounts.

Third. Forty-three percent of the retailers made an effort to get consumers to switch from one form of credit to another—one less costly to the retailer—and 50 percent of the furniture and appliance dealers encouraged cash sales in lieu of credit.

Fourth. There was an increase of 20 percent in the number of retailers who required some form of credit insurance.

TIGHTENING OF CREDIT-GRANTING POLICIES

Sixty-six percent of the retailers said that they were now rejecting credit applications from persons they would have accepted had the rate been maintained at 18 percent. The credit rejection rate for the year—1969 increased 9 percent over 1968.

EFFECT ON PRICES

First. Fifty-six percent of the merchants said they raised prices an average of 5 percent in response to the reduction in permissible credit charges.

Second. Some retailers started charging for—or increasing existing prices of—other services such as check cashing, wrapping, lay-away, parking, delivery, or installation.

Obviously, these two studies are not directly applicable to the problems of Federal credit legislation—nor am I in a position to defend either the findings or the research methodology. What both studies suggest, however, is that credit is a highly sensitive mechanism that ought not to be tinkered with unless the tinkerer acts from unassailable knowledge. It is clear, for example, that cutting the price of credit does not necessarily work to the advantage of the people for whom the cutting avowedly is intended. If the cost of credit gets too high, then the retailer will deny credit to the marginal credit risks. Those people may be driven into the hands of unscrupulous dealers or loan sharks, and they will end up paying more for merchandise and more for credit—a result precisely opposite to our intent.

Perhaps the Wall Street Journal, in an editorial on this subject—March 16, 1971, issue—said it best:

In states where rates have already been forced down, retailers have tried to recoup in various ways—by charging for parking, gift-wrapping, and other formerly free services but chiefly by raising prices.

In effect, part of the cost of providing credit will be placed on customers who don't use it—on those who pay cash. The numbers of such people may be declining, but that hardly excuses doing them such an injustice.

Success in this drive for laws to force credit charges down thus will save few individuals money and will cost many people more. Maybe someone should find a way to save consumers from some of their self-appointed saviors.

NEW HAMPSHIRE PRESS HITS BIG OIL ABUSE

Mr. McINTYRE. Mr. President, earlier this week I brought to the attention of the Senate an article in the Keene Evening Sentinel concerning campaign spending procedures. I noted at that time that this newspaper often expresses the thoughts of so many New Englanders on so many issues.

The Sentinel has once again captured the feeling of New England, this time on the issue of oil. The editorial that I am referring to, which appeared in both the Keene Evening Sentinel and the Valley News of Lebanon, N.H.—reiterates the unfair treatment that consumers receive at the hands of the big oil interests.

It is discouraging to note that the oil companies are employing their huge cash flows, subsidized by the depletion allowance and the import program, to enhance their efforts to conglomerate and diversify into other energy fields. These dollars should be used to explore and develop new domestic sources of oil. But they are not.

This is why this article is so important. It speaks for thousands of homeowners and businessmen who know that they will face next winter with the same high prices that plagued them last winter.

Mr. President, it is time that the consumers of America stopped subsidizing the development of foreign resources that the oil import quota system actually precludes them from enjoying. It is time to greatly restrict the oil import quota system.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

CHEAP OIL

"The imposing of import quotas on oil was primarily an economic decision."

Sherman Adams wrote that ten years ago in his memoirs and about two years after the government had blessed the domestic oil industry with the means to bilk the consumer of several billion dollars a year.

This makes interesting history in view of the letter sent last week by several New England congressmen to the director of the federal Office of Emergency Preparedness. The legislators requested that by this Saturday the Oil Policy Committee and the President act to permit increased oil imports to the Northeast to avert higher heating fuel prices in the region.

Just how "economic" the oil import program is may be best reflected in the estimated $6-7 billion that Americans pay annually for auto and heating fuels above what they might pay if cheaper foreign-produced oil was permitted liberal entry to the U.S. market.

The oil import program resulted in 1959 when the oil companies convinced the Eisenhower administration that inexpensive foreign oil threatened the domestic industry.

When Sherman Adams wrote that the import program was established for "economic" reasons, he meant simply that the overriding motivation was to protect the oilmen and their profits—not, as was peddled to the public, the need to safeguard national security by avoiding unnecessary dependence on foreign oil supplies.

These, it was argued, might be suddenly shut off in time of war or international tension and could leave the U.S. at the mercy of foreign oil-producing states.

This theory rests upon the implausible assumption that several nations as disparate as Kuwait and Canada—were they supplying a significant portion of American needs—might conspire to withhold this supply in time of international dispute.

The import program also is supposed to bolster U.S. security by encouraging the oil companies to seek out new domestic sources of oil. Instead, they have taken profits garnered from inflated oil prices (protected from undercutting by foreign oil) and invested these in the exploration of OVERSEAS oil reserves. The search for new domestic sources has actually slackened.

As a consequence, Americans—who consume one third of all the oil used in the world—are expending domestic supplies faster than they can be replenished. By contrast, the rest of the world—which annually consumes just one 39th of its known reserves—is blocked by our quotas from exporting larger quantities of crude oil to the U.S. This would not only slash oil prices in most sections of the country; it would reduce the drain on U.S. reserves.

New England motorists and home owners who pay several cents more per gallon of fuel because of the oil import program might question why they should continue to underwrite such a cockeyed program, which does nothing to preserve national security but much to insulate the oil industry from the rigors of competitive free enterprise.

The New England congressmen's letter is a reminder that the Department of Commerce has yet to rule upon the request of Occidental Petroleum Corp. to import crude foreign oil through Machiasport, Maine. Occidental has access to huge reserves of low sulfur oil in Libya, which it wishes to refine at Machiasport and "export" to New England consumers at a ten per cent reduction in price.

Obviously, opening a "crack" in the import program at Machiasport could have far-reaching impact on the oil quota system.

Not surprisingly, the oil lobby succeeded in consigning the Machiasport scheme to review by a special cabinet-level task force on oil import controls. The task force ultimately recommended a modification of the import structure, but its lack of unanimity gave the White House opportunity to "restudy" the issue.

In the meantime, the Machiasport plan remains dormant.

We would like to think that the region's congressmen will succeed in their quest for relaxed import restrictions. But something tells us that no action will result and that in the coming winter months we shall have to warm ourselves with the hollow assurance that, in paying higher heating bills, we are protecting the nation's security.

Mr. JORDAN of Idaho. Mr. President, one of the few bright spots in American foreign trade in recent years has been U.S. agricultural exports. Our exports of wheat, peas, beans, and other farm products in calendar year 1970 were a record $7.2 billion.

American agriculture has achieved this favorable trade position only through sustained and intensive work to develop and maintain foreign markets. Competition with other agricultural exporters such as Australia and Canada has been keen and when U.S. traders have been unable to deliver other countries have stepped in to satisfy the market demand.

The current west coast dock strike by the International Longshoremen's & Warehousemen's Union is having a severe economic impact on U.S. agricultural exports. The U.S. Department of Agriculture has reported that for the first 2 weeks of July U.S. agricultural export business with Japan suffered an estimated $7.7 million.

Mr. Harold West, administrator of the Idaho Wheat Commission, has informed me that in recent weeks Idaho farmers lost out on sales of 70,000 tons of white wheat to Korea, 60,000 tons to Japan, 60,000 tons to the Philippines, and a possible 100,000 tons to India. Because of the inability of U.S. shippers to fill these orders, the foreign buyers turned to either Australia or Canada to meet the market demand. Since demand is made on a month-to-month basis these are sales that are lost forever to U.S. producers. In addition to the lost sales the reliability of the United States to supply the goods is being called into question by foreign purchasers.

Unless this strike is settled soon, northern Idaho farmers will have to dump approximately 4½ million bushels of wheat on the ground for lack of adequate storage space. This, of course, could result in large losses from weather and rodent damage.

Mr. President, I ask unanimous con-

cent that a number of the letters which I have received on this strike be printed in the RECORD at the end of my remarks.

I have joined in cosigning a letter initiated by my distinguished colleague from Oregon, Mr. HATFIELD, to Mr. Harry Bridges, president of the International Longeshoremen's & Warehousemen's Union, and Mr. Edward Flynn, president of the Pacific Maritime Association, urging that good faith bargaining be resumed in order that the longshore strike may be settled. Earlier I had urged Secretary of Labor James Hodgson to use his best efforts in persuading the parties to resume negotiations.

However, as I stated on July 29 in conjunction with the rail strike, better means are necessary to settle disputes in the vital transportation industry. The successive blows delivered by the longshore strike and the rail strike have hurt the Nation's economy, as well as that of my own State. Car dealers, farmers, store operators, and lumbermen have told me that they have experienced heavy losses as a result of these strikes. Legislation to provide a means for dealing with national emergency labor disputes in the transportation industry is urgently needed in order to protect the public interest. This is why I have joined in cosponsoring S. 560, a bill proposed by the President which sets forth an equitable and workable procedure for solving labor disputes in the transportation industry. This bill would protect the public interest by providing the President with new powers designed to facilitate negotiation and settlement of contract disputes before work stoppages occur. At the same time the bill protects the system of free and democratic collective bargaining by maintaining the bargaining position of either side to a dispute. I respectfully urge that this legislation be approved at the earliest date.

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

IDAHO PEA AND
LENTIL COMMISSION,
Moscow, Idaho, July 30, 1971.

Sen. LEN B. JORDAN,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JORDAN: The dry pea and lentil industry represents a total value of over 30 million dollars to the economy of eastern Washington and north Idaho. This area ranks as the world's largest exporter of lentils, and one of the world's largest exporter of dry peas.

The current West coast dock strike now underway is approaching a situation which could have serious economic impact to our industry, which could be felt throughout the whole year. Our industry relies on having an orderly marketing through West coast ports to handle the crop, as storage facilities are not able to handle the crop inland. This problem is compounded this year with prospects for one of the largest crops in history.

Foreign customers, which use our products, are already going to other sources of supply, because we are unable to deliver their requests. These markets are already lost, and could mean the loss of future markets, even if the dock strike were settled in the near future.

The dry pea and lentil industry is not alone in this problem, as economic loss to the wheat, lumber, and other industries of the Pacific northwest is staggering. The economic damage resulting from this strike radiates clear across the nation at a time when we can least afford it. Even though Congress has not been reluctant to intervene in disputes between labor and management when the damage to the entire economy is greater than to either parties of the dispute, then we believe Congress must take appropriate action to bring about some type of compulsory arbitration. The impact on the overall economic welfare of the area is such that Congress must take the leadership in solving the current impasse.

Very truly yours,

HAROLD BLAIN,
Administrator.

GENESEE UNION WAREHOUSE CO.,
Genesee, Idaho, July 30, 1971.

Senator LEN B. JORDAN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JORDAN: The strike of Pacific Northwest docks by the International Longshoremen's & Warehousemen's Union could cause severe economic repercussions for our Idaho farmers. The outlook at this time is very pessimistic for an early settlement. There has not yet been a negotiating session in July.

Most of the warehouses in our area do not have adequate space to take in the new crop. They must skip grain either by selling or consigning to terminal storage in order to properly store the incoming crop. Estimates of up to 10% of the overall grain crop could have to be moved in order to put all the crop under cover (our estimates are upwards of 14% in the Genesee area).

Unless something can be done to hasten a strike settlement, the warehouses in this area will be forced to store vast quantities of grain on the ground. The grain stored in this manner is not protected from weather, rodents or vandalism; so the risk of spoilage and/or contamination is greatly increased. The loss of 300,000 bushels of wheat with a potential value of one-half million dollars is not unrealistic here at Genesee Union Warehouse.

We, as a local cooperative, will also be faced with the potentiality of not being able to buy our farmer's grain for want of a market.

It seems to me that our administration is negligent in not rectifying this situation to some degree. The President might invoke the Taft-Hartley 80-day cooling off provision. This action might relieve some of the pressure at the terminals in that we would be able to export some of the grain that has been piling up there and it would surely help our farmer's situation here if we were able to ship grain to the coast.

The U.S. has already lost possible sales to Korea, Japan and the Philippines. If the strike is allowed to continue very long, we will simply be conceding business to Canada and Australia that we may never regain. This will further upset our balance of payments.

Along this same line, it would appear that uncontrolled and excessive union strikes and settlements do more long-range harm than any immediate benefit that might be realized by the union members. Small and marginal businesses are forced to liquidate or automate, adding to the already high unemployment levels. These costly labor settlements that are not coupled with increases in productivity or technology make it more difficult for the United States to compete in the international markets.

We will be very appreciative of anything you can do in influencing a rapid and just settlement in the ILWU strike and in controlling unreasonable and unwarrantable union demands.

Yours very truly,

WILLIAM H. WOOD, *Manager.*

DRY PEA & LENTIL COUNCIL,
Spokane, Wash., July 7, 1971.

Senator LEN B. JORDAN,
U.S. Senate Building,
U.S. Congress, Washington, D.C.

DEAR SENATOR JORDAN: As you know very well the lifeblood of the Northwest dry pea and lentil industry depends upon exports. The West Coast dock strike is economic strangulation, not only for us but for the United States. The tremendous trade deficits of the past two months will only be magnified if this strike is allowed to continue. We respectfully urge that you use your good offices to impress upon the White House the needs for prompt settlement of this damaging strike.

Sincerely,

JOSEPH J. SPIRUTA,
Marketing Director.

NORTHWEST PEA & BEAN CO., INC.,
Spokane, Wash., July 27, 1971.

Hon. LEN B. JORDAN,
U.S. Senate, Washington, D.C.

DEAR SENATOR JORDAN: When the longshoremen went on strike and closed the Pacific Coast Ports, we worked with our export connections and, finally, were able to convince buyers in Venezuela that they would have to pay the additional costs of shipping to Venezuelan ports via New Orleans.

Then, when we had accomplished this, the United Transportation Union called a strike against the Union Pacific, so being located on the Union Pacific, we are unable to ship to New Orleans.

Our industry depends greatly on export markets, and we certainly do our share to keep the balance of payments deficit from being worse than it is. Isn't it about time that the Administration and the Congress quit playing politics and get something done to stop the paralysis gripping the country!

Respectfully yours,

H. J. ROFFLER.

POLLUTION AND STONE MONUMENTS

Mr. COOK. Mr. President, the fight against pollution and the fight to preserve our cultural heritage are endless battles. Recently, a team of professors at the University of Louisville made a major breakthrough in protecting the world's stone monuments against disintegration from air pollution.

Doctor K. Lal-Gauri, a University of Louisville geologist, has successfully experimented with its new technique on Cleopatra's needle, a tall granite structure in New York City's Central Park.

Also, Dr. John Dillon, dean of the University of Louisville Graduate School and the team coordinator, has indicated the process may also be used to strengthen coal mine walls.

I ask unanimous consent that the Courier-Journal article be printed in the RECORD.

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

[From the Courier-Journal & Times, Louisville, Ky., July 18, 1971]

STONE-PRESERVING TECHNIQUE DEVELOPED: U OF L PROFESSORS MAY HELP STATUES SAVE FACE

(By Christine Doughty)

Imagine the Statue of Liberty without her torch, or a noseless George Washington on Mount Rushmore. It could happen.

Stone monuments are slowly, but surely, falling victims to pollution. Priceless statuary

is eroding daily as poisonous gases—carbon dioxide especially—penetrate the air.

Some University of Louisville professors decided last year to do something about the problem and already have scored what they call a major breakthrough in protecting stone against air pollution, according to Dr. John Dillon, dean of U of L's graduate school.

Dr. K. Lal-Gauri, a U of L geologist recently returned from New York where he successfully experimented with the statue-preserving technique on Cleopatra's Needle, a tall granite structure in Central Park.

TEAM INCLUDES SEVERAL DEPARTMENTS

The U of L team, which also includes members of the chemistry and art departments and Speed Scientific School, is now experimenting with monuments in Louisville's Cave Hill Cemetery.

The university has already applied for a patent on the process. Dillon, the group's coordinator, said the preserving process might also be adapted for strengthening the walls of coal mines and wooden structures.

Gauri and Dr. Joseph Polzer, of U of L's art department, will introduce their findings at an October international stone preservation conference in Italy, where art patrons have long been alarmed at the deterioration of statuary.

It was after a 1969 trip to Florence, Italy, where flooding had increased the threat to the city's art treasures, that Polzer urged U of L to work on preserving stone.

Scientists have been experimenting in stone preservation for hundreds of years, said Gauri, a native of India. But most ideas thus far have been too expensive.

Gauri said marble and other similar stones change into completely different materials when exposed for long periods to carbon dioxide and sulphur dioxide.

These gases, already in the air, cause more damage when fumes from cars, coal heaters and factories are added.

The particles making up stone lose their cohesiveness and are washed away by rain, causing physical changes in statues.

TECHNIQUE IS SIMPLE, INEXPENSIVE

Gauri's technique is fairly simple and inexpensive.

A mixture of solvent and resin, a sticky glue-like substance, is applied to a solvent-soaked statue. The solvent evaporates, and the resin hardens in the stone and also forms a protective coating on the exterior.

The outward appearance of the statue is slightly lustrous at first, but that gradually disappears, Gauri said.

The treatment of an eight-foot-square section of Cleopatra's Needle took about two hours to complete.

TAX REFORM FOR SMALL BUSINESS

Mr. BAYH. Mr. President, I am pleased to join as a cosponsor of the small business tax simplification and reform bill, which is numbered S. 1615 in the Senate and H.R. 7692 in the House of Representatives.

The distinguished chairman of the Small Business Committee, Mr. BIBLE, in his address to the Senate of July 19, has cited hard economic evidence that small business is getting the worst of the economic slump which the Nixon administration apparently has erected as a deliberate policy in an effort to combat inflation.

During the past year, 1970, the earnings of smaller manufacturers were down 45 percent, compared to only a 12-percent drop for larger manufacturing companies. Business failures increased 17 percent last year to a 3-year peak. These figures convince me that "small business," which constitutes 95 percent of the businesses in this country, needs help.

However, there is more involved than statistics. Every one of the 10,748 firms that were driven into bankruptcy last year carried the hopes and dreams of its owners, its employees, its investors and the people of its neighborhood and community.

Unfortunately, the present administration has not responded to the call for help on the part of this segment of business or its spokesmen in Congress. On the contrary, it has continued to reduce the SMA business loan fund and now proposes that the fiscal year 1972 amount available for direct and participation loans be set at $99 million. That is a two-thirds cut from the $307 million which was approved by Congress for fiscal year 1968. The recent Lockheed bill reaffirms my conviction that this administration cares only about big business.

It seems to me that to draw back and let our most enterprising, hardest working and taxpaying citizens bear the brunt of our economic difficulties is a denial of the best in the American system.

A recent New York Times editorial stated that the administration, "preferring to count on persistent slack in the economy to stop inflation—is making—jobless workers the frontline troops" in the fight.

Thus it is the unemployed returning veterans, the unemployed scientists and engineers and the unemployed graduates of our colleges and universities and our other underemployed and less employable citizens in the small business community that the present administration is counting on to pay the major costs of economic stability.

These groups, which I do not believe deserve such treatment, would be among the first reached by allowing and assisting individual small businesses to expand and grow. If half of the 5½ million small firms in this country each hired one extra employee, the unemployment rate would drop about 3 percent.

The savings which would provide such fresh investment have been accumulating in our thrift institutions at above average rates. Tax reform for smaller firms would increase their profitability and their prospects, and put some of those savings to work.

Accordingly, this seems a very good time for the Congress to proceed with tax reform for small business.

The bill which I am cosponsoring is a thoughtful and responsible effort to modify the tax structure so that new businesses can be started, young existing firms can expand, new investment can take place, and small and independent firms can look forward to a period of strength and independence.

By undertaking a serious effort in small business tax reform, we can assure that small and new firms and the private enterprise system as a whole will continue to play their traditional roles in the towns and cities as well as the general economy of this country.

A comprehensive bill of this nature, of course, can be improved and I am sure that the expertise of the Treasury Department and the taxwriting committees can refine it at many points. The important thing is that the commitment be made, and that the Government fulfill its obligation to provide tax equity to the great majority of our business community which can do so much to help our economy and our unemployed workers.

I will be doing all I can in the months ahead to bring this about.

FDA SHOULD APPLY STANDARDS EQUALLY

Mr. McINTYRE. Mr. President, recent reports in the press dealing with the policies of the Food and Drug Administration indicate a dangerous system of double standards is currently being applied to the Nation's drug companies. It is clear that in at least one major case—a case involving thousands of infections and possibly hundreds of deaths—the FDA has been very lax in its enforcement of rules and regulations governing the production of medical supplies.

I refer to the report that contaminated intravenous solutions made by Abbott Laboratories were responsible for the infection of approximately 5,000 hospital patients and allegedly contributed to the death of 500. The contamination resulted from a germ which entered the solution through a faulty bottle cap.

When the FDA finally gathered enough evidence to indicate that the Abbott solution was causing the blood poisoning, it failed to order the products off the market, but instead merely issued a warning to hospitals. The reason given by the FDA for this was the fact that Abbott supplies 45 percent of all intravenous solutions and the fear that its competitors could not take up the slack.

That does not seem to be a very good argument when you consider that 10 days—and many more infections—later the FDA changed its mind and the solutions were officially recalled.

Mr. President, twice before—in 1965 and 1969—Abbott Laboratories was involved in similar incidents, although court proceedings were instituted in neither case by the FDA.

This is particularly difficult for me to understand since earlier this year the Commissioner of the FDA told the Senate Monopoly Subcommittee of the Small Business Committee that his agency had put 21 companies, all of them small firms, out of business because they could not meet the Federal production standards. But Abbott Laboratories—with half a billion dollars in annual revenue—continues to be treated with kid gloves despite practices which an organization as reputable as the Federal Government's Center for Disease Control says may have contributed to the death of 500 people.

Contaminated medical supplies can cause serious injury or death whether they are the product of large companies or small ones. Germs do not discriminate on the basis of gross income.

Mr. President, I fully support the strict enforcement of all FDA standards. The public interest in cases of drug safety

demands that regulations be tough. The death of 500 hospital patients—possibly due to faulty medical supplies—is a tragic way to be reminded of this fact, but it would be more tragic if we fail to take action before it happens again.

I hope the FDA will now realize that it must apply its production standards strictly, but uniformly, to all drug companies so that this kind of tragedy can be avoided.

I ask unanimous consent that two articles, one from the Wall Street Journal, the other from the Washington Post, be printed in the RECORD.

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

[From the Wall Street Journa', July 21, 1971]

ABBOTT LAB'S SOLUTION MAY HAVE HAD ROLE IN 500 DEATHS, U.S. SAYS; FIRM DENIES IT

The federal government's Center for Disease Control is estimating that contaminated intravenous solutions made by Abbott Laboratories, North Chicago, Ill., may have infected a total of 5,000 hospital patients and contributed to the deaths of 500 of them. Previous estimates had been far lower.

The infections occurred in the closing months of 1970 and early this year, prior to the March recall by the Food and Drug Administration of Abbott intravenous solutions because of bacterial contamination associated with the screw-cap closure systems used on the bottles containing the solutions.

Dr. John Bennett, chief of the center's bacterial diseases branch, said in a telephone interview in Atlanta that the estimate of 5,000 infections and 500 deaths was a statistical extrapolation of the midpoint between what he called an "unrealistic" minimum estimate of 2,000 cases and a "totally unfair maximum estimate of 8,000 cases caused by the Abbott solutions. He confirmed figures reported by Medical World News, a magazine for physicians.

The center estimates that 10% of patients who were infected by the fluids died, as patients receiving intravenous solutions are already weakened by other illnesses, Dr. Bennett said.

He stated that as the 5,000-case figure is an extrapolation, it could be off in either direction, but he said it represented the "most reasonable estimate of the probable scale" of infections that occurred nationwide as a result of the fluid contamination.

Since the solutions were recalled, he said, there has been an "abrupt discontinuance" of reports of infections.

Dr. Charles S. Brown, executive vice president, administration, said: "The fact is that the CDC epidemiological conclusions are unsupported by verified reports of widespread septicemias received either by Abbott, CDC's own reporting system, or any other information-gathering source which we've been able to locate."

"There appears to be no supportive evidence for the CDC's conclusion of widespread septicemias caused by Abbott intravenous solutions. Their conclusions are based upon projections which haven't been substantiated by subsequent reports," Dr. Brown said.

The center previously announced a figure of 400 documented cases of infection caused by Abbott solutions in 21 hospitals it surveyed. Dr. Bennett said a survey under way at 80 hospitals should give a more precise estimate of the total number of cases. He said the survey should be completed by mid-August.

Abbott, which resumed producing intravenous solutions in bottles with a different stopper in May, recalled an estimated six million bottles after the FDA order in March. The company estimated the cost of the recall at $5.3 million, which was charged against first quarter earnings.

In March, security analysts predicted that the company's losses from product liability suits might be more significant than the recall's impact on earnings. In April, at the company's annual meeting, Bernard H. Semler, vice president, finance, said it's impossible to estimate the amount of litigation that Abbott might incur as a result of the contamination of intravenous solutions.

"To date, we have been named a defendant in three lawsuits . . . undoubtedly, additional suits will be filed in the future," he said at that time.

Mr. Semler added that Abbott believes that its insurance protection for 1970 and 1971 will be adequate to meet any losses.

As Abbott had about 45% of the intravenous fluids market in the U.S., the recall of its products in March strained the ability of the other major producers to meet the demand. It was because of Abbott's large share of the market that the FDA hesitated at first to order a complete recall.

On March 13, the FDA issued its first alert to hospitals, urging them to exert special precautions to prevent bacteria in the bottle cap liners from entering the solutions.

The federal agency also ordered Abbott to stop further shipments until the contamination problem was cleared up.

It wasn't until 10 days later, however, that the FDA ordered a full recall of Abbott intravenous solutions, saying it was then assured that other producers could provide sufficient supplies to replace Abbott products.

The March 13 order was termed "shockingly irresponsible" by consumer advocate Ralph Nader, who contended that the FDA should have ordered the recall as soon as it learned Abbott solutions were contaminated.

[From the Washington Post, Mar. 29, 1971]

ABBOTT HAD CONTAMINATION, MISLABELING TROUBLES BEFORE

(By Morton Mintz)

Abbott Laboratories, which was ordered last Monday to recall intravenous fluids after some bottles were found to be contaminated, had major problems with its salt and dextrose solutions twice before, in 1964 and 1969.

The Food and Drug Administration ordered the recall after a check of 21 of the more than 3,000 hospitals Abbott supplies uncovered 350 cases of blood poisoning, 9 of them fatal.

The 1969 case also involved contamination. The 1964 occurrence involved mislabeling. Both times, the FDA decided not to prosecute the company, which itself supplies more than 45 per cent of the intravenous fluids hospitals use, and is, as well, a major drug producer.

These FDA decisions raised an old, troubling question: Is the agency tough with small violators and lax with big ones?

Commissioner Charles C. Edwards flatly rejects any suggestion of possible bias.

"The economics of the industries we regulate—regardless of size and resources—have no role in FDA's scientific-regulatory decisions," he said when queried on this.

"While Edwards didn't mention it, Abbott was prosecuted in a false advertising case a few years ago (and was found innocent).

But FDA's critics, especially on Capitol Hill, aren't convinced there is no bias. At the same time, they concede that the record is confusing and fragmentary. And a double-standard, if one exists, they acknowledge, is easier to pin down for other law-enforcement agencies than for FDA, because it sometimes may better protect the public health with civil remedies or simple persuasion than with criminal prosecutions.

Thus Congress gave FDA a variety of legal weapons to cope with drugs that are not produced in accord with good manufacturing practices. It can seize them, for example. If it does seek criminal penalties, it need not, under court rulings, take a company's intentions into account.

A few years ago, the House Intergovernmental Relations Subcommittee required the FDA to make a rare, even if inconclusive, listing of actions taken to enforce good manufacturing practices.

In 1964 and 1965, the late Commissioner George P. Larrick noted, FDA cited 11 firms to show cause why they should not be prosecuted. Seven were smaller companies, that is, among the 90 or so with an annual gross of between $1 million and $15 million. The others were giants—firms which usually gross hundreds of millions and have assured access to federal decision-makers.

Ultimately, FDA shelved 10 of the prosecutions. The only one it pressed was against a smaller firm. And, it should be noted, the FDA, to begin with, inspects smaller firms more closely and more often than larger ones.

In hearings a few years ago, called by former Sen. Edward V. Long (D.-Mo.), the FDA said it had 90 inspectors qualified to use, and frequently used, electronic snooping gear. The targets, without exception, were relatively small, mainly health and nutritional dissidents. Some were prosecuted and convicted in various charges.

Long brought out that FDA never used snooping techniques against "legitimate" promoters who perhaps exaggerated the benefits while concealing the hazards of prescription medicines, with, on occasion, fatal result. Here, however, little firms as well as big ones benefited from FDA's policy.

In the 1969 Abbott case, there was a highly unusual factor: a speech made by FDA Commissioner Herbert L. Ley, Jr., Dr. Edward's immediate predecessor, to the Pharmaceutical Manufacturers Association in May.

Within the previous two weeks, he said, Abbottt had recalled about 10 million dosage units of intravenous solutions that had been produced, at the main plant in North Chicago, Ill., in the four months ending in February. Dr. Ley continued:

"The recall was necessary because a very small percentage of these products was found to contain foreign material such as mold, possibly because of hair-line cracks at the necks of some bottles. The contamination of these intravenous solutions . . . can present a serious health hazard, as most of you probably know.

"The facts leading up to this recall are revealing. An FDA inspector in Portland, Oreg., noticed the firm's representatives opening cases of these large volume parenterals and 'candling' the containers inside. They would not tell the inspector why.

"FDA pursued the inquiry at the firm's main office, but the firm would not state why the Portland inspection was under way. Later the firm acknowledged a problem that had existed for some months.

PROPOSAL REJECTED

"We proposed an immediate quarantine of all suspect stocks. Our proposal was not accepted then. Later, after FDA inspectors throughout the nation had detected numerous bottles of contaminated material, the company agreed to recall.

"We subsequently learned that the manufacturer had begun receiving a number of complaints about the large volume parenterals starting in December, 1968. The complaints were running at an even higher level by the end of February.

"But the company did not recall suspect stocks; it did not notify FDA. Instead, it had its representatives checking outstanding stocks simply by visual examination. If there was no visible evidence of contamination, the solutions were to be accepted as satisfactory.

"Not only was this measure inadequate, it wasn't even allowed in all instances. We have found unopened cases that were marked with

a symbol that the firm said indicated examination and approval by its field personnel.

"This entire chain of events raises some real questions. Was the manufacturer more concerned about the security of its reputation than the safety of its products? More concerned about profits than patients? It is not a story calculated to build public confidence in the drug industry."

Later, the FDA district office in Chicago cited Abbott to a hearing to show cause why it should not be prosecuted. Such hearings are conducted in secrecy. The main criteria for a decision on prosecution for violation of good manufacturing practices long have been these:

Has a firm on discovering a violation come forward to disclose it voluntarily to FDA?

Was the violation serious, that is, a threat to health and possibly life?

Does the firm have a history of violations?

Dr. Ley's speech raised, indirectly, another possibility for prosecution. Under the general criminal code, a firm withholding information from the FDA indicating a drug to be unsafe can be prosecuted.

TRANSCRIPT SOUGHT

Because of the secrecy enveloping the Abbott hearing nothing could be learned of it. The FDA rejected repeated verbal requests for a copy of the hearing transcript, and for disclosure of what recommendation, if any, the district office had made to Washington.

Last Oct. 1, this reporter made the request in writing to William W. Goodrich, the assistant counsel for the Department of Health, Education, and Welfare who handles FDA matters. This failing, the reporter turned to the House government information subcommittee.

On Feb. 4, apologizing for the delay, attributed to a workload known generally to be heavy, Goodrich, in a letter to The Washington Post, defended secrecy in citation hearings.

A citation " is not a criminal charge," he said. "Its purpose is to permit any person against whom a criminal prosecution is contemplated to come forward with his explanation of the factual situation . . ."

Replying to a question about why the facts should not be "out where the public can see them," Goodrich said, "Under our system, the congressional committees charged with examining the performance of agencies . . . share the task of uncovering wrong-doing."

As to the Abbott case, Goodrich, and the FDA, in an accompanying statement, said there would be no prosecution, because:

Defects were absent in "a significant number" of the bottles cited by Dr. Ley.

The district FDA office had "reservations" about a prosecution and concluded that the "available evidence would not prove" the violation alleged in the citation.

The company had taken steps "to improve its production and quality control practices."

Goodrich and the FDA, in an accompanying statement, ignored Dr. Ley and his charges, while noting that Abbott "spent several hundred thousand dollars to correct the glass defect problem."

At the time, the New England Journal of Medicine had just reported the first four cases of blood poisoning that, last week, led to the recall of Abbott solutions from 3,000 hospitals. The cases were at the Medical College of Virginia Hospital in Richmond.

The Feb. 4 FDA statement said that the agency was launching an investigation with the Federal Center for Disease Control in Atlanta, but that it "has no basis now for concluding that the hazards of septicemia (blood poisoning) are any greater for the Abbott preparations than from material supplied by other manufacturers."

The statement made no mention of frequent recalls of other Abbott products, a factor possibly relating to one of the criteria for prosecution.

Last October, for example, Abbott made four separate recalls of dietary and vitamin products for "suspected superpotency" of Vitamin D–2 of up to 700 per cent. In November, again because of superpotency, the firm recalled about 20,000 tubes of Bacitracin ointment; about 63,000 already had been sold.

By far the most impressive recalls, involving millions of bottles of intravenous solutions, were those of seven years ago.

On April 30, 1964, Abbott notified the FDA—voluntarily—that 483 incorrect labels somehow had gotten into a labeling machine and that, as a result, it was recalling 11,430 bottles of fluids. The FDA made an inspection, found the problem apparently was straightened out, and put any regulatory action in abeyance.

SECOND MIX-UP

The company discovered a second labeling mix-up about three months later. It recovered 10,461 bottles (of 11,256 involved) and began to check the 7 million bottles in distribution channels. Simultaneously, at the cost to the taxpayers of about $125,000, FDA inspectors, as an audit, checked 900,000 bottles. The total number found mislabeled was 69.

Meanwhile, at Abbott's North Chicago plant, FDA inspectors, in a 2½-day examination, found 25 questionable manufacturing practices.

At 11:56 a.m. on Sept. 1, 1964, the third day of the FDA inspection, the agency's district office in Chicago phoned inspector Jerome Bressler.

"Bail out," the caller said. "Get out before noon."

The Intergovernment Relations Subcommittee, headed by Rep. L. H. Fountain (D-N.C.), which investigated this entire episode in 1965, found that the call had come from Clifford G. Shane, the chief inspector in Chicago.

Shane, however, merely was relaying an order phoned from Washington by Allen F. Rayfield, then FDA's chief of regulatory compliance.

Shane testified that he urged a prosecution of the company. But higher echelons overrode him.

At the conclusion of the subcommittee investigation Rep. Fountain said it had shown some "highly questionable actions" in the FDA, along with "much conflicting testimony" and "lapses of memory."

Rayfield, for example, recalled that in June, 1965, during a new look at the Abbott plant, an FDA inspector had found "no problem."

But the subcommittee brought out the contrary: the inspector acually had found a highly disturbing problem stemming from trouble with a new liner for bottle caps.

The problem, indeed, was so serious that ultimately it led Abbott to recall no fewer than 3.4 million bottles of bulk solutions.

Last week, after warnings in lay and professional media failed to bring a complete halt to use of Abbott intravenous fluids pending a solution of the new contamination problem, the FDA sent warning telegrams to 16,000 hospitals and nursing homes. The taxpayers paid the estimated $28,000 bill from Western Union.

DR. BRETT B. GUTSCHE, A VOLUNTEER FOR MANKIND

Mr. SCOTT. Mr. President, Brett B. Gutsche, M.D., an unselfish and dedicated Philadelphia anesthetist, is serving for 2 months this summer aboard the hospital ship, SS *Hope* in Jamaica.

This is not the first time Dr. Gutsche has served as a volunteer for mankind. He was a volunteer physician in Vietnam with the American Medical Association in 1968; prior to that he served on the New Zealand surgical team.

When in the United States, Dr. Gutsche can be found working as assistant professor of anesthesiology at the University of Pennsylvania. Born in Pittsburgh, he began his summer duties with Project *Hope* in mid–July.

Dr. Gutsche is serving as part of what Project *Hope* considers its most vital project. He will be training doctors and nurses in administering anesthesia. This has proven to be the most critical problem in Jamaica and other West Indies' communities—often causing the postponement of simple operations because of the lack of competent anesthetists. It is Project *Hope's* aim to train auxiliary personnel in anesthesia to eliminate surgical backlog and to allow medical teams to operate more smoothly and efficiently.

This special project, of which Dr. Gutsche is an integral part, will see 120 physicians and dentists working aboard the hospital ship this year alone.

Hope is also training "health assistants" to aid physicians in areas other than anesthesia. It is the aim of Dr. Gutsche and *Hope* that the combination of auxiliary anesthetists and health assistants will streamline the entire West Indies medical approach.

ROLE OF AMERICAN AGRICULTURE IN INTERNATIONAL TRADE

Mr. TALMADGE. Mr. President, I invite the attention of the Senate to an outstanding address delivered by the Senator from Minnesota on the role of American agriculture in international trade. Delivered to the Trade Policy Research Center at London, Senator HUMPHREY's address was scholarly and forceful.

Of particular importance were his comments on the European Economic Community, and protectionist devices that have been brought to bear by the Common Market against the import of agricultural commodities of the United States.

As Senator HUMPHREY so correctly points out, such policies are detrimental to the best interests of not just American agriculture, but the overall objectives of a viable international trade situation.

I commend Senator HUMPHREY for his address and ask unanimous consent that it be printed in the RECORD.

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

AGRICULTURE'S PLACE IN INTERNATIONAL TRADE

(By Senator HUBERT H. HUMPHREY)

In November of 1963, in a message to an agricultural trade symposium in Amsterdam, I said:

"We regard a united Europe as a partner to join with us and others in reducing trade barriers, as a partner to develop coordinating economic policies, and as a partner capable of playing an even greater role in our common defense. We look forward to a full and working Atlantic partnership. We await the day eagerly when we will stop talking of sixes and sevens, but of one."

This continues to be my position and my hope.

Then I said:

"This one Western European Community will not be built overnight, but with the best of wills and a generosity of spirit it will be constructed. And it will be constructive to a still better future."

This I believe and it is to this objective that I direct my remarks.

I do not feel it judicious to get further involved in the Great Debate in this country on the question of Common Market membership. I know there are deep differences among you. You will resolve these differences, and in your own way make your decision.

What I would like to discuss with you tonight is the pattern of international economic policies which appears to be emerging in Western Europe.

The European Community has been taking a series of steps which add up to a shift from multilateral trade, based on the Most Favored Nation principle, to regional and bilateral special arrangements and the formation of a preferential trading bloc. These activities, I believe, are contrary to the principles agreed to at the General Agreement on Tariffs and Trade.

As I see it, the present six member countries of the Community have been seeking solutions to internal problems without taking full account of the legitimate economic interests of non-members.

I do not question the fact that many countries outside the Common Market have in general benefited from the restoration of prosperity among the Six. America's exports to the European Community, and her income from investments there, have grown rapidly over the last decade.

But the role of the EEC with respect to world production and trade in agricultural commodities has created multi-national difficulties. We are seeing a system of high internal rising support prices which have stimulated production uneconomically and curtailed demand.

These price levels are buttressed by variable import levies and other devices. Thus, potential exporters are deprived of markets within the EEC. Moreover, any internal surplus is placed into export by subsidization. Non-members, therefore, are losing markets both ways.

As far as grains are concerned, the U.S. farmer has lost a substantial part of the potential market and consequently has received lower market prices. As an elected public official, representing a great grain-producing state, I join in the chorus of concern coming from official and non-official sources.

In contrast, soybeans and soybean meal receive, as a result of the Dillon Round negotiations, duty-free access to the Community. Exports of these items are at record levels and are fueling the expanding demand for high-protein meals. Any restrictive actions on these items would result in an immediate response by the U.S. government.

But the proliferation of preferential trade agreements threatens the continued existence of the GATT system of international trade. It threatens the objective of a world economic order that is nondiscriminatory.

Our Congress, your Parliament, the legislatures of other countries in Western Europe and elsewhere, all need international rules to help us maintain balance and outward-looking policies. International rules and principles are our best defense against internal pressures.

Americans are becoming increasingly worried about the future for international agricultural trade. They are especially worried, of course, about the future for American exports of farm products. Our agriculture is becoming highly efficient by world standards. One out of every four American farm acres goes into exports. Our farm support programs are being increasingly geared to the world market.

Yet we are coming up against farm support programs in other countries which block our exports or which artificially stimulate surplus production which then has to be offloaded on the world market at subsidized prices. The resultant distortion of world trade in agricultural products is becoming costly for all concerned.

Farmers may be small in number, but in America, as in other countries, they are politically important. And so they should be.

For many years we have been hearing about the political power of cash grain producers in some part of the EEC. I can understand this. I am not unmindful of the political balance of power of U.S. grain producers in many of our states.

But American farmers have on the whole been more outward-looking over the last decade or so. They have come to see the world as their marketplace. They have favored the liberalization of international trade and they have helped, again and again, to beat back the forces of economic isolationism in the United States. And we have a rising tide of protectionism.

Farm interests are crucial to the American position on international economic policies. American farm interests are, therefore, bound up with the economic interests of Western Europe, which rest on the achievement of an open world economy.

Nearly all governments provide assistance to farmers one way or another and to greatly varying degrees. This is necessary. It is the method or means, though, by which this assistance is provided that is so important to world production and trade.

At a very early stage in its life, the European Community developed the common agricultural policy. Initially, the CAP was said to be an instrument for stabilizing market conditions inside the Common Market and avoiding the bad effects of sporadic dumping by outside suppliers. Its declared purpose was constructive and beneficial.

In practice, however, the CAP has become a major disruptive force in world agricultural markets. Its workings have gone far beyond the original objective. The import-levy system that the Common Market has introduced is much worse than import quotas because it makes imports a matter of residual supply. The price of imports is kept above the internal price.

The Community's farm support policies stimulate production by artificial means. The Common Market now is nearly self-sufficient in all temperate-zone foodstuffs.

This has been achieved by setting internal support prices in the key commodities at roughly double world market levels. It is hardly surprising that surpluses are generated. But the surpluses must be sold, so the Community releases its surpluses onto world markets with the help of heavy subsidies. The subsidy payments often are larger than the market value of the products, and they are financed by the levies on those imports that are able to enter the Common Market. To me, this seems to be a bad system, and it is costly.

I am not attacking the idea of government aids to farmers. But farm policies do not have to be so protectionist. It should not be necessary to make the efficient farmers of one country pay for the farm program of another.

As I've already noted, one reason why the CAP is so disruptive is that its price levels are so far above world market levels.

But another reason is that price relationships within the CAP system are set in such a way as to favor the use of expensive home products in place of lower priced imports. For example, soft wheat grown in the Common Market is increasingly used to substitute for imported corn in feeding animals.

Surpluses are low at the present time. But most experts believe they will be with us again before long. This will be especially true in Western Europe. The surpluses will be costly to either store or export.

Recent studies in the Community have confirmed what everyone experienced in agriculture already knows: low-income farmers, being small operators, get high prices on their small outputs, but only benefit marginally from the Common Market price-support policy. On the other hand, large farmers in the Community, already operating at high-income levels, are able to reap windfall profits from the high prices obtained on their large output. I am told, moreover, that many of the large farms in the Community are owned by "weekend" farmers having other sources of income. This happens in the United States in all too many instances.

Estimates by the U.S. Department of Agriculture put the cost of the national farm support programs of the present member countries of the European Community at about $5 billion a year. This must be added to the roughly $3 billion that is spent each year under the CAP program jointly managed from Brussels.

But these are not the only costs. The high prices maintained by the CAP program probably cost consumers in the Common Market another $6 billion to $7 billion a year over and above what they would pay if food were available at world market prices. This in turn releases strong inflationary forces, causing workers to fight for higher and higher wages to cover their weekly food bill.

There is reason to believe that in the 1970s the CAP system, unless modified, will work to the detriment of manufacturing industries in the Common Market as food prices affect wage demands and thereby push up labor costs.

The European Community thus is operating a farm support system at a high cost which does not benefit in any significant way the small farmer it is supposed to help. Surely the minds of men can design a better set of policies than that! Surely it is within the realm of possibility to find the means for assisting the income of small farmers without providing windfall gains for large farmers and without forcing consumers to pay more than they need for their daily fare. This same challenge faces us in the United States.

While the agricultural interests of the United States may be hurt, the agricultural interests of Australia, Canada and, most especially, New Zealand are hurt even more. All the small countries face spillover effects from European agricultural protectionism.

As for the poor countries of the Third World, looking for export benefits from the Green Revolution, they are being faced with a market situation based on competition among the Treasuries of the rich countries.

We cannot maintain for long a world trading system with national farm support policies which are so crudely mercantilistic. It is not sensible, or politically viable, to continue to base production and exports on competition between Treasuries, or on competition to see which government can squeeze its consumers and wage earners most. Yet that is where we stand at the beginning of the 1970s.

Britain's shift last year, to an import-levy system of agricultural protection, similar to that of the CAP system, was a cause of considerable concern to me and to many of my Congressional colleagues. Here was the United Kingdom, a model to other countries with its deficiency payments system of income-support for farmers, suddenly embracing a most wasteful and disruptive form of farm support.

Those in the United States Congress, if not all of those in the Administration, who

interest themselves in international economic affairs, have been disappointed by the extent to which the United Kingdom and other applicants for Common Market membership have been so prepared to embrace the CAP system as it stands.

Unless the CAP system is reformed, the enlargement of the European Community can be expected to have a further disillusioning effect on the United States attitude toward the new Europe.

I urge you to put your minds to work on devising new ways and means for assisting low-income farmers in Western Europe. If you assist them, perhaps by direct payments and also reduced internal prices, as the Vedel Commission in France has recommended, you will in the end ease the cost of the CAP and thus benefit yourselves as well as low-cost agricultural suppliers elsewhere in the world.

European and "outside" interests have much in common. I am not saying to you and your friends across the Channel: "Tear up the CAP. Start again." What I am saying is that you should rearrange the CAP's measures and practices in order to curb its more costly and more distorting aspects.

There is an opportunity, with the adjustments which must follow the Community's enlargement, for gradual changes to be made over the next few years in the CAP system, attuning it more to the objectives of an open world economy.

If the enlarged Community could be induced to look in that direction, the United States also would have to look to its farm support policies, as would other industrialized countries, like Japan, and agricultural exporters such as Australia and Canada. The task would be challenging. But setting agricultural policies in the right direction would serve all our interests.

Look at the benefits! We would be working toward a world of economic peace and minimizing the threat of trade wars. We would be working toward a rationalization of world food production to provide a basis for feeding the world at reasonable costs and avoiding large pockets of starvation and deprivation.

Instead of trade restrictions, we must move toward increasing consumption, improving nutrition, developing new uses and increasing efficiency to reduce production costs.

The European Community, as the world's largest trading entity, should see the need to do this. I am hopeful that the coincidence of your fundamenal interests and those of others, including the United States, may make such an endeavor possible.

The time has come to begin building a new multilateral economic system, one based on the old system, but going well beyond it. Perhaps the high-level OECD study group on world trade can provide that beginning. I hope so.

I am also hopeful that the enlarged European Community will at last begin to confront the fundamental problems which beset the world economy. But it will require a major effort in Britain and in the other member countries of the enlarged Community to alter the course of recent policies. The Common Market is no weak and fragile competitor and it will be less so once Britain and the other applicants have joined.

Regional trading blocs or economic spheres of influence do not provide an answer to the problems of the world economy. If only for political reasons the weaker developing countries cannot survive as client-states under the economic dominance of one of the world's major commercial powers.

New trade negotiations are required. The international trading system has to be developed a stage further to provide rules for agriculture as well as industrial trade. Ways have to be found for coping with non-tariff barriers to trade which in the United States have evoked the slogan that "foreign trade is not fair trade".

What we need is a global strategy for the further liberalization of international trade on a programmed basis capable of securing benefits while avoiding painful dislocations.

The industrialized countries of the world have become too interdependent economically to turn back without great loss to themselves. Insead, they must move forward recognizing that the easy solutions lie behind us and the hardest problems lie ahead. The tough issues, such as agriculture are the ones that remain to be tackled. We all would benefit if agricultural policies could be set in new trade liberalizing directions.

UNSECURED CREDIT TO POLITICAL CANDIDATES

Mr. SCOTT. Mr. President, an editorial in the Portland, Oreg., Capitol Journal comments on my proposal to prohibit the granting of unsecured credit to political candidates by federally regulated industries. I ask unanimous consent that the editorial be printed in the RECORD.

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

STOP CAMPAIGN "CONTRIBUTIONS"

Sen. Hugh Scott is absolutely right when he says legislation is needed to stop political candidates from forcing businesses to contribute to them illegally. And that's about the only interpretation—unkind as it may be—for some of the practices used by virtually all presidential candidates.

Scott, the Senate GOP leader, put on the record last week a mass of documents showing huge bills run up by candidates with airlines, telephone companies, and other firms—all of which are regulated to one degree or another by the federal government.

"This business of trying to run political campaigns on the cuff is distinctly unfair," said Scott, "and places a burden which not only should not be on the companies but is actually forcing them into making involuntary and illegal contributions."

U.S. airlines, for example, have more than $2.1 million in unpaid debts run up by Democratic and Republican committees and individual candidates. According to Scott's figures, President Nixon owes $69,376 to American Airlines. That airline—with total unpaid debts of more than $1.3 million—also is owed $415,120 for the campaign of the late Robert F. Kennedy; $138,762 for Hubert H. Humphrey's race; $135,872 for ex-Sen. Eugene McCarthy's campaign, and $151,871 run up by the Republican National Finance Committee. And some of the candidates also owe big unpaid accounts with other airlines, American Telephone and Telegraph, Western Union, and General Telephone.

Scott needled McCarthy, who he said apparently is going to run for president again, as one "who doesn't run a shirtsleeve campaign but one on the cuff." But McCarthy shouldn't be singled out when even the successful Republican presidential candidate still is in the hole.

Scott's disclosures dramatize the need for passage of a strict limitation on campaign expenditures, including a flat prohibition on putting expenses on the cuff with government-regulated businesses.

Under present law, corporations aren't permitted to contribute to political campaigns. But passage of the expenditure-limitation bill now pending in Congress still would allow the practice of involuntary "contributions." Scott proposes an amendment to correct that deficiency.

Both a cash spending limitation and a prohibition on campaign credit are essential. Stopping credit without a limitation on over-all spending would work against the least affluent candidates. And they already suffer in the spending competition with their wealthier opponents. The answer is a total revamp of the system as Scott proposes.

RETIREMENT OF COL. JOSEPH E. O'LEARY

Mr. BIBLE. Mr. President, the Army and the Senate lost a valued friend last week when Col. Joseph E. O'Leary retired. In his post as chief of the Army's legislative liaison office, Joe served with dedication and ability—and with patient good humor—in a job that is demanding and, I am sure, often frustrating. He served the Army well, and in so doing he served the Senate with distinction.

Last week, in Friday's RECORD, the Senator from Alaska (Mr. GRAVEL) paid tribute to Colonel O'Leary. I should like to invite the Senate's attention to those remarks and to the biographical sketch of Colonel O'Leary that was included at that time.

We will miss Joe O'Leary but we wish him well in retirement. Knowing Joe, he will have an active and productive retirement.

SUCCESS DESPITE A HANDICAP

Mr. MATHIAS. Mr. President, Ray Senasack is a young man who has learned to cope without arms. He is a high school graduate and is planning to attend college in the fall. This summer he is working for the Maryland-National Capital Park and Planning Commission and his employer describes him as a valuable worker who neither needs nor wants special concessions.

Lee Flor, in an article published in the Evening Star, describes Ray's accomplishments. He was only 11 months old when he began to learn how to use artificial limbs. He is considered an "excellent example of how a child can adapt to his handicap."

Because I feel that we, as employers and individuals, can learn a lesson in life from Ray's perseverence, I ask, unanimous consent that the article be printed in the RECORD.

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

[From the Washington Evening Star, July 6, 1971]

HE DIDN'T GIVE UP

(By Lee Flor)

Ray Senasack has no arms—he was born that way. But during his 19 years, he's had something in extreme depth to make up for it . . . spirit.

Ray is now in that transitional period between being a teen-ager, and becoming an adult. He was just graduated from high school and is looking forward to college in the fall.

This summer, he has his first full-time job, as a groundskeeper at the Maryland-National Capital Park and Planning Commission's Northwest Park Golf Course, close to Ray's home near Wheaton, Md.

Ed Burriss, his foreman, said that Ray is doing every job that has to be done—running the mowers used in special trimming, and operating larger machines needed for carrying tools.

SPEAKS FRANKLY

Ray talks frankly about his case because he thinks other employers should be encouraged to hire the handicapped.

But things have not always run so smoothly for Ray. With no arms, or with a stub instead of the normal arm, he had to learn to balance as a child, and this is difficult.

When he was 11 months old, his parents, Mr. and Mrs. Henry E. Senasack, were told that they had to prevent Ray from using his feet so he later would learn to use artificial arms.

The family was able to get the Army's Walter Reed Hospital to accept Ray under a program of special research on amputees. The researchers, concerned over amputees in the service, wanted to make comparisons with a child who never had full use of arms.

BUDGET SLASH

However, in the early 1960s a budget slash resulted in Walter Reed's dropping Ray, who had been using artificial limbs custom-made for growth. The family was referred to Maryland and District agencies, and finally wound up at the crippled children's clinic at D.C. General Hospital. D.C. General has a special program for children amputees, funded by the Department of Health, Education and Welfare.

Ray still returns to the clinic every three months for adjustments of his artificial limbs.

Mechanically inclined, Ray loves to use tools and work on cars. He would like to become a mechanical engineer.

The creativity which helped design his artificial limbs has left an indelible impression on him. "I think I might like to try to design some better artificial limbs," he said. "I think I can understand the amputees' problems."

As a recent high school graduate turned 19, Ray achieved something in common with many of his school mates. Through some slip-up, the Silver Spring Selective Service Board classified him as 1-A. The draft board said it "just goofed."

Ray has been stubborn about being accepted on his own. He has insisted on playing baseball and football and has received several broken collarbones as a result.

With his artificial limbs, he is able to drive a car, operate almost all machinery, and lead a near-normal life. He wants no special concessions. His current employer is discovering that he needs none, always doing that little something extra which makes him a valued worker.

Dr. Charles Epps, the orthopedic specialist who is head of the amputee clinic at D.C. General, says the Senasack family (there are two older children) and its attitude has played a major role in turning out "a fine boy, with no psychological problems.

"We've been following Ray with a great deal of interest," Epps says. "He is an excellent example of how a child can adapt to his handicap and not let it ruin his life."

LOAN GUARANTEES TO HOSPITALS AND HIGHER EDUCATIONAL INSTITUTIONS

Mr. BAYH. Mr. President, on July 28, I offered an amendment to the Lockheed loan bill which would have provided that half the loan guarantee authority provided under provisions of that bill be used to guarantee loans to hospitals and higher educational institutions. At that time I pointed out the serious financial problems facing these institutions and the dangerous situation which would result if such institutions were to go bankrupt.

I have just received a letter from the director of the Department of Health and Hospitals of the city of St. Louis, Mo., detailing the severe financial difficulties faced by the public hospitals in that city, and I would urge that my colleagues—especially those who did not support my amendment—take a serious look at the picture painted by Dr. Wochner of the troubles in St. Louis.

As I said when I offered my amendment, if we are going to provide emergency financing for emergency situations, I want to be sure that the emergency money goes where the real emergencies are. I do not think there can be any doubt any longer about the true emergency facing public hospitals in this country.

The crisis in St. Louis is duplicated in dozens of cities all across the country. And the financial crisis which threatens to shut down our hospitals is an especially grim situation—for when hospitals must cut back services, or shut down altogether, people die.

This is simply an unacceptable situation. We have now passed the Lockheed emergency measure. I do not think we can afford to wait for our hospitals to begin shutting down for lack of funds to pass similar legislation which would alleviate this extremely dangerous situation.

Mr. President, I ask unanimous consent that the letter sent to me by Dr. Wochner, and an attached newspaper article, be printed in the RECORD.

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

CITY OF ST. LOUIS,
DEPARTMENT OF HEALTH AND HOSPITALS,
St. Louis, Mo., July 30, 1971.

Hon. BIRCH BAYH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAYH: The enclosed article from the St. Louis Post-Dispatch was recently brought to my attention. I would like to support the statement made and to indicate that our situation is even worse than quoted. The operating deficit for the St. Louis Hospital Division during the past year was approximately $18 million rather than $4.5 million as stated. This is out of a total operating cost of approximately $29 million, so that we are only able to provide payment (from Medicare, Medicaid, private insurance, etc.) for about 40 percent of our expenses. Since the overall budget for the City of St. Louis was $125 million for this same period, it is evident that the deficits incurred by the hospitals are a major factor in the bleak financial picture of the city.

I include these figures because I think that the situation in St. Louis is fairly typical of large cities across our country. The hospitals are grossly underfinanced, loaded with patients who are unable to pay, or provided with only partial payment by existing programs, and literally fighting for survival. Furthermore, the hospitals are usually located in physical plants that are terribly rundown and badly in need of repair or replacement. During the years when money for capital improvements was easily obtained, most private hospitals undertook extensive building programs and charged this as part of the overall per diem rate paid by patients in the institution. The public hospitals were unable to do this and are now suffering as a result.

I have little doubt that some expanded federal medical programs will be passed in the next few years. Such programs hold promise of considerable improvement for public hospitals because they will thus be given adequate operating funds to provide good medical care to the citizens. However, I am very concerned about the status of these hospitals during the interim period before such help becomes available. In many instances the actual survival of such hospitals is at stake. Should such hospials be forced to close, the resulting reduction in medical care would be potentially disastrous. In our own community, for example, half of all emergency room visits and half of all outpatient clinic visits occur at the public hospitals. One out of every six in-patient beds is at one of the public hospitals, and many of the other beds serve patients from outlying suburban areas. We expect that the numbers of private physicians and private hospitals within the inner-city will continue to decline as they have over the past decade, resulting in an even greater load being placed upon the public institutions. We estimate now that about half of the population of the City of St. Louis is dependent upon the public hospitals for its care. In spite of these facts, there was serious talk last spring during budget hearings of closing the largest of the city hospitals as an economy move.

I certainly believe that if the federal government can consider providing aid to the Lockheed Company to prevent its possible bankruptcy, even more serious consideration should be given to providing aid to the public hospitals of our country to prevent the disastrous consequences of their bankruptcy.

Yours sincerely,
R. DEAN WOCHNER, M.D.,
Director.

BAYH PROPOSES LOANS FOR HOSPITALS

WASHINGTON.—The subject of St. Louis's debt-ridden City Hospital system was raised today by Senator Birch Bayh (Dem.), Indiana, who said that a program of federally guaranteed loans was needed to aid public and private nonprofit agencies.

Bayh, speaking before the Senate Committee on Banking, Housing and Urban Affairs, said that he would like to expand a proposal, that would provide Government-backed loans to industries in trouble to include hospitals, medical schools, colleges and universities.

He noted that St. Louis municipal hospitals' operating deficit last year was $4,500,000. In New York City hospitals were $35,000,000 in the red and in Los Angeles hospitals lost $15,000,000.

"The hospitals of this country ought to be high on the list of deserving candidates for federally guaranteed loans," Bayh said. "I can only conclude that the failure of major hospitals would have a serious and adverse effect upon this country's health and welfare."

He said he would introduce an amendment to the bill to provide loans for emergency assistance to the nonprofit institutions.

BUSING

Mr. THURMOND. Mr. President, the Washington Sunday Star of July 25, 1971, contains a column written by James J. Kilpatrick entitled "The Bus Route From Education to Madness."

The article dramatically points out the chaos which exists within the southern school system due to forced busing in order to achieve a certain racial percentage. Mr. Kilpatrick based his column around a conference of several hundred principals, supervisors, and others engaged in elementary education. The conference, held in Roanoke, Va., was chiefly concerned with unionization of public schoolteachers; however, the discussion centered around the educators' greatest ill, that of busing.

Because of fear that they may be

prosecuted for contempt of court if they criticize busing, Mr. Kilpatrick used ficticious names and school districts to describe the enormity of the problem. In one major southern city the principal has been busy since the school year ended in such educational endeavors as moving all his school furniture and books for fourth, fifth, and sixth graders to another school and receiving a like shipment in return; talking to outraged parents both black and white; and doing whatever he can to insure his requisite percentage of whites by September 7. The article concludes that such proceedings amount to madness, not education.

Mr. President, I ask unanimous consent that the column be printed in the RECORD.

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

THE BUS ROUTE FROM EDUCATION TO MADNESS

(By James J. Kilpatrick)

ROANOKE, VA.—Several hundred principals, supervisors, and others engaged in education at the elementary school level met here a few days ago for a conference on what ails them. The delegates came from six southern states, whites and blacks alike, and for three days they listened dutifully to a program built around trade unionism and the new worry of "accountability."

These are important concerns. The unionization of public school teachers has become a fact of educational life, and the principals, understandably, were eager to know all those things about contract negotiation they always had been afraid to ask. The business of accountability embraces the growing demand of parents for a kind of quality control in the classrooms: If Miss Jackson's third-grade pupils fail to learn to read at third-grade levels, fire Miss Jackson.

But back in their rooms, or over a drink in the hotel pub, these deeply troubled professionals were not talking of militant unions or critical parents. They were talking of busing. A summer conference at a modestly posh hotel ought to mean happy times. These were the saddest sessions I ever sat in on.

The term "busing" has come to mean a great deal more than the mere physical transportation of pupils from Point A to Point B. In today's lexicon, it connotes such measures as "pairing" and "clustering" and "closing," and by extension it takes in all the problems of discipline, white flight, and school-community relations that afflict southern school systems today.

By way of example, consider two elementary schools in a major southern city. One of them, Hyde Park, on the east side of town, is located in a section of the city that has been wholly black for 70 years. The other, Bellhaven, on the west side, serves a neighborhood once wholly white but now substantially mixed. Each of the schools has a capacity of 800 pupils.

Under court order, Hyde Park and Bellhaven were paired for the 1970–71 school year. Roughly 160 white children were shipped every day to Hyde Park, and roughly 120 black children were shipped every day to Bellhaven. All six grades were maintained at each school, and the situation created problems that were "real but not intolerable."

For the coming year, the schools are to be "split-paired." The local District Court has decreed that all schools in the city system must be racially mixed, as nearly as may be practicable, in a ratio of 65 blacks to 35 whites. A part of the decree requires that Hyde Park abolish its kindergarten, first, second and third grades; and that Bellhaven abolish its fourth, fifth and sixth grades. The object is to place 520 blacks and 200 whites in each school.

The principal of Bellhaven, who happened to be telling me all this, is a plump fellow in his early 50s; his face looks as if all happiness had been squeezed out. He has spent the past six weeks, since the school year ended, in these educational endeavors: He has moved all his school furniture for fourth, fifth, and sixth graders to Hyde Park, and he has received like shipments in return. He has worked with his librarian in purging the Bellhaven shelves of 2,200 books beyond the third-grade level and is swapping these with the Hyde Park collection for tiny tots.

Mostly he has been on the phone with parents. His opposite number, 11 miles across town, has been equally engaged. Infuriated black parents are threatening violence and boycott. Outraged white parents have filed 230 requests for pupil records as a preliminary to placing their children in private schools. The principal of Bellhaven at this moment has no idea "if I can produce my 280 whites." He won't know until Sept. 7.

I do not identify the city or the principal; educators have been warned they may be in contempt of court if they publicly criticize busing. Those are not the true names of the two schools. But the story is absolutely true. It is entirely typical. Down in Austin, Tex., the government has been demanding imposition of a plan that would give each school the same ethnic mix of the city at large—64.5 percent white, 20.4 percent Chicano, and 15.1 percent black. This is education? No. This is madness.

TESTIMONY OF SENATOR TOWER ON VETERANS' AFFAIRS

Mr. COOK. Mr. President, I invite the attention of Senators to the testimony presented by the Senator from Texas (Mr. TOWER) to the Subcommittee on Health and Hospitals, of the Senate Veterans' Affairs Committee in regard to his bill, S. 2304, which I am pleased to cosponsor.

This bill would, in my opinion, go a long way toward alleviating the situation in two critical areas. One of these is the high rate of unemployment among our returning Vietnam veterans, and the other is the acute shortage in medical manpower.

Thousands of these veterans have acquired considerable training and skill in the medical field, yet must go through lengthy training when they return in order to utilize these skills. This measure would, if enacted, greatly improve this situation, thereby substantially meeting these two critical needs.

Mr. President, I ask unanimous consent that Senator TOWER's very clear and informative statement on the provisions of S. 2304 be printed in the RECORD. I am honored to be a cosponsor, and I strongly commend it to the Senate.

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

TESTIMONY OF MR. TOWER

Mr. Chairman, I want to thank you for allowing me the opportunity to present this testimony on behalf of two bills which I have introduced: S.J. Resolution 128, the "Veterans' Administration Medical School Assistance and Health Service Personnel Education and Training Act of 1971"; and S. 2304, the "Veterans' Allied Health Professions Training Assistance Program."

During the past decade, Americans have become increasingly concerned with the quality of medical care. Scientific, technological, and medical research have created entire new concepts and fields of treatment; federal legislation has made it financially possible for many people who previously could not afford treatment to obtain it; and a more knowledgeable general citizenry has increased the demand for adequate medical treatment, which has seriously strained the ability of our health care system to effectively and efficiently render such treatment.

As responsible members of the Senate, we must carefully examine the complexities of the problems which presently affect our national system of delivering health care. Although it is essential that the federal government participate in programs designed to correct these problems, we must proceed with caution in order that the federal government's input will not come to dominate the system.

Our emphasis should be placed on quantity, for one of the greatest shortcomings in obtaining an adequate level of quality is the lack of sufficient facilities and manpower. The federal government, through such legislation as the Hill-Burton Act, has done an admirable job of providing the necessary facilities. The Veterans' Administration is constantly constructing new hospitals in an effort to provide veterans with needed medical care. Although such facilities are impressive, however, they are meaningless if we are unable to properly staff these hospitals with an adequate number of qualified medical personnel. In view of the distressing national shortage of health manpower, which is conservatively estimated to be over 50,000 doctors of medicine and over 250,000 allied health and other medical personnel, it is imperative that we take immediate action to promote the establishment and expansion of health training programs. It is for this reason that I have introduced S.J. Resolution 128 and S. 2304.

I was greatly encouraged by recent Senate action in relation to the Comprehensive Health Manpower Training Act of 1971 and the Nurse Training Act of 1971. I am confident that this action will ensure the continuation of the fine legislation which has accomplished so much in these areas in the past. But to say that we have done all that is necessary to eliminate the health manpower shortage would be incorrect. The need is so acute and the time so short, that to do less than completely utilize such an appropriate and invaluable national resource as the Veterans' Administration Department of Medicine and Surgery would be not in the best interest of the nation.

I commend Representative Teague, Chairman of the House Veterans' Affairs Committee, for his outstanding work on H. J. Resolution 748, which is identical to S. J. 128. This bill would greatly enhance the ability of the Veterans' Administration to train qualified health manpower in cooperation with its affiliated institutions.

The following facts demonstrate the potential of this legislation:

1. The Veterans' Administration operates the largest medical care system in the United States, and perhaps in the world. It presently has more than 165 hospitals geographically dispersed throughout the nation, with a potential capacity of 97,000 beds.

2. The Veterans' Administration's Department of Medicine and Surgery has made a substantial contribution in the field of health education. For over 25 years, hospitals of the Veterans' Administration have been offering hospital-based educational experience in collaboration with most of the nation's medical schools.

3. Veterans' Administration hospitals are currently affiliated with 81 medical schools, 51 dental schools, 287 nursing schools, 274

universities, and 84 community and junior colleges.

4. During the current fiscal year, more than 50,000 students will participate in more than 60 categories of training in VA institutions. Because of the size, diversity, experience, and quality of its medical facilities and training programs, the Veterans' Administration's Department of Medicine and Surgery is uniquely qualified to undertake the programs outlined in S.J. Resolution 128 and S. 2304. We cannot afford to squander the expertise and experience of the Veterans' Administration in this area which is so vital to the national interest.

At this time, I would like to briefly detail the provisions of S.J. Resolution 128. It would create a new chapter (82) to title 38, the United States Code, to be entitled "Assistance in Establishing New States Medical Schools: Grants to Affiliated Medical Schools: Assistance to Health Manpower Training Institutions." The chapter is divided into three subchapters, each of which is designed to accomplish certain designated programs.

Subchapter I would provide a pilot program of assistance in the establishment of not more than five new State medical schools to be located in proximity to, and operated in conjunction with, Veterans' Administration medical facilities in geographically dispersed states. The assistance would include (1) leasing of VA land and buildings to the State, (2) remodeling and repair of VA structures to render the buildings suitable as educational facilities, and (3) grants (on a reducing basis) to reimburse the state for faculty salaries. A fine example of how successful such a program could be has been demonstrated by the medical school established in Shreveport, Louisiana by the State of Louisiana and Louisiana State University. Early in 1967 arrangements were finalized whereby the medical school would be granted the use of surplus space in and on the compound of the Shreveport Veterans' Administration Hospital. Soon thereafter, the core administrative staff and faculty moved into the hospital. In the fall of 1969, only 14 months later, 32 students were admitted to the first class. Another 32 students were admitted to the class of 1970, while 40 will be admitted for the class of 1971. The total cost in terms of renovation and rent to date is $168,000. Contrast this with the creation of 16 other medical schools from 1960 to 1966, which exhibited a time lapse of five and one half years from authorization to actual enrollment, and a combined total cost of $1 billion. This proposal is an extension of the project in Shreveport. Within a reasonable period of time, with a modest appropriation of funds, we can significantly increase our nation's capability to produce qualified physicians.

Subchapter II would authorize the Administrator to establish a program of grants, on a matching basis, for medical schools which have maintained an affiliation with the Veterans' Administration. These grants would assist such schools in carrying out projects and programs for the improvement and enlargement of their facilities. They would make a significant contribution to strengthening the medical education program of the schools, with the result of a substantial increase in the number of students able to attend medical school. This chapter is designed to enable medical schools to increase their enrollment and modify their curriculum in an effort to fully develop the potential resources of the health professional training programs which presently exist.

Subchapter III would authorize the Administrator to initiate a program of grants, on a matching basis, in order to establish cooperative programs for the development and evaluation of new health careers and the improvement in utilization of allied health manpower. This proposal would promote the creation and expansion of new health careers such as the "physician's assistant." Presently, the VA is involved in physician's assistant training programs only to the extent that some of its hospitals offer the use of their clinical resources to affiliated academic institutions. VA hospitals are affiliated with 8 different programs which qualify their graduates under the Civil Service standards for physician's assistants. I am proud of the fact that one of these programs is being initiated by the Baylor College of Medicine, which is a clinical affiliate of the VA Hospital in Houston, Texas.

The total authorization level for S.J. Resolution 128 would be $33 million for the first fiscal year and $34 million per year for the following six years. In addition, it contains the necessary provisions to ensure that the funds will be distributed and utilized in a responsible manner.

One of the most immediate benefits to be derived from the initiation of these proposals would be an increase in the quality of medical treatment in VA hospitals. The long-range benefit, however, would be an increase in the number of qualified medical personnel available for employment by the Veterans' Administration and utilization by the entire nation.

Mr. Chairman, I would now like to proceed to a discussion of S. 2304, the "Veterans' Allied Health Professions Training Assistance Program." I would like to thank my fellow Senators who have joined me as cosponsors of this bill. They include Senator Cook, Senator Hansen, Senator Stevens, Senator Talmadge and Senator Thurmond of the Senate Committee on Veterans' Affairs as well as Senator Baker, Senator Bennett, Senator Brock, Senator Cooper, Senator Dole, Senator Hollings, Senator Inouye, Senator Mathias, Senator McGovern, Senator Moss, Senator Percy, and Senator Young. I appreciate the concern they have shown by supporting me in my efforts to secure the passage of this much needed legislation.

DEFINITION OF ALLIED HEALTH MANPOWER

The Bureau of Health Professions Education and Manpower Training of the Department of Health, Education, and Welfare defines "allied health manpower" as those professional, technical, and supportive occupations in the fields of medical care, community health, public health, and environmental health services whose activities support, complement or supplement the professional functions of the medical doctor, osteopathic physician, dentist, and professional nurse.

GROWTH OF ALLIED HEALTH PROFESSIONS

The allied health professions constitute a significant number of persons who perform a wide range of functions in the delivery of health service. Allied health workers in medical, dental, and environmental health fields in 1970 totaled about 925,000 and when added to more than 1.2 million nursing auxiliaries (which includes licensed practical nurses, nurse aides, orderlies, and attendants) make up more than half of all 3.9 million persons employed in health occupations. By 1975, it is estimated that only one third of the medical work force will consist of the traditional health team of physician, dentist, and nurse. The remainder will consist of over 200 different kinds of professional, technical, and vocational workers in allied health fields. The development of trained allied health manpower in a variety of occupations, optimally distributed and fully utilized is an ingredient critical to the efficient and effective delivery of health service.

POSSIBLE SOURCES OF MANPOWER RECRUITMENT

It is now generally agreed that the total need cannot and should not be met solely by programs designed to recruit and train individuals who are novices to the health field. A significant part must be supplied by improving the utilization of people already employed in the health field and by attracting to these occupations many men and women who, though well-qualified, are now discouraged or effectively excluded by formal academic requirements. The military "medic", who is returning to civilian life, is an example of a trained member of the health care team who is not being successfully encouraged to remain in health related fields.

RESOURCE POTENTIAL OF THE MILITARY "MEDIC"

Student Selection: The Armed Services carefully screen the personnel to determine their potential in health occupations. The selection process consists of evaluating the individual's scores on mental and physical tests, his civilian occupation and experience, his educational achievements, his stated preferences and the personnel needs of the Armed Forces.

Comparison of Military and Civilian Students: The course prerequisites for advanced medical training compare favorably with those required by health occupation courses at the associate of arts level in community colleges. In fact, a survey conducted by Colonel James J. Young, U.S. Army, indicated that most of these individuals exceeded the established Army prerequisites. Furthermore, the study indicated that a large percentage of these individuals had one to two years of college.

Military Training Programs: The Armed Services, in order to meet their health manpower needs, conduct extensive training and education programs. I will limit my remarks to the efforts of Army because it trains more people in a greater variety of specialties than the other services. In the face of the large influx of untrained personnel and the high turnover rate of inductees, the Army Medical Department must devote a significant portion of its human and physical resources to the education and training of enlisted allied health manpower.

This education and training is accomplished through several educational mechanisms: formal school courses, apprenticeships, and on-the-job training. Often, a course is a combination of these various mechanisms. Most courses are well established and have been repeatedly revised and reviewed over the past ten years. These courses are conducted by nighly qualified personnel who are carefully selected on the basis of their expressed desire, demonstrated ability, experience, and competence in their respective fields.

The fact that the accepted professional certifying bodies have recognized a number of these military occupational specialties is further evidence of the quality of the Army's training and education programs. Among the military occupational specialties so recognized are the X-ray specialist, the medical laboratory specialist, and the clinical specialist.

Army Medical Occupations for Enlisted Men: At this time, I want to include a complete listing of the Army's occupational specialties in the allied health fields:

Medical Equipment Repairman.
Brace Specialist.
Dental Removable Prosthetic Specialist.
Optical Laboratory Specialist.
Dental Fixed Prosthetic Specialist.
Medical Records Specialist.
Medical Supply and Parts Specialist.
Medical Corpsman.
Medical Specialist.
Clinical Specialist.
Operating Room Specialist.
Dental Specialist.
Psychiatric Specialist.
Social Work/Psychology Specialist.
Orthopedic Specialist.
Physical Therapy Specialist.
Occupational Therapy Specialist.
Electroencephalograph Specialist.

Electrocardiograph-Basal Metabolism Rate Specialist.
X-ray Specialist.
Pharmacy Specialist.
Food Inspection Specialist.
Preventive Medicine Specialist.
Veterinary Specialist.
Eye, Ear, Nose, and Throat Specialist.
Medical Senior Sergeant.
Medical Laboratory Specialist.
Hospital Senior Diet Cook.
Hospital Mess Steward Specialist.

This list indicates the great variety of trained allied health manpower that the Army produces annually.

Size of Resources: The most important fact, however, is that each year it is estimated that 30,000 to 35,000 men and women, with medical skills and experience are separated from the Armed Services to enter the civilian labor force. While in the service, two thirds express a desire to stay in health careers, but only one third do so.

Conclusion: If the nation is as short of allied health personnel as recent studies would indicate, the nation's education resources as meager as implied, and the cost of education as great as the record indicates, it is imperative that we should direct extensive efforts toward the effective use of these former servicemen in the civilian health community.

BARRIERS TO EFFECTIVE UTILIZATION OF THIS HEALTH MANPOWER RESOURCE

Based on extensive surveys, the following items were indicated to be significant barriers to employment in health careers by former servicemen.

Inability to meet certification requirements.
Unrecognized military training.
Insufficient education.
Inability to work at level of skill.
Low pay and fringe benefits.
Little opportunity for advancement.
Insufficient knowledge of health careers.

I have not attempted to list these barriers according to their effectiveness in preventing military "medics" from entering the civilian health fields.

FEDERAL INITIATIVES TO UTILIZE RESOURCES

Task force on Allied Medical Education: In view of these barriers, the federal government has undertaken two significant programs. First, the Department of Defense is making a concerted effort to increase in-service training certification as a career incentive. The Air Force, Army, Navy, and American Medical Association have joined together as a task force to study the problems of certification and licensure of graduates of military training programs in an effort to erase some of these barriers.

The MEDIHC Program: Second, the Department of Defense and the Department of Health, Education, and Welfare, in a joint effort, have established the MEDIHC (Military Experience Directed Into Health Careers) Program.

The Department of Defense, through its Project TRANSITION Offices, identifies, contacts, and counsels servicemen with military medical occupational specialties three or more months prior to discharge on civilian health careers education, and employment opportunities. Men interested in pursuing a health career complete an educational and experience background card to be sent to the designated State MEDIHC agency, which picks up on the counselling process and makes appropriate referrals to health employers and/or educational institutions.

The MEDIHC Program, as it develops, will be able to successfully assist these individuals who would otherwise be frustrated by a lack of knowledge of the available opportunities and the seemingly insurmountable obstacles to effective utilization of the skills they possess.

KEY TO FULL UTILIZATION IS EDUCATION

However, the vital key to eliminating these barriers is education. Education will enable these veterans to meet certification requirements. Education will enable them to work at levels commensurate with their skills. Education will enable them to enter health careers at levels with attractive wage scales and opportunities. This education will be specially designed to recognize their military training and experience.

A survey of the referrals received by the MEDIHC Program to date indicate that 26% wanted employment only and 5% wanted education only. Sixty-nine percent indicated that although they had to work, they wanted to continue their education at the same time. Seventy-four percent, in other words, have indicated that further education is essential to a fulfillment of employment aspirations in the health careers field.

THE PROPOSALS S. 2304

The "Veterans' Allied Health Professions Training Assistance Program" would provide medical training programs specifically designed for veterans with medical skills and experience acquired in the military. Such programs would utilize such devices as advanced standing and proficiency testing to enable the veteran to bypass unnecessary and repetitious training. These programs would supplement and complement their military training so that they could qualify under State and local law as allied health specialists in civilian communities.

The Administrator of Veterans' Affairs would distribute funds, in the form of grants, to medical training programs affiliated with the VA hospitals for the establishment and expansion of such designated programs.

The authorization level is $2,000,000 for the first fiscal year and $3,000,000 per year for the next six years.

CONCLUSION

If this nation is to facilitate the transfer of military-trained medical personnel to the civilian sector, we should initiate a program, such as the one contained in S. 2304, in the immediate future.

This program will directly benefit the veteran, especially at this time when the nation faces a high unemployment rate for Vietnam veterans. It will also benefit the Veterans' Administration by assisting it in its efforts to staff its hospitals with highly qualified personnel in the allied health fields, and it will benefit the nation by increasing the supply of trained medical personnel.

I feel that S.J. Resolution 128 and S. 2304 are far-sighted proposals which can effectively utilize the vast resources of the Veterans' Administration in our nation's efforts to train an adequate number of qualified health personnel to meet the demands which are being placed on our system of delivery of medical care.

Mr. Chairman and members of the Subcommittee: Thank you for the time and consideration you have given to this legislation.

A TRIBUTE TO POWRIE VAUX DOCTOR, AUGUST 7, 1903, TO JULY 31, 1971

Mr. MATHIAS. Powrie Vaux Doctor, professor of government and chairman of the Department of Government of Gallaudet College, died July 31, 1971, while attending the Congress of the World Federation of the Deaf in Paris, France.

Dr. Doctor was a member of the faculty of Gallaudet College for 43 years and was an internationally known authority on the education of the deaf. He was associate editor of the American Annals of the Deaf from 1940 to 1948 and editor from 1948 to 1968. The American Annals is the oldest educational journal in the United States and the oldest journal on the education of the deaf in the world.

A native of Belleville, Kans., Dr. Doctor became interested in the education of the deaf through his deaf brother. His sister is a teacher of the deaf in Tulsa, Okla. He held a masters degree from George Washington University and Gallaudet College, a Ph. D. from Georgetown University and an Lh. D. from Gallaudet. He conducted more than 100 workshops for teachers of the deaf in this country and lectured at universities in Munich, Heidelberg, Tokyo, and Moscow. In 1963, he was executive secretary of the International Congress on the Education of the Deaf in Washington, D.C., in which 50 nations were represented.

In 1970 he received the William Gaston Award for outstanding educator from the Georgetown University Alumni Association. In 1969, the American Speech and Hearing Association honored him for 40 years of service and achievement. This distinguished service award reads in part:

He has served many years as a sole individual responsible for the journal's (American Annals of the Deaf) policy regarding affairs of circulation, editorial content, and public relations.

His humanitarian and academic influence throughout the years has resulted in the growth of this publication . . . His numerous speeches, publications and personal presentations have won for him international acknowledgment as a most outstanding contributor for the advancement of the deaf.

Powrie Vaux Doctor will be remembered for his personal warmth, his sensitivity to the feelings of deaf people and his dedication to the education and general welfare of the deaf.

GOLDEN ANNIVERSARY OF DISABLED AMERICAN VETERANS

Mr. TOWER. Mr. President, I am very pleased to have this opportunity to join Senator HARTKE and Senator THURMOND as a cosponsor of Senate Resolution 157, which commemorates the golden anniversary of the Disabled American Veterans.

After World War I, the Nation wanted to forget the terrible price it had paid to defend the freedom of the world. The battlefields were in distant lands. But for over 300,000 disabled veterans, the fight had just begun. These veterans returned home to find that their country was not prepared to provide them with adequate health care, rehabilitation services, and training programs. The Nation wanted to forget, but these veterans were not willing to be forgotten. During this trying period, the Disabled American Veterans was founded in Cincinnati, Ohio.

Since 1920, the DAV has grown by leaps and bounds. Since World War I, our Nation has been called upon to defend itself and its interests in World War II, the Korean war, and the Vietnam conflict. More than 1 million American men have paid the highest price—death—in the military service to guarantee the life and liberty of others. We can never repay those who have died, except through our renewed dedication to work for a peaceful and free world. But millions more have suffered wounds and

diseases during their wartime military service. Today more than 2 million veterans have some form of disability recognized by the Veterans' Administration.

In 1932, the Disabled American Veterans was chartered by Congress to work for the improvement of health, education, rehabilitation, and employment opportunities for disabled veterans, their widows, and their dependents. The DAV is the only veterans organization dedicated solely to assisting the veteran who has been wounded or disabled in the service of his country.

The membership of the DAV now exceeds 30,000. There are over 1,900 local chapters across our Nation. The core of the program of the DAV is a staff of over 150 trained and accredited national service officers located in every Veterans' Administration regional office in all 50 States. These national officers, who are fully paid by the DAV, render free service to all disabled veterans and their dependents in processing their claims, whether the applicant is a member of the DAV or not. The cost of this free service in 1969, for example, exceeded $2 million. During the history of the organization, these service officers have handled over 8 million cases.

The DAV has been ever conscious of the needs of the disabled veteran. It has constantly sought necessary, equitable, and just legislation on behalf of the veteran. Its local chapters have undertaken such worthy projects as scholarship funds for the dependents of disabled veterans, Boy Scout troops for handicapped boys, and relief funds for the victims of natural disasters.

I find it truly difficult to adequately express my sincere admiration for this organization and its members. These men have a quiet courage which has enabled them to continue living, to overcome their handicaps to lead useful and productive lives, and to fight for their dignity and self-respect long after the fighting of the battlefields are distant memories. These men exemplify the essence of the American heritage.

JAILED CHILDREN

Mr. BAYH. Mr. President, 100,000 children under 18 are locked up in jails each year. This practice is condemned universally as not only being harmful to children emotionally, morally, and often physically, but also in the vast majority of cases, unnecessary. In at least 18 States there are laws which prohibit putting children in jail. Yet, they are violated on a widespread scale.

A recent article by John J. Downey, of the staff of the Youth Development and Delinquency Prevention Administration of the Department of Health, Education, and Welfare, documents how widespread the practice is and how unnecessary. His premise is a simple one: "Children do not be long in jail."

He proposes guidelines and alternatives to this practice, which I, as chairman of the Subcommittee To Investigate Juvenile Delinquency, believe should be brought to the attention of all public officials, Federal, State, and local, who have anything to do with the continuation of this abhorrent practice.

Mr. Downey concludes his article entitled "Why Children Are in Jail and How To Keep Them Out" by stating:

If jailing children is to be stopped, there must exist the firm conviction that jail is no place for a child—a conviction followed up with the enactment of appropriate legislation, the establishment of sound court policies for admission to detention, the development of local arrangements for shelter care, and the provision of local 48-hour holdover facilities. Children can be kept out of jail where there is a will to keep them out.

I could not agree more.

Mr. President, I ask unanimous consent that Mr. Downey's article be printed in the RECORD.

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

WHY CHILDREN ARE IN JAIL AND HOW TO KEEP THEM OUT

(By John Downey)

Every year in this country, 100,000 children under 18 are locked up in jails, according to estimates of the National Council on Crime and Delinquency.[1] Jail detention is not only harmful to children emotionally and morally, and thus likely to produce further delinquency, but it is also unnecessary. In fact, many children who are held in jail do not need to be detained at all.

During the past 7 years, the Children's Bureau has studied 18,000 cases of children in jail and the police and court practices that put them there. These studies show that—

1. In spite of State laws apparently intended to protect children "from the evils of jail," most such laws and the ways they are administered do not keep children out of jail.

2. Most children held in jail do not need to be locked up anywhere. They are unnecessarily confined for many reasons, including the use of jail for punishment or "treatment," poor court policies in relation to the detention of children picked up for delinquent behavior, and the lack of open shelter care facilities for children who need temporary care, but not secure custody, while awaiting disposition of their cases.

3. Of the children in jail who do need secure detention, many require it for only a day or two.

4. Even the assumption of responsibility for detention by the State, through the provision of regional detention facilities, does not keep children out of jail.

These findings strongly suggest that children can be kept out of jail, even in a small county, by the enactment and enforcement of laws prohibiting the holding of children in jail, by establishing sound court policies for admission of children to detention, by making arrangements for open shelter care of children accused of delinquency who need such care, and by establishing facilities for holding children up to 48 hours who need secure custody locally until other arrangements can be made for them.

The Children's Bureau investigated the 18,000 cases of children in jail in the course of 23 studies of detention practices. Eight of these studies were statewide; two were studies of State regions, embracing eight counties; and 13 were studies of individual counties. In all, the studies looked into the detention needs and practices in 279 juvenile court jurisdictions covering 264 counties in 18 States. In 1960, these 264 counties had a total population of 17,324,429. High density population areas were not proportionately represented in these studies. Because most large cities contain detention homes, delinquent children are less likely to be held in jail in such areas.

The studies recorded the circumstances surrounding each child's jail detention, including the offense that led to his apprehension, the length of stay, and the child's destination upon release, all factors bearing on the necessity for detention. The studies also looked into the laws and practices under which the children were admitted to jail and the reasons given by the local authorities for putting them there. Because of the variations in availability of information among the jurisdictions covered, the recording on all the factors of interest was not complete for all jurisdictions. However, sufficient data were recorded to reveal why children are being placed in jail and to indicate what action is needed to end this practice.

In this article, the term "delinquent" will refer to the child who is alleged delinquent as well as to the child who has been adjudicated as delinquent. "Detention" means the temporary care of children in secure custody pending court disposition. "Shelter" means the temporary care of children in physically unrestricting facilities pending court disposition.

A QUESTION OF LEGALITY

A review of the laws concerned with juvenile offenders in the 18 States in which these studies were made reveals an apparent intent to keep children out of jail, for they all contained a phrase like "no child shall be held in any jail, police lockup. . . ." This phrase, however, is usually followed by a qualifying phrase such as "unless ordered by the court," or "unless they are held in quarters separate and apart from any adult . . . ." Such a qualifying phrase provides the loophole through which children can be legally placed in jail.

In several of the 18 States, however, the law clearly prohibits placing children under 14 years of age in jail. In one of these 18 States, children under 16 cannot legally be put in jail. Even in these States, however, the studies show that the law is often ignored and children under the permitted age are held in jail.

Furthermore, the studies show that many of the children held in jail are not afforded the right of due process. They are placed in jail by law enforcement or probation officers and later released without ever having a petition filed with the court in their behalf or without ever having a hearing in court.

WAS DETENTION NECESSARY?

The children's offenses. The offense that has led to the child's apprehension gives an indication of the severity of aggression or rebellion in his behavior and of whether or not he may be a danger to himself or others. While the offense should never be the sole factor in the decision to detain a child, it should certainly bear much weight in that decision.

The Children's Bureau obtained data on the specific offenses of 9,177 jailed children. Less than 4 percent were "offenses against persons," such as assault or robbery. On the other hand, slightly over 41 percent consisted of acts that would not have been violations of law if committed by an adult—running away from home, truancy, curfew violation, possession or drinking of alcoholic beverages, and "ungovernability." (See table 1.)

Runaways, it is true, need to be held until they can be returned to their parents. Some of the children called "ungovernable" may need emergency shelter care. Since these offenses are not singled out in the data, any specific conclusions as to he extent of unnecessary detention cannot be drawn from these figures. However, the low figure on offenses against persons indicates that very few of the children who were held in jail could be considered "dangerous." And the high figure on children jailed in facilities for adult offenders who if they had been adults could not even have been arrested for their offenses suggests an ironic discrimination against juveniles.

Length of stay. How long a child is held in jail sheds some light on how necessary it was to confine him in the first place, for a child who is a danger to himself or others is not

Footnotes at end of article.

likely to be released prior to a court hearing unless he is to be removed to another jurisdiction.

The Children's Bureau obtained data on how long 15,840 children were held in jail. More than 70 percent were held 2 days or less. (See table 2.)

Two days or less is an appropriate length of time to hold children in secure custody who are to be returned to other jurisdictions, such as out-of-county and out-of-State runaways or parole violators. But being held in secure custody at all hardly seems appropriate for children who can be safely sent home to their parents or someone else in the local community in a day or two. When children can be released after such a short stay in jail, the necessity of having locked them up at all is open to question.

These figures show that even if all the jailed children *had* required secure custody, 70 percent of them could have been kept out of jail if facilities for holding children securely up to 48 hours had been available locally.

TABLE 1.—OFFENSES OF 9,177 CHILDREN IN JAIL

Type of offense	Number of children 9,177	Percent 100
Offenses against persons	348	3.8
Offenses against property and other violations of law	5,011	54.6
Acts that would not be violations of law if committed by an adult	3,818	41.6

TABLE 2.—LENGTH OF STAY IN JAIL FOR 15,840 CHILDREN

Length of stay (days)	Number of children 15,840	Percent 100
2 days or less	11,148	70.4
3 days or more	4,692	29.6

Destination on release. However, information obtained on the children's destination on release from jail strongly suggests that only a small proportion of the children needed secure custody for even a short time. The Children's Bureau obtained data on the destination of 14,136 of the children. Of these children, 2,739 were returned to other jurisdictions. Local authorities disposed of the other 11,397 cases. Of those whose cases were handled locally, about 80 percent were allowed to remain in the community. (See table 3.)

In addition to children who must be held for other jurisdictions, those children most likely to require secure detention after being picked up for delinquent behavior are the extremely aggressive youngsters who may continue making trouble if released to the community. One would, therefore, expect to find that a high proportion of jailed children had on release been removed from the community through commitment to State agencies or institutions by local court action or had been transferred to adult courts for trial. However, the figures show that only about 20 percent of the children whose cases were handled locally had been committed to agencies or institutions or transferred to adult courts.

ADMISSION TO DETENTION

A comparison of court policies in 22 of the 23 areas studied showed that fewer children were jailed in areas where the courts exercised control of the admission of children to jail. (One of the States studied was omitted from the comparison because of the wide variation of detention practices within its several court jurisdictions.) In 12 of the areas, police had put children in jail without making any contact with the court or the probation officer. Although these areas contained only 26 percent of the total population of the 22 areas (according to the 1960 census), they had 47 percent of the jail admissions of children. In the 10 other areas—with 74 percent of the total population but only 53 percent of the jail detentions—the police were required to check with court authorities before putting any child into jail.

TABLE 3.—DESTINATION ON RELEASE FROM JAIL OF 11,397 CHILDREN WHOSE CASES WERE DISPOSED OF LOCALLY

Destination	Number of children	Percent
Sent home or otherwise left in community	9,222	80.9
Sent to correctional institution or transferred to adult court	2,175	19.1
Total	11,397	100

In 10 of the areas studied, one or more of the court officials responsible for screening children for detention reported that they often sent children to jail as punishment even though the children did not need secure custody. In one State some of the judges had such little confidence in the rehabilitative ability of the State training school for delinquents that they preferred holding a child in jail for a period of time to committing him to the school.

The existence of a detention home did not always keep children out of jail. In four of the counties studied, detention homes were available but the courts were holding children in jail by choice. In three of these counties, the detention homes were not equipped, from the standpoint of program, building, or staff, to handle the kind of troublesome adolescent who needs detention. In the fourth county, children were routinely placed in jail before being sent to the detention home.

Children were also in jail—2,366 of them—in the two States studied that operated regional detention systems. They were put there by the court's choice, through routine admission practices, or to await placement in the regional detention home.

The first step toward eliminating the jailing of children is the enactment of laws that would not only prohibit this practice but would also assure the proper use of detention or shelter care. Where necessary, the statutes should be complemented by appropriate court rules and policies. Together, the law, court rules, and policies should provide—

1. Criteria for admission. A child taken into custody should not be placed in detention or shelter care unless such care is requried to protect the person and property of others or of the child, the child is likely to leave the jurisdiction of the court, or the child has no parents, guardian, or other person able to care for him and return him to the court when required.

2. Procedure to be followed. The law enforcement office, who takes the child into custody should immediately: (a) release the child to his parents, guardian, or custodian upon their promise to bring the child before the court when requested unless his placement in detention or shelter care seems to be required for his own or others' protection; (b) take the child to the court or place of detention or shelter designated by the court and immediately give written notice of this action and the reason for it to a parent, guardian, or other custodian of the child as well as to the court.

When a child is taken to a court or place of detention, the probation officer should review the request for detention before admission and should release the child unless detention is necessary.

If the child is not so released, a petition for court action in behalf of the child should be filed within 24 hours. A hearing on the necessity for detention should be held within 24 hours after the petition is filed. Unless the court finds that the child's detention is required, it should order his immediate release.

3. Twenty-four hour intake. The court intake officer should be available on a 24-hour basis—either on duty at the court, the designated place of detention, or on call—to authorize the detention, shelter, or release of children referred by the law enforcement officers.

4. A prohibition against jailing children. The legislation should set a date after which the placement of children in jail would be absolutely prohibited. This date would allow a short interval for the provision of appropriate facilities for the temporary care of delinquent children.

SHELTER CARE

Specific figures on how many children needed shelter care rather than secure custody while awaiting disposition of their cases are not available from the Children's Bureau studies. However, the need for facilities to provide this type of care was so obvious in many of the communities under study that recommendations for their establishment were contained in 18 of the 23 studies. In New York State, where there are about 25 facilities for shelter care, the communities operating them have experienced a noticeable reduction in the number of children in secure detention.[2]

A shelter home differs from a detention facility in having no security features such as locked rooms and barred windows. It can be a group home owned by a social agency such as the county welfare department and operated by a salaried staff; or it can be a foster family home subsidized with a flat monthly fee for the foster parents' services, plus board for each child on a per diem basis. In either case, the shelter home should be reserved exclusively for temporary care and should be ready to accept children at any hour of the day or night. A foster family home should be limited to caring for no more than six children at a time; a group home, to no more than 12.

While such shelter facilities are not secure lockups, the children they serve are often difficult to handle. They need care from understanding adults who can involve them in constructive activities and who are capable of providing close supervision to a child when he is upset, even if this means staying up with him at night. Adequate compensation and provision for relief personnel are necessary to keep the group homes staffed and the subsidized foster families willing to continue in a task that provides few of the satisfactions of long-term foster care.

Provision for the temporary shelter care of children picked up by the police is necessary even where there is an adequate detention home. Such provision can be made on a small or large scale, depending on the size of the community.

HOLDOVER FACILITIES

A facility providing secure custody for apprehended children for no more than 2 days can allow the court reasonable time either to dispose of the case or to make arrangements other than jail for the child. Such a facility is needed in every community where a detention home is not readily accessible. It can be in a separate building or in a building used for other purposes, but never in a jail.

Because the children in its charge stay for such a short time, the local holdover facility does not have to provide space for large-muscle activity as does a detention home, which may hold children several weeks. Further, since in most instances a holdover facility contains very few children at any one time, the children can be under constant supervision. Thus, while keeping the facility locked is important, there is not the same need for the type of construction and equipment required in a regular detention home to prevent a child from hurting himself or others.

In Utah, local holdover facilities are being developed throughout the State. The Utah Department of Public Welfare has established written detention standards with 48-hour holdover facilities designated as "Type C."[3] Such facilities are already in operation in Cedar City, St. George, and Price and one

Footnotes at end of article.

is under construction in Logan. Generally, these facilities have from four to six individual sleeping rooms, a day room, a shower room, and a supervisor's office. Each facility contains a refrigerator and stove for preparing snacks and meals for newly admitted children. * * *

Sometimes such holdover facilities for children are provided for in new buildings constructed to house other activities. For example, in Cedar City, Utah, the holdover facility is in the basement of a new county hospital; in St. George, it is in the basement of a new county office building. When a holdover facility is located in an institution caring for other people, it is important that the children be kept in separate quarters out of sight and hearing of these other people.

In a small community, a secure holdover facility for children may not always be in use, thus posing a problem of staffing. In Utah, the problem has been solved by employing a couple in each community on a standby basis. Each couple is paid a monthly salary and is called to the facility for duty when children are placed there.

A local 48-hour holdover facility is not a substitute for a detention home that can provide secure care for children for as long as 3 weeks, if necessary. Risks are involved in operating a short-term facility unless such a detention home is available somewhere in the State to which children who need to be held longer can be transferred. If a regular detention home is not available, the court will be forced to make a disposition of children in the local facility's care within 48 hours. When the child is well known to the court, this should be sufficient time for a wise decision. In other cases, however, a quick disposition before the probation officer has been able to complete his study is risky. A child may be released to the community who is not ready for community living and another child may be unnecessarily committed to a State institution. However, even when a regular detention home is not available, the establishment of a local facility for holding children securely up to 48 hours can eliminate the jailing of children.

If jailing children is to be stopped, there must exist the firm conviction that jail is no place for a child—a conviction followed up with the enactment of appropriate legislation, the establishment of sound court policies for admission to detention, the development of local arrangements for shelter care, and the provision of local 48-hour holdover facilities. Children can be kept out of jail where there is a will to keep them out.

FOOTNOTES

[1] National Council on Crime and Delinquency: Corrections in the United States: a survey for the President's Commission on Law Enforcement and Administration of Justice. *Crime and Delinquency*, January 1967.

[2] Fox, Bruce R.: Juvenile detention—the name of the game. Unpublished paper presented at the Frederick A. Moran Memorial Institute, St. Lawrence University, Canton, N.Y., June 23, 1969.

[3] Utah Department of Public Welfare: Minimum standards of care for the detention of children, Salt Lake City, Utah, 1961.

TRIBUTE TO DR. FRED DIXON

Mr. THURMOND. Mr. President, one of South Carolina's most distinguished college professors passed away on July 10. A native of Albany, Oreg., Dr. Fred Dixon left a heritage of rich influence in the lives of the many students he taught. Appointed to the Political Science Department of Converse College in Spartanburg, S.C., Dr. Dixon was made an associate professor in 1959 and a full professor in 1960 when he was named head of the department.

His interest in young people was evidenced by the keen enthusiasm with which he approached his classes. He took his students great distances to observe firsthand the workings of government. It was not unusual for his political science field trips to include such cities as Columbia, S.C., Atlanta, Ga., and Washington, D.C.

Dr. Dixon was a public-spirited leader who will be missed by his many friends and admirers. He served as vice-president of the Piedmont Symposium on World Affairs. He was president of the Spartanburg Civitan Club and a former district governor of that organization. His interest in the welfare of elderly persons was expressed through his service as chairman of the Preretirement Committee of the South Carolina Committee on Aging. At his death he was chairman of the Spartanburg Long-Range Planning Committee.

A retired Army colonel, Dr. Dixon served his country with distinction in North Africa and Europe during World War II.

Dr. Dixon was a personal friend, a man for whom I held the highest respect and admiration. Our State was fortunate to have had his services and his influence during the years he was with us. We share with his family a sense of deep loss at his passing.

Mrs. Thurmond joins me in expressing our sympathies to his wife, Mrs. Laura Dixon; to his son, Fred Dixon, Jr., of California; and to his daughter, Mary Dixon, of Boston, Mass.

Mr. President, I ask unanimous consent that two articles recounting his death and background, published in the July 11 and July 13 issues of the Spartanburg Herald-Journal of Spartanburg, S.C., be printed in the RECORD.

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

[From the Spartanburg (S.C.) Herald-Journal, July 11, 1971]

FORMER CONVERSE PROFESSOR DIES OF HEART ATTACK

MILO, MAINE.—Fred Dixon, 70, husband of Mrs. Laura Dixon of Beechwood Drive, died Saturday in Brownsville, Maine, as a result of a heart attack.

Native of Oregon; he was a graduate of the University of Cincinnati; he received his Ph. D. from the University of Virginia; he previously worked in Ohio for several firms; he was a former professor and chairman of the department of Political Science at Converse College 1959–70; member of Middle East Institute, Academy of Political and Social Science, American Political Science Association, and was a former president and district governor of the Spartanburg Civitan Club; chairman of the Preretirement Committee of the S.C. Committee on Aging; currently serving as chairman of the Spartanburg Long Range Planning Committee; retired colonel in the Army.

Also surviving: daughter, Miss Mary Dixon of Boston, Mass.; son, Fred Jr. of California.

Services 9:30 today at Arlington National Cemetery, Arlington, Va.

Larry Funeral Home, Milo, Maine.

[From the Spartanburg (S.C.) Herald-Journal, July 13, 1971]

FORMER CONVERSE PROFESSOR FRED DIXON DIES IN MAINE

MILO, MAINE.—Fred Dixon, native of Albany, Ore., and professor emeritus of the Political Science Department of Converse College, was buried today in Arlington National Cemetery, Arlington, Va.

Dixon, 70, husband of Mrs. Laura Dixon of Beechwood Drive, died Saturday in Brownsville, Maine, as a result of a heart attack.

Appointed associate professor of Political Science at Converse in 1959, he was made full professor and chairman of the department in 1960. He received his M.A. in economics from the University of Cincinnati and his Ph. D. degree at the University of Virignia in Political Science. In 1957 he retired from the U.S. Army with the rank of colonel after serving in North Africa and Europe during World War II.

Prior to his retirement from Converse in 1967, he made a study tour of African nations which have emerged politically and economically since World War II and in 1965 was awarded a faculty research grant by the college for work on a political biography of S.C. Senator Strom Thurmond.

Dr. Dixon was a member of the American Political Science Assn., the Southern Political Science Assn., Southern Economics Assn., American Academy of Social and Political Sciences and the Middle East Institute. He served as vice president of the former Piedmont Symposium on World Affairs, was president of the Spartanburg Civitan Club and former district governor of that oragnization. Also chairman of the Pre-retirement Committee of the S.C. Committee on Aging. At the time of his death he was chairman of the Spartanburg Long Range Planning Committee.

Also surviving: daughter, Miss Mary Dixon of Boston, Mass.; son, Fred Jr. of California.

Larry Funeral Home, Milo, Maine.

DIGGING UP MARYLAND'S PAST

Mr. MATHIAS. Mr. President, I am glad to be able to report that Maryland now has a program for coordinated, professional archeological research. Tyler Bastian, the State archeologist, is concerning himself with the remains of Maryland of about 6,000 years ago. He has devoted most of his time thus far to digging up Indian artifacts in an effort to recover and preserve Maryland's heritage.

An article in the Evening Star, "Digging Up Maryland's Past" by Joy Aschenbach discusses the new program and its archeologist as set up by the Maryland antiquities law of 1968.

Because of the importance of Mr. Bastian's work 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:

DIGGING UP MARYLAND'S PAST

(By Joy Aschenbach)

Tyler J. Bastian digs up Maryland for a living.

The 34-year-old sandy-haired Midwesterner is the first state acheologist—a little known job created by the Maryland Antiquities Law of 1968.

Buried amid maps and charts in a windowless, closet-like office at Baltimore's Johns Hopkins University, he is almost as obscure as the prehistoric era he is seeking to uncover.

"How did you know I existed?" he quickly asks a visitor. "No one has heard about me."

When the position was created, he said, "the state didn't know what to do with it," so, officially, Bastian and his $22,800-a-year budget, one research assistant and the equipment are part of the Maryland Geological Survey.

THOUSANDS OF YEARS

The reason: There is almost no precedent for coordinated professional archeology in Maryland.

"The last time it was done just before the turn of the century when the Smithsonian

Institution undertook some excavation along the Potomac River in southern Maryland," Bastian said.

Bastian is not primarily interested in Maryland's familiar Colonial past. With this experience in the archeology of Indians and a master's degree from the University of Utah, he is looking for the remains of what was Maryland in 3,000 . . . 8,000 . . . 10,000 B.C.

"The first thing I did was walk the State's highway construction routes," Bastian said.

Along the new Interstate Route 95 near Beltsville in Prince Georges County, buried a couple of feet, he found the remains of what was probably an Indian campsite in 2,000 to 3,000 B.C. There were some quartz and quartzite dart points, spear points and scrappers.

This fall, Bastian goes to western Garrett County, less than five miles from the West Virginia border, to excavate a large Shawnee Indian village, a portion of which lies in the path of the National Freeway.

CENTURIES-OLD CORN

"We don't know historically who was in Maryland before the Shawnees who came in the late 1600s," he said. The archeological survey of the four-acre site will be paid for by the Maryland Administration under a new program of preserving the state heritage.

His first major excavation, which took four months to complete with volunteer help, was at a five-acre Indian village site at a farm northeast of Frederick.

The remains included a large, well-fortified village—used from 1,000 to 1,500 A.D.—the outlines of houses, pottery fragments, charred corn seeds, arrowheads, storage pits, graves and skeletons.

Bastian said he has recorded—largely through the assistance of amateur archeologsts and local historians—the locations of about 1,000 ancient sites, mainly on the Eastern Shore and in Southern and Western Maryland.

"That's about 10 percent of what probably exists," he said.

Eventually, he said, he hopes to have residents throughout the state notify him about discoveries and to have construction crews on highway and housing projects alert him before they begin bulldozing.

As a central clearinghouse for Maryland archeology, Bastian collects, photographs and catalogues artifacts and compiles data on the location and general nature of the sites. He plans to report on his finds for a comprehensive record for state's past.

Now, all the artifacts are in his office, in cardboard boxes, classified by county and piled from floor to ceiling because there is no place to display them. "Maybe in a few decades," he said, "Maryland will have a state museum."

REFORMING THE RIKER'S ISLAND REFORMATORY

Mr. BAYH. Mr. President, on July 21 the Board of Correction of the city of New York issued a report on the Riker's Island Reformatory which concluded "that the time has come to reform the reformatory."

This reformatory, to which adolescents between the ages of 16 and 21, as well as some adults, are sentenced, was subjected to a study by two boards of correction task forces to review and evaluate its operations.

The report is a damning one.

Among the findings by the boards of correction were the following:

First. Although there are almost 1,000 prisoners in the Riker's Island Reformatory, the vocational training program there has failed to encompass the vast majority of inmates.

I recently visited Riker's Island and was informed that an extremely successful manpower development and training program had been in operation between 1965 and 1969 but has not been funded for over 2 years. The result has been that over $1 million in equipment and buildings including a full multilith offset printing shop, welding shop, machinist shop, and shops for furniture refinishing and repairs have been unused even though 95 percent of its graduates were able to find jobs. The recidivism rate of its graduates was an astonishingly low 22 percent compared to the average of 70 percent. The MDTA program was due to be funded again on July 19.

In the meantime, job training available for inmates has failed miserably to meet the need. Considering the importance placed on job training as an important factor in rehabilitation, the lack of an effective program is singularly shortsighted. The class openings available are severely limited; the funds are meager. For example:

Only 11 students were in the auto body repair and servicing shop training program, with a total annual budget of $250 for supplies;

Twelve students in a barber training program, with a total budget of $175;

A plumbing shop is temporarily closed because its instructor has been assigned to administrative responsibilities;

A printing shop trains students to use a letter press that is no longer used in the industry;

A typing program has eight students although it could be easily expanded in numbers and office training;

A woodshop lacks wood and lumber, as well as funds to supplement the meager supply.

Second. The lack of student counseling and psychiatric assistance is termed by the Board of Correction, "appalling."

Third. Only one-half of all inmates under the age of 18 were attending the school in the reformatory, in spite of a New York law requiring their attendance.

Fourth. An "incentive employment program" has a wage scale ranging from 3 to 10 cents per hour. Students must elect whether to enroll in this program rather than attending school. Since the incentive employment program is the only means for inmates to gain funds for commissary purposes such as cigarettes, cookies, or candy bars, it is clear that this program, even with its slave labor wage scale, induces teenagers who are functional illiterates not to go to school.

Fifth. Although the school has 19 percent Puerto Rican students, there is no Puerto Rican teacher although one of the 18 teachers on the staff does speak Spanish.

Sixth. In a survey of inmates only one-third had ever seen a social worker, psychiatrist or vocational counselor. Of those who had seen such personnel, a majority had encountered them by "accident" rather than by being informed of their availability.

Seventh. The great majority of the inmates had never used the library—many claimed to be unaware of its existence. Those who did use it complained of the low quality of the books and materials.

Eighth. Almost all of the inmates complained about the food, which was generally ill-prepared, served cold and in an unattractive fashion. Sometimes it was raw or half-cooked. Much of the cooking is done by adolescent inmates, not by trained professional cooks.

Ninth. Many inmates complained of the commissary. They contended it did not have adequate supplies of commissary food, considering the numerous complaints of the regular institutional fare. There were no cosmetics for teenagers with skin problems, nor were there any newspapers and magazines aimed at the sizable black population. For some reason the commissary failed to carry any filter cigarettes, although this was a common complaint.

Tenth. The inmates were supposed to have two sets of clothes. However, because they have to launder them in a hand sink, and there was only one iron in most units, most inmates had to walk around in wrinkled and sloppy clothing which they deeply resented.

Eleventh. Although most inmates were desirous of more recreational time and facilities they were not permitted more than 1 or 2 hours a day in the gym and were not permitted to play outside unless there was very warm weather.

Twelfth. Narcotic therapy programs are at a minimum. In an institution where nearly half of the inmates are confined for drug-related crimes this lack, in the words of the Board of Correction, is "incomprehensible." There is not even a followup to make sure that all adolescents leaving the reformatory who have had a past history of drug abuse would be steered into methadone maintenance or to other therapeutic treatment.

I could go on with other conclusions of this report, but it is unnecessary. On June 21, I visited the Adolescent Remand Shelter at Riker's Island, which is also under the same jurisdiction. It is there that adolescents are held pending trial, many of them for 4 months to a year. Many of the conclusions arrived at by the Board of Corrections about the reformatory are equally applicable to the Remand Shelter.

It is clear that the reformatory does not deserve its title. It does very little to reform, very little to rehabilitate. It represents a wasted opportunity. We cannot afford to let these opportunities go by. We are all the losers—the inmates, who predictably will become recidivists; and society which will be the victim of the crimes committed by young men who could be rehabilitated if we only spent as much time and money trying to redirect their lives as we do keeping them in maximum security institutions.

Mr. President, I ask unanimous consent that the report of the Board of Correction and the covering letter by its very conscientious and effective chairman, William vanden Heuvel, to the Commission of the Department of Correction be printed in the RECORD.

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

BOARD OF CORRECTION,
New York, N.Y., July 21, 1971.

Hon. GEORGE F. MCGRATH,
Commissioner, Department of Correction, New York, N.Y.

DEAR COMMISSIONER MCGRATH: Knowing that you share our concern for the treatment of adolescents by the criminal justice system, we hope you will agree with our conclusion that the time has come to reform the Reformatory. No institution in the cor-

rectional system symbolizes greater hope for rehabilitation than the Reformatory. If our observations are correct, then each of us as citizens, and all of the agencies concerned with adolescents, must bear the responsibility for the conclusion that the New York City Reformatory is now little more than an ordinary prison. Time and time again, recommendations have been made by the rehabilitative staff, but these reports have been lost in the phlegmatic, bureaucracy of departments, commissions, bureaus and boards who share the responsibility for the City's adolescents. These reports have ended up on the desks of persons who either do not read or do not care.

The Board of Correction believes that New York City can and should have the most successful reformatory in the nation, successful in terms of rehabilitative effort, community participation, and its impact on controlling crime and reducing violence. To that end, we submit the attached report and our recommendations.

The Board of Correction began its study of the City Reformatory in February, 1971, and invited Mr. Abraham Lass, retired principal of Abraham Lincoln High School in Brooklyn, to lead a task force to review and evaluate the operations of P.S. 189, the school at the Reformatory. The task force was composed of Dr. Nathan Clark, Principal, George Washington Vocational and Technical High School, Dr. Edmond James, Principal, Peter Cooper High School, and Dr. Alan Argoff of the Bureau of Audio-Visual Instruction. The Board also requested the volunteer services of two young and gifted attorneys, Jonathan Dolgen and Lewis Korman, who were asked to study the general conditions at the Reformatory and the status of reformatory prisoners. With reports from both task forces in hand, the Board itself visited the Reformatory and had helpful discussions with Warden Oslyn and his associates as well as with many of the prisoners. We acknowledge with great appreciation the dedicated work of Warden Oslyn and the Departmental personnel who assist him. They have made the best of a difficult administrative problem.

Governor Rockefeller has now signed legislation abolishing the City Reformatory, effective January 1, 1974. If seen only in the light of the limitations on its present operations, that decision affecting the City Reformatory could not be challenged. But there is a sense of real sadness at a lost opportunity as we look at the motivated personnel and the possible programming that the City Reformatory could have available to it. Experience clearly shows that the mere transfer of responsibility to the State does not mean progress or better or more effective facilities. In fact, the isolation of the adolescent from his family and community can be very destructive. To remove adolescents to correctional institutions in remote upstate areas is not an answer to the need. We trust that the Governor, the State Commissioner of Correction and other interested parties will work with you to keep the Reformatory located within the City.

As a result of our studies and conclusions, the Board of Correction recommends to the appropriate authorities that:

1. The sentences of all adolescents serving indeterminate terms as City Reformatory prisoners be reconsidered. The rationale for such sentences, treatment under a rehabilitation program clearly distinguishable from a regular prison environment, does not exist. All such adolescents, including those who have been transferred to state facilities because of overcrowding, should be resentenced, giving them the option of a definite term.

2. The Presiding Justices of the Appellate Division, First and Second Departments, should appoint a special Judicial Committee to determine when and if the Reformatory meets minimum standards to justify the indeterminate sentence for adolescents.

3. The Department of Correction should announce by October 15, 1971, whether it intends to organize and administer a reformatory consistent with the standards of the American Correction Association.

4. Literacy must be made a major objective of the entire Reformatory program, and reading instruction should be available to inmates whether or not they speak English. Without functional reading and writing skills, much of the value of the vocational training is lost. English classes for Spanish-speaking prisoners must be organized.

5. Adolescent prisoners must be encouraged to attend school, with special work programs organized so that they will not be deprived of the opportunity of earning "spending" money. The present system pays $.03 to $.10 an hour for prison labor. The rate should be increased in order to provide meaningful incentives.

6. The Board of Education should give significant attention to its pioneering prison facility, and use it as a model for the challenge of teaching the disadvantaged. The school program should be part of a comprehensive rehabilitation program and should be available for all prisoners who wish to attend.

7. Follow-up of individuals after release is essential if there is to be any control by which to judge the institution's success.

8. Narcotic therapy programs are a minimum requirement. The absence of narcotic programming in an institution where clearly half of the inmates are confined for narcotic crimes is incomprehensible. The opportunity should be available to all adolescents leaving the Reformatory to enter street programs for methadone maintenance or other therapeutic treatment.

9. A special Advisory Board, including representatives of labor and industry, should be organized to work with the Warden of the Reformatory to assist the training programs and secure employment opportunities. This board could help organize vocational programs that are related to employment needs.

10. The commissary should be reorganized to provide a broader range of purchasable items for the prisoners, especially supplemental food commodities and other adolescent needs.

11. Food for the Reformatory is prepared at the adjacent Adolescent Remand Shelter and delivered to the Reformatory. The preparation of the food must be supervised so that both the quality of the food and the work experience involved are substantially improved.

12. The creation of a meaningful library must be given priority.

As part of its review of the Reformatory program, the Board of Correction sought to examine the MDTA program, assuming that its operation had already begun since Congressional announcements relating to the program had been made in both January and April. We were dismayed to learn that as of the beginning of July, the MDTA project was still a piece of paper upon which no one between Washington and Albany could agree. We communicated directly with Senator Javits, and through the intervention of his office, red tape was finally cut, and we were assured that the program would become operable on July 19.

The Board of Correction appreciates your concern, as well as the dimensions of the problem, and stands prepared to assist you in any way possible to accomplish an objective that all of us share.

Sincerely,

WILLIAM J. VANDEN HEUVEL,
Chairman.
WILLIAM H. DRIBBEN,
Vice-Chairman.
NYRKA TORRADO ALUM,
JOSEPH J. DEMONTE,
WILLIAM H. SATTERFIELD,
DAVID A. SCHULTE, JR.
ROSE M. SINGER,
Rev. MANNIE LEE WILSON.

REFORMING THE REFORMATORY

I. INTRODUCTION

"The scheme and plan back of commitment to reformatories is to provide for reformation rather than punishment." So spoke learned judges in this state in *People ex. rel. Tomasula* v. *Foster*, 270 App. Div. 684, 686–87, 62 N.Y.S. 2d, 451, 454 (1946).

Professional penologists talk about adolescent offenders with feelings of hope and encouragement. They point out that generally, the adolescent offenders have not yet become "set" in anti-social patterns; that they have more appreciation for learning, that they are approachable. The Manual of Correctional Standards issued by the American Correctional Association lists suggested standards for the special effort that should be made for the adolescent offender:

1. Program should be flexible.
2. Community rather than institution-based programs should be emphasized.
3. Effective liaison must be maintained with agencies providing related services.
4. Program concepts and requirements must be established.
5. The type, size and number of institutions must be planned.
6. The institution program should be varied and dynamic.
7. Qualified personnel in adequate number must be provided.
8. An effective system of communication must be established within the institution.
9. A program of records, research and statistics should be conducted.
10. Effective relationships with the community must be maintained.

By the measure of these standards, the City Reformatory is clearly deficient in its hopes and responsibilities.

A brief review of the present operations of the Reformatory is in order.

II. PUBLIC SCHOOL 189

This is the only public school in the United States operated in a prison setting for adolescents. It could be an extraordinary opportunity for those concerned with the problems of ghetto education, but instead the school is given low priority in terms of budget and creative programming.

New York State law obliges all children under the age of 18 to attend school. As of June 30, 1971, there were 174 sentenced prisoners in the City Reformatory under the age of 18. Of that group, 83 were enrolled in P.S. 189. (Thirty others were recently arrived and awaiting assignment to the school, 11 were classified as homosexuals with no schooling opportunity available, 14 were categorized as "behavior" problems, and 36 had sentences that were too short to justify school assignments.)

To sense the opportunity the Reformatory offers educators studying ghetto school problems, one need only look at the make-up of the student body at P.S. 189. Approximately 75% of the students are Black, 19% Puerto Rican, and 6% of caucasian background. (For the Reformatory as a whole, the breakdown is approximately 80% Black, 12% Puerto Rican, and 8% white.) The student body is made up entirely of educational dropouts. Approximately two-thirds are recidivists, having been in prison at least once before. Most are severely retarded in fundamental reading and mathematical skills, more properly classified as "functional illiterates." A substantial number has a history of narcotic addiction. The incidence of past and present emotional disturbances among students runs high and their aspiration level low. There is a depressing homogeneity in this profile. Obviously, the problems presented to the teaching staff are staggering, and these problems have to be met with paltry resources supplemented happily by the dedicated commitment of the teaching staff.

Although physically untouched by the 1970 riots, the Reformatory and P.S. 189 have been the victims of that violence. The

Department of Correction commandeered the Reformatory, shipped hundreds of the adolescent prisoners to upstate prisons, used half of the Reformatory for adult prisoners including a special section for adult homosexuals, and effectively made the Reformatory into a penitentiary. The modest rehabilitation programs became meagre and their importance lost out to the need to use sentenced adolescents to do the menial tasks of prison maintenance work.

It is sometimes difficult for those outside of prison walls to understand that the possibility of earning three cents an hour could compete with the opportunity to attend school, but that frequently is the case in the Reformatory. For poor prisoners, the Incentive Employment Program (where wage scales range from three to ten cents per hour) provides the only means to gain funds for commissary purchases such as cigarettes, cookies, candy bars, etc. As one of the teachers suggested, the Department of Correction might consider offering the same incentive wage scale to encourage prisoners to attend school.

As of June 1971, there were 18 teachers on the P. S. 189 staff, and 171 registered students. Among the staff are three Black teachers. There is no Puerto Rican teacher, although one of the teachers speaks Spanish. Relationships between the school staff and the Correction Department are cordial and cooperative.

A. Vocational program

The Annual Report of P.S. 189 (1970–1971) describes the basic orientation of the school as providing students with a salable skill before they return to the community. ". . . [W]ithin this general framework, our main emphases are upon corrective academic instruction, vocational training, high school equivalency training, and educational and vocational guidance." The following shop training is offered:

1. *Baking and Cooking.* The facilities are good and some of the equipment is excellent. There are no statistics or records to judge whether the graduates of this training program (or any other) actually find employment after release in the area of their vocational training. One has the impression that the facilities are underutilized, that more could be asked of the students in terms of responsibility and training potential, and that a larger number of prisoners could be brought into the system. The baking facilities years ago provided bread for the Board of Education, municipal hospitals, as well as all the other prisons. The product is excellent and, in the midst of the City's fiscal crisis, greater utilization of these facilities for public purposes might be considered.

2. *Auto Body Repair and Auto Servicing.* As of May, 1971, there were 11 students enrolled in the auto body shop. The equipment is minimal. At the moment, inoperable automobiles are made available through a State agency. After their repair, the automobiles are sold to non-profit groups. In a city where thousands of automobiles are abandoned on the streets each year, we would hope an arrangement could be worked out so that there is no shortage of "live" automobiles for workshop purposes. The auto body shop has a $250 per year budget for its supplies. As with all of the vocational programs, this annual supply budget is inadequate to the point of being self-defeating. Adjoining the shop is an auto servicing program with an enrollment of less than ten. It would seem that the program could be quickly beneficial in training prisoners for garage and gasoline station work immediately upon release, but there is little work available of a "live" nature. Given the needs of automobile and truck maintenance of the Department of Correction alone, it would seem that on-the-job training could be found for a large number of prisoners without too much difficulty.

3. *Barber Shop.* On a budget of $175 per year, the instructor does a remarkable job with his 12 students. There is a need for books and other materials relating to new hair styles and, again, the minimal supply budget dilutes the possibility of the program.

4. *Plumbing.* The plumbing shop has been temporarily closed because its instructor has been assigned to administrative responsibilities. It seems to us that this shop should be strongly encouraged both because of the employment potential it offers prisoners after release and because of the desperate need in many correctional institutions for maintenance help related to plumbing facilities.

5. *Printing.* The Board of Correction invited Carl Sorensen, a former president of Lanston Monotype Company and an expert consultant in the field of printing, to review the printing facilities on Rikers Island. He thought the equipment of the school was too old to give a prisoner the kind of training that would prepare him for an outside job. He pointed out that most of the work being done in the school is on letterpress with type set by hand, run on small vertical platen presses which are no longer predominantly used in the industry. On the other hand, the printing shop located near the Reformatory had good production facilities with equipment in excellent condition. Sentenced adult prisoners do work in the printing shop. It would appear that a training program for Reformatory inmates would be far more effective in terms of future employment if it could be organized in the shop and centered on modern equipment.

6. *Typing.* The typing program has eight students. Its need for supplies is similar to that of the other programs and again, it seemed to be a program that could be easily expanded both in number of students and in office training and office equipment use that would supplement the typing skill.

7. *Tailoring.* A good shop where limited materials are used as creatively as possible. As with many of the instructors, who seek employment opportunities for their students on their own time, the teacher of this program has personally sought out a relationship with the Amalgamated Clothing Workers Union to gain employment opportunities for his students. Fifteen pupils found employment through this channel during the school year. One former student is now a foreman; two others are assistant foremen.

8. *Wood.* The lack of wood and lumber, and the lack of funds to supplement the meagre supplies, destroys the creative objectives that the instructor would like to implement for this program. Also, in view of the relatively limited time available for training, the emphasis should be upon basic skills in woodworking, perhaps directed to preparing students to work in the construction industry.

9. *Horticulture.* There is a horticulture program and greenhouse with a number of projects related to floristry and gardening.

10. *Shoe Repair.* Good facilities and dedicated instruction, but pupil interest in the vocation is not high. The staff should make every effort to motivate interest, perhaps by reminding students that the skill is salable, particularly since there are few young shoe repairmen at work in the City.

B. Audio-visual program

Audio-visual equipment is available for both large and small group use, but in fact, the equipment is used only minimally. Again materials are frequently not available for the equipment nor do the teachers seem properly trained in the creative use of audio-visual equipment and materials.

The Board of Correction has recommended and is prepared to help organize a film industry program for the Reformatory to provide preliminary training in various technical skills associated with film-making and prepar students for later apprentice training.

C. General comments and recommendations

The elements for a successful vocational training program are present in terms of shop facilities and staff, but the operation should be reorganized from the point of view of both opportunity and need. New training areas, where possibilities of placement are more available and more satisfying, should be explored. Such areas include: medical technology; building maintenance; electrical training; air conditioning maintenance and repair; oil heating equipment and appliance repair; furniture finishing and repair. Both unions and industry should be invited to participate in organizing and administering the vocational training parts of the school, and labor and management should assist in program planning by outlining present and future manpower needs.

The lack of student counseling and psychiatric assistance in the school is appalling and the complete failure of follow-up in terms of statistical records is unacceptable for a serious institution. It is difficult to understand how vocational programs can properly be evaluated if there are no facts as to subsequent placement of students. There should be off-premise counselors working in the various boroughs so that prisoners, many of whom are already recidivists, will have points of contact after release. Motivation must be encouraged and guided during the intake program when assignments are made. Clearly, additional financial help is required, but the right kind of operation could attract and hold significant contributions from the community, both in personnel and material assistance. The community must be invited to share the responsibility of this important institution.

The staff of P.S. 189 is highly competent, deeply concerned, and acutely aware of the gap that exists between what it wants to do, and what it can do under present circumstances.

Its repeated requests for adequate funding and necessary personnel have met with little effective response from the New York City Board of Education.

The school program includes an academic phase directed toward high school equivalency certification. Last year 62 of 68 students enrolled in these courses passed the examination and received diplomas. A summer program, which meets for three and one-half hours each day and will continue for six weeks, presently provides vocational and academic training. However, it is a very limited program, involving 13 teaching personnel in the Reformatory and funded for $30,200 by the Federal Title I Program.

Literacy should be a major objective of the Reformatory program, but as of now, most of its inmates are not being reached. The school should be the center of the Reformatory's rehabilitative effort, not a "Band-Aid", not a stepchild, but the creative center of a program designed to open horizons of possible opportunity that will take young men away from the need and desire for criminal activity. The resources of the City, State and community should be coordinated to serve the Reformatory's needs. This means bringing in unions and business representatives. It means involving the State employment agency. It means inviting volunteers who have a talent for reaching out to troubled individuals. It means programming the time for an individual while he is in the Reformatory and staying in contact with him as he returns to his neighborhood.

Discussions should begin with State officials promptly so that an understanding can be reached that the Reformatory will remain on Rikers Island for City prisoners although its operations will be State financed. The program resources that the State can offer should be coordinated with those the City can organize. If we can succeed in creating a reformatory for our adolescents that rehabilitates, educates and counsels, we will have succeeded in creating a community facility that has a real and direct impact on controlling the crime and violence that disturb our lives.

III. THE REFORMATORY: GENERAL CONSIDERATIONS

A. Introduction

Section 75 of the Penal Law generally allows a court to sentence a young adult (over 16 years of age, but less than 21) to an indeterminate reformatory sentence rather than imposing a definite prison sentence. The court cannot set a minimum or maximum term for such reformatory sentence. A young adult is released from a reformatory sentence upon a determination of the Board of Parole that he has received sufficient rehabilitative treatment, but in any event not later than 4 years from the imposition of the reformatory sentence.

Section 75.20 of the Penal Law allows a court to sentence a young adult to a local reformatory sentence at a city or county reformatory, provided that such reformatory is certified by the State Commission of Correction to have adequate facilities for the rehabilitation of young adults. Such certification may be withdrawn at any time by the State. However, the maximum term of a local reformatory sentence is three years, as opposed to four years for a state reformatory sentence.

In addition to serving as the place of confinement for adolescents committed to indeterminate local reformatory sentences, the Reformatory also houses adolescent inmates serving terms of one year or less under definite sentences of imprisonment.

The New York City Reformatory is presently certified by the State as an institution with adequate rehabilitative facilities. If such facilities are found lacking, grave doubt may be cast upon the constitutionality of the indeterminate sentence and subsequent imprisonment at the Reformatory. In the judgment of the New York City Board of Correction, the present operation and rehabilitative program of the City Reformatory on Rikers Island is not adequate to sustain the commitment under an indeterminate sentence. An adolescent aged 16, driven to burglary by an addiction problem, may well serve up to three years for a crime for which, as an adult, he might have received a sentence of less than one year. Such a discrepancy in treatment can only be justified by the reality of the programs available. That reality does not presently exist in the Reformatory.

In the wake of the riots and the desperate need to relieve overcrowding in the City's detention institutions, the Reformatory has become a place of detention, a warehouse to store problems for which the Department has no other easy resting place. More than half of the Reformatory's present population is adult trial prisoners, requiring twice as many correction officers for security purposes as would regular Reformatory prisoners. Many of the City's sentenced adolescents have been shuttled to State institutions such as the Correctional Facility at Napanoch. Some Reformatory prisoners have been transferred to the Adolescent Remand Shelter, such a move being rationalized on the basis of these adolescents performing work assignments in that institution.

B. Statistical data

As of February 22, 1971, the population of the Reformatory was as follows:

Adult trial inmates	213
Adolescents serving Reformatory sentences	359
Adolescents serving definite sentences of one year or less	428
Adult sentenced inmates housed in a cellblock for homosexuals	67
Total population	1,067

As of June 22, 1971, the population of the Reformatory was as follows:

Adult trial prisoners	218
Adolescents serving reformatory sentences	302
Adolescents serving definite sentences of 1 year or less	202
Adult sentenced inmates housed in a cellblock for homosexuals	56
Adolescents awaiting trial	180
Total population	958

Although the adult prisoners are housed separately, and are fed and permitted use of the gym facilities at different times, the fact remains that the status of the Reformatory as an adolescent institution is profoundly compromised.

The representatives of the Board of Correction, Messrs. Dolgen and Korman, interviewed a total of 45 inmates in preparation of their report. Interviews were conducted with Department of Correction personnel including the warden, an assistant warden and the correction captain in charge of the treatment program. The authors were shown the facilities at the institution by the correctional officials. Interviews were conducted with the inmates and an attempt was made to interview prisoners in various job assignments, but specific interviewees were chosen at random. Each interview was conducted by a single interviewer in a closed room situation. Each interviewee was informed of the nature and purpose of the study and was told that the information solicited was to be treated confidentially.

The interviews with the Reformatory personnel and the inmates were based upon questionnaires structured prior to the on-site visits. Deviation and flexibility were allowed in the questions asked in an attempt to solicit the requisite information. The Custodial Staff Questionnaire and the Personal Questionnaire (for inmates) are affixed hereto as Exhibits A and B.

Forty of the prisoners interviewed were single and five were married (two of which were common law marriages) Twenty-eight were black, six were white and 11 were of Spanish-speaking origin.

Twenty-one inmates were serving definite prison sentences and 24 inmates were serving indefinite reformatory sentences. Nine inmates had been convicted of drug-related crimes (such as possession of narcotics, sale of dangerous drugs, etc.) and the 36 others were convicted of crimes ranging from jostling and criminal mischief to armed robbery and burglary. It was not ascertained how many of these 36 individuals convicted of non-drug crimes committed their crimes to support a drug habit or usage.

For 25 inmates this was their first conviction, but 20 inmates had previous convictions. The majority of the inmates interviewed had been incarcerated in the Reformatory for under one year.

With respect to educational background, seven youths had less than ten years of education and 31 had ten or more years but failed to receive high school diplomas. Seven individuals actually had diplomas. Of the seven individuals who received diplomas, two earned diplomas through a high school equivalency program, three had academic diplomas and two had vocational diplomas. Sixteen inmates were attending P.S. 189, located at the Reformatory.

Twenty inmates had jobs before being convicted and 25 inmates had not been employed. Of the 25 who had been unemployed, seven were in school and three were in training programs. The inmates who were employed had positions such as clerk, porter, barber and low-skilled construction worker. The jobs performed by the interviewed inmates at the Reformatory included working in the mess hall, barber shop, storehouse, bakery, paint gang, commissary, gym and housing quadrant ("quad") sanitation. The jobs most frequently encountered during the interviews were working in the mess hall and clothing distribution. The hours worked per day ranged from a maximum of 12 to a minimum of five and the days worked per week ranged from four to six.

Only 15 inmates had ever seen a social worker, psychiatrist or vocational counselor, excluding those inmates who had seen a social worker in order to obtain a visitor's pass. (Some 30 inmates now meet weekly for group therapy sessions with a psychiatrist. These sessions must be expanded to involve more inmates.) Of those who had seen such personnel, the majority had encountered them by "accident", rather than having knowledge about their availability. Of these 15 inmates, the majority had seen this type of trained personnel only a limited number of times for a specific purpose "such as lining up a job when leaving the institution." A few had more frequent contact, usually once or twice a week consisting of an hour to one and one-half hours per session. Several were involved in the existing programs described in this report. One inmate interviewed was about to see a psychiatrist.

The great majority of the interviewed inmates have never used the library. Many claimed to be unaware of its existence. Of those who used the library, only three went there regularly. The complaints of the ones who went there infrequently was that the library had "no good books."

Almost all of the inmates utilized the gym, usually once or twice a week at an hour per session. There was a tendency among the white inmates not to use the gym, because they believed that the black inmates would gang up on them in the gym. Almost all of the inmates watched T.V.'s which were located in the quads. Several people complained that their T.V.'s did not work regularly and that there was no one there to repair them, unless there was an inmate in the quad who happened to have such skills. Almost all of the inmates stated that they saw movies about once a week. In addition, almost all inmates stated that there were some box-type games in the quad, but they were not used frequently. In response to the question, "What do you want to do when you leave Rikers Island?", varied answers were received. Ten inmates did not articulate any answer, but merely gave a shrug of the shoulders. Twenty-three inmates stated they wanted to get a job, but only 12 had a definite job in mind. Six youths stated that they wanted to go back to school, and six others stated that they would like to enter training programs.

C. Job assignment and treatment

The institution maintains a procedure for the admission, housing and job assignment of each newly received sentenced inmate. On Monday of each week, an orientation and instruction program is held for new inmates. On the following day, interviews are conducted by the personnel of P.S. 189, followed on Wednesday by medical examinations. This results in a classification and assignment of the individual inmate on Friday.

In arriving at job assignments, several factors are taken into consideration. The institution as currently structured requires a certain number of inmates to perform basic functions of the institution (*e.g.*, mess hall, sanitation, paint gang, etc.). An attempt is made to give the individual inmate a choice of his assignment. Prison officials stated that if an inmate had previously served a sentence at Rikers Island, it was not unusual to ask him what job he had previously been assigned to and whether he wanted it again.

An overriding consideration in making assignments is the question of security. Security may determine whether the inmate can be assigned to a job which requires work outside of the institution (but on Rikers Island). Institutional requirements also play a large role in the selection of job assignments. For example, on March 4, 1971, the quota of job slots needed to operate the mess hall was 83. On that date, 73 inmates were assigned to the mess hall. The Reformatory, as currently constituted, could not permit a radical drop in the number of inmates assigned to the mess hall if it were to sustain its basic operations. Thus, it is almost impossible to con-

duct large treatment programs during the day for inmates.

The large number of inmates required to operate the institution necessitates scheduling treatment programs around job assignments. Accordingly, only a small number of inmates can be involved in such programs. However, if an inmate is under 18 years of age, he is required to attend P.S. 189, a school operated by the Board of Education of the City of New York.

Prison officials stated that adolescents serving reformatory sentences were not housed in separate quads from those youths serving definite sentences. Housing assignments were based on job classifications rather than sentence.

On March 4, 1971, there were 327 inmates serving reformatory indefinite sentences. On that day, 174 of these inmates were involved in 11 separate treatment programs. P.S. 189 is included as a treatment program, and 70 inmates were enrolled in that school.

TABLE

Number of reformatory indefinite inmates in various institutional programs

(March 4, 1971)

1. S.T.A.R.T.—Group counseling	6
2. Spanish Bible Class	3
3. Vista	16
4. N.Y.U. graduate school program	5
5. P.S. 189—day school	70
6. Correction night school and P.S. 189	31
7. P.S. 189 vocational	12
8. Pastoral counseling—Protestant	5
9. St. Joseph Seminarian, Catholic	3
10. Encounter	7
11. Mental health—group therapy	16
Total	174

The St. Joseph Seminarians conduct remedial reading and social work projects in the quads two nights a week. The Encounter Program is conducted by a group consisting of ex-addicts, some of whom are former convicts. The program attempts to deal with the "pre-addicted" group, that group which has experimented with drugs but is not yet addicted.

It should be noted that the Spanish Bible class is the only program geared to the Spanish-speaking inmates.

The VISTA project is a program which attempts to supply counseling, job placement, and educational placement. The program, which has offices in the Bronx, seeks to provide counseling for all sentenced adolescents from the Bronx, commencing with a period two or three months prior to release from the institution. This contact is maintained after release by the VISTA volunteers in the community until either the individual has developed to the stage where he no longer needs the assistance of the VISTA program or the program loses contact with him or the individual is re-arrested. In the month of February, 1971, this program referred 22 ex-inmates to jobs, seven of whom secured positions. Ten former inmates were referred to vocational training programs, four of whom were admitted. Finally, four individuals were referred to drug treatment programs and two were placed.

The VISTA program is the only volunteer or institutional program which attempts to provide a follow-up program for the counseling done within the institution. The VISTA volunteers at the Reformatory have developed art classes, a short story literary course and attempt to show films to the inmates. The program is now in its third year.

There is great difficulty in obtaining jobs for inmates released from the institution. The correctional staff stated that generally there has been very little cooperation from industry and the trade unions in the City of New York. Aside from the VISTA program, the only follow up and attempts at job placements done within the institution are on an ad hoc basis by individual correction officers and staff who attempt, on their own, to obtain employment and educational placements for individual inmates. The VISTA program is an important program, not nearly large enough to handle the problem but successful enough to encourage its expansion.

An exciting new project is GROW, a privately financed group on West 82nd Street in Manhattan, which includes 50 Reformatory prisoners in its daily multiple training program. The $235,000 financing for the Reformatory participation is provided by the federal government. The project is operated as a work-release program, and the inmates leave Rikers Island each weekday morning in civilian clothes and are bussed to GROW headquarters. There, they participate in training to become group counselors, and have been guaranteed jobs upon completion of their sentences. The participants are highly motivated, and there have been no reports of attempted escapes.

D. Prisoner grievances

1. *Food.* Almost all the inmates complained about the food. The food was generally ill-prepared, served cold and in an unattractive fashion. At times it was raw or half-cooked. Several inmates stated that they found rocks and paper or metal objects in the food. Other inmates complained of bugs in the food.

Another complaint that arose in several instances related to the fact that pork was frequently served. It appears that a number of inmates do not eat pork, and therefore would just skip the meals that featured pork. A system of "underground sandwiches" has grown up in the Reformatory. When people in the mess hall can get cold cuts and other similar items, they make sandwiches that are sold for packages of cigarettes.

2. *Commissary.* Many inmates complained about the fact that the commissary did not have adequate supplies or varieties of food. This latter complaint directly related to the complaints about the quality of food in the mess hall. Many inmates refuse to eat many of the meals, and look to the commissary to supplement their diet.

Inmates also complained that the commissary does not carry filter cigarettes, but only non-filters. Since many of the inmates are teenagers with skin problems, another complaint was that the commissary did not carry a variety of adolescent cosmetics. Varieties of deodorants and soaps were also lacking as far as the inmates were concerned. Some of the inmates wanted the commissary to carry a line of newspapers and magazines, including black-oriented magazines.

3. *Clothes.* The inmates stated that they were supposed to have two sets of clothes. However, many felt that this was an inadequate supply. In addition, the inmates cannot use the laundry to wash their clothes, but rather had to launder them in a hand sink. Most quads had only one iron, if any, and therefore, many inmates have to walk around in wrinkled and sloppy clothing, which they resent. Accordingly, an "underground" system of clothing distribution has come into being. If an inmate had a friend in the clothes center, or was willing to pay a package of cigarettes, he could receive a fresh change of clothes regularly.

4. *Recreation.* Although many inmates complained about the recreational facilities at the Reformatory, a substantial number were not able to articulate any specific suggestions or recommendations for improvement. However, the more articulate inmates' suggestions can be reduced to a basic point: more recreation and a greater variety of recreational programs.

Quite a few inmates were desirous of being able to participate in outside recreation more often. Presently, inmates are taken outside in warm weather. Notwithstanding the cold, some inmates expressed a desire to go out even in the winter to play football.

Warden Oslyn has noted that the presence of detention inmates in the institution has cut into the availability to sentenced inmates of various recreational programs and facilities.

5. *Training and Rehabilitation Programs.* The multitude of responses in this area indicates the lack of treatment being given to inmates at the Reformatory. In general, there is no comprehensive rehabilitation program for the inmates. The Reformatory offers a variety of piece-meal programs, most of which are not known to the inmates. The more aggressive inmates, those with sufficient motivation, do become involved to a small extent in these programs. However, the bulk of the Reformatory population is not involved. Some inmates recognize that unless the Reformatory has a general program to instill motivation, initiative and a sense of values, little can be accomplished by just having a variety of programs on paper to which the inmates do not relate.

The following is a list of programs which the inmates stated they would like in the Reformatory. Of course, this is a compilation and most inmates only mentioned one or two of these items, and some did not mention any. These suggestions consisted of training programs for carpenters and electricians; a program to teach computer operations; English classes for Spanish-speaking people; black studies programs; accredited college-level courses of instruction; Army counseling programs; training programs which could award certificates helpful in job placement; and an expanded Granada Hotel program (a work-release program located in Brooklyn). It should be noted that in addition to the GROW program described above, a work-release facility has opened in East Harlem, with another projected for the South Bronx.

6. *Treatment by Correction Officers.* The overwhelming majority of the inmates did not complain of their treatment by the correction officers. However, there was a substantial minority who stated that the correction officers did not "treat them with respect." From further questioning, it appears that the meaning of this phrase is that the correction officers would needlessly be abusive to inmates. These inmates realized that a job had to get done, but that there were two ways of accomplishing it. One method was to instill motivation and to try to get the person to do it; the other was just to use authority over him. The inmate that complains about this "lack of respect" seems to attribute this attitude mostly to the younger officers, while praising the older officers.

7. *Solitary.* Several inmates interviewed had been in special confinement, known in the Reformatory as the "Bing," a regular cell isolated from the general housing area. Usually, an inmate is put into the Bing for an infraction of the rules, or a repeated violation after warnings. Most inmates who had been in the Bing did not appear to be bitter about their experience, and none had very serious complaints about it. While in the Bing, an inmate's belts and shoelaces are taken away.

E. Observations

One of the key problems preventing a comprehensive rehabilitation and training program is the work-oriented nature of the institution. The Reformatory attempts to utilize its captive manpower to supplement its budget by providing basic institutional services through these inmates. If such manpower utilization was focused on identifying and developing skills and abilities to the point where inmates become self-sufficient upon leaving the institution (possessing a marketable skill), then a work-oriented philosophy becomes more acceptable. However, this is not the basic thrust of the work-oriented institution. The basic philosophy behind this institutional preference is the desire to "do it for less" by saving dollars through utilization of captive manpower and the concept of "keeping them busy." As evidenced by the lack of recreation, rehabilitation and job training, it is apparent that

taxpayer dollars saved by utilization of prison labor for the performance of basic functions are not rechanneled into other institutional needs.

In the light of the lack of training and rehabilitative programs at the Reformatory, the concept of "keeping them busy" makes great sense. The interviews with the inmates showed, except in the case of those prisoners attending P.S. 189, a real need for any kind of work. A typical inmate serving an indefinite sentence spends his time not in training, but in busy work. The statute mandates the treatment and training of prisoners serving indefinite reformatory sentences. However, instead of training and treatment, they receive a sentence filled with empty days and useless work.

The lack of money, in addition to the problems stated above, manifests itself in many other small ways. The Reformatory needs a plumber, an electrician, a locksmith and a carpenter. Many cells are not occupied because the toilet is inoperable.

In addition to a lack of funds and trained personnel, the Reformatory officials complained of lack of cooperation from the New York community. They believed that such lack of cooperation (e.g., in job placement) resulted from a lack of awareness of the problems of the institution.

The Reformatory officials stated that the inability to segregate adolescents serving reformatory sentences from adolescents serving definite sentences was not a problem. However, it seems that if the intent of the statute is to be fulfilled, adolescents serving reformatory sentences should be housed in common living units based upon the particular program in which they are involved. The interviews reflected a lack of sensitivity to this requirement.

The lack of space for training programs resulted in continually juggling rooms and facilities. This problem of space was further aggravated by the transfer of adult trial prisoners to the institution.

There was a problem with federally funded projects which were curtailed or discontinued after a short period of time. One official stated that he would rather have them for a short period of time than not at all. However, some of the correction officials believed that such a curtailment resulted in a severe psychological let-down by the participants in such programs.

F. Case histories

In order to impart a greater feeling of the human aspects of the inmates interviewed at the Reformatory, there appears below a capsulized summary of six interviews. These six inmates represent what one might encounter in a typical quad in the Reformatory. A conscious attempt was made to select case histories of inmates ranging from those receiving little treatment to others, who within the present context of the institution, are involved in certain programs.

The great danger in presenting these case histories is subjectivity. However, even the presentation of statistical information has the infirmity of subjectivity, and, perhaps, is more dangerous because of the superficial authoritativeness that surrounds it. These short summaries impart to a certain degree the human aspects of the youths at the Reformatory, and hopefully, a better understanding of their problems.

Inmate A

Inmate A is 21 years old, black and single. He was sentenced to an indefinite reformatory sentence for attempted assault with a knife and has no previous convictions. Inmate A was in the Rikers Island Reformatory for 22 months and paroled, but he violated his parole. He is now in the Reformatory because of his parole violation and has presently served four and one-half months. Although Inmate A has only ten years of education, he has not attended P.S. 189 at Rikers Island. The first time Inmate A was in the Reformatory, he was informed of the school, but he did not want to attend. Before being sentenced to Rikers Island, Inmate A worked in a laundry. His present job at the Reformatory is school sanitation. He claims to spend five hours a day, five days a week on school sanitation. Inmate A has never asked to see, nor has he ever seen, a social worker, psychiatrist, or vocational counselor. Inmate A never uses the library. He uses the gym twice a week and watches television. Inmate A has never had any visitors because there is no one in his immediate family that is close to him. He occasionally receives a letter.

His main complaint is about the food which he says is bad, because there is "No meat in it, never any protein, just a lot of stews." Inmate A thinks the commissary should carry filter cigarettes and believes it runs out of items too frequently. He has never been in an upstate prison, but he has heard people say that "it is nice there." When Inmate A leaves Rikers Island, he would like to go back to work and stay off drugs. He believes that the Reformatory should "figure out something for us to do rather than play cards and watch T.V."

Inmate B

Inmate B is single, 19 years old, and black. He was sentenced to a reformatory sentence for armed robbery. He has been at Rikers Island for 19 months. Inmate B has ten years of education and is presently attending P.S. 189's academic program and is also taking a tailoring course. Inmate B thinks P.S. 189 is good "if you want to learn something." Before being sentenced, Inmate B was attending school. Inmate B has never asked to see, nor has he seen, a social worker, psychiatrist, or vocational counselor. He uses the library infrequently. Inmate B goes to the gym three times a week and watches television. He said there are no other recreational programs and that the movies are "crummy." His main complaint is that there is no way to kill time. Inmate B also complains about the quality of the food, stating that there are rocks in it. The commissary does not carry sufficient food items to make up for the lack of food that he eats in the mess hall. When he leaves Rikers, Inmate B would like to play basketball.

Inmate C

Inmate C is singe, 20 years of age and is black. He was sent to the Reformatory for attempted robbery. To date he has served five months in Rikers Island. He does not have a diploma, but did attend a high school equivalency program at the Reformatory and is presently awaiting the results of the exam. Inmate C thought the equivalency program was beneficial. Before being sent to the Reformatory, Inmate C was an inventory clerk in a supermarket. At the Reformatory he presently performs school sanitation for eight hours a day, five days a week. When he was classified for a job, Inmate C found out about social workers who are available to the prisoners and asked to see a social worker. Inmate C presently sees a social worker once a week for an hour and 15 minutes session. He believes that the social worker is trying to develop solutions for his past problems. He thinks it is beneficial. The social worker is trying to get him into the Granada Hotel program. Inmate C has used the library, but there are no books in it that interest him. The other facilities which he uses are the gym, and television. He also watches what he calls bad movies.

His main immediate goal is to get into the Granada Hotel program. When he leaves the Reformatory he wants to try to adapt to the working life. He believes that the Reformatory could be improved by better recreation programs, visits on Saturdays and Sundays and more freedom in the quads. Presently, he is allowed, and receives, one visitor from his immediate family on alternate Saturdays and Sundays. He regularly receives mail. His other complaints concern the food: no daily choice, a monotonous menu, tastes bad, and not cooked well. He says if you're hungry you eat it, but that's about it. Inmate C says he could also use more clothes. The commissary could be improved to carry more food other than cookies. He thinks the commissary would be better if it had different types of cigarettes (including filters), some newspapers and a greater variety of cosmetics. He has heard from people that the prison upstate is better. You are allowed packages from home, wear your own shoes, there is more recreation and you are constantly active. However, Inmate C would rather be downstate at the Reformatory for one reason: visitors. It is much more convenient for his family to come to Rikers Island than it would be to travel upstate.

Inmate D

Inmate D is 20 years, black, single and is serving a one-year sentence for possession of narcotics. Because of drugs he could not finish high school, but he is attending P.S. 189 at Rikers. Inmate D had seen a social worker to obtain assistance in graduating from high school and for an application for conditional release. He utilizes the library once a week. He criticized the films the Reformatory offered. Inmate D stated that there was need for job training at the institution so that the inmates would be able to obtain a job and be eligible for parole earlier. He was critical of the visitors program. He said that while it is alright for his mother to visit, he would also like his girl friend to visit. His girl friend was unable to visit, since the inmate claimed that the institution wanted a birth certificate stating that he was the father of her child. He was hesitant about committing himself in this matter. He could not understand why there should be any objection to his girl friend coming to visit him.

Inmate E

Inmate E is 20 years old, white, single and is serving reformatory sentence for grand larceny. He had been paroled twice and returned for violation of parole. He is a high school dropout. Inmate E attended automotive courses at Rikers Island. He claimed that he knew all that they were teaching. His request to do more advanced work was denied, so he quit. His only contact with rehabilitation personnel was one visit with a social worker to obtain a visitor's pass. Inmate E stated that he did not use the gym because of racial problems within the Reformatory. He claimed that white inmates were fearful of using the gym because of problems of violence with black inmates. He complained bitterly about the food. Inmate E said that the food was not cooked properly and on many occasions he was unable to eat the food that was prepared. Inmate E believed that the food had been better between 1967 and 1968, when he originally came to the institution. He stated that the adolescents in the mess hall were not doing a good job and that the food might be improved if prepared by adults. This inmate claimed that he had been given five days in solitary confinement as a penalty for talking in the corridor. He had originally been sentenced in September, 1967, and had spent most of the time since them, except for the time while on parole, in the institution. He was on the paint gang, which he says works five days a week and seven nights a week. Inmate E stated that he liked the night work because they were given extra food while on that shift, which was better than the food during the day.

Inmate F

Inmate F is 19 years old, single, Spanish-American, and is serving an indefinite sentence for attempted robbery and assault. He has served 21 months on the sentence to date. He has previous convictions for assault. Inmate F is a high school dropout. He works in the commissary at Rikers. He never spoke to anybody about what he would do when he leaves the Reformatory and does not receive any visitors. He gets an occasional letter. Inmate F has not had any contact with

any rehabilitative personnel at the Reformatory. He complained about the commissary; it needed food and should carry filtered cigarettes. He said he would like to receive job training while at the institution, but none was made available to him.

G. Conclusions and recommendations

1. The Board of Correction will ask the Legal Aid Society, as the designated public defender of the City, to begin a court action to cause the re-sentencing of all adolescents serving indeterminate reformatory sentences in the City Reformatory or transferred to State prisons. We believe that such an action has a sound basis because the rationale for the indeterminate sentence, a rehabilitation program, clearly distinguishable from regular prison existence, does not exist. There is no comprehensive program of rehabilitation and treatment for the adolescents sentenced to the City Reformatory. In fact, a youth sentenced to a reformatory sentence receives the same treatment as those sentenced to definite prison terms.

Reformatory sentences have been subject to constitutional attack because the adolescent who is convicted of a crime can be incarcerated for three or four years if given a local or state reformatory sentence, but would have served a much lesser sentence if the traditional prison term was imposed. The contention is therefore made that a person is not receiving equal protection under the law when he is subject to a longer period of incarceration than another individual for the same crime solely because of a difference in their respective ages. Courts have responded by saying that:

"[The] ability to benefit from, and the availability of, rehabilitation facilities and treatment form a rational basis for distinguishing between persons convicted of the same offense, so as to subject one to a potentially greater period of confinement . . . we can not say that the Legislative determination that a distinction be made between . . . [older and younger] persons . . .' is arbitrary." *People* v. *Meltsner,* 32 A.D.2d 389, 390; 302 N.Y.S.2d 624, 626 (1969).

"With this in mind, the Legislature conceived the indefinite sentence to the Reformatory because it believed that there is greater chance and hope for successful rehabilitation through education, training and guidance of impressionable youth, before the demoralizing and deteriorating process of exposure to prison life and hardened prison criminals take their toll. The provocative and erosive problem of youthful recidivism can best be thwarted and rebuffed by an appropriate and effective rehabilitation program." *Carter* v. *Warden, New York City Reformatory,* 62 Misc.2d 191, 193, 308 N.Y.S.2d 552, 555–56 (S. Ct. Bronx Cty. 1970), *citing People* v. *Wilson,* 17 N.Y. 2d 40, 215 N.E.2d 333, 268 N.Y.S.2d 6 (1966).

One can agree wholeheartedly with the rationale for the indeterminate reformatory sentence as expressed by both these courts. However, when there is no comprehensive program of rehabilitation, and these prisoners are subjected to the "demoralizing and deteriorating process of exposure to prison life," although given a reformatory sentence, there can be no legal rationale for incarcerating them for a longer period than someone sentenced to a traditional prison sentence in the first instance. An individual should not be put in jail for a longer period unless the promised treatment for the longer sentence is actually received. To be legally sound, the reformatory sentence must be different from the traditional prison sentence in practice is well as theory. At the Reformatory, practice is not consistent with the theory.

2. The Presiding Justices of the Appellate Division, First and Second Departments, should appoint a special Judicial Committee to determine when and if the Reformatory meets minimum standards to justify the indeterminate sentence for adolescents.

3. We ask the Department of Correction to make and announce publicly, by October 15, 1971, a policy decision that it will in fact organize and administer a reformatory consistent with the standards of the American Correctional Association. Once this decision is made, all adult prisoners must be removed from the Reformatory facility.

If the Reformatory resources and personnel are diverted from their main purpose of rehabilitation, little hope can be held out for change in the institution. The influx of adults awaiting trial into the Reformatory framework completely disrupts the institution. Special eating and sleeping provisions must be made for these adult prisoners. If one is to give the present Reformatory administration a chance to really run a reformatory, the problems of the adult overflow in the City's prisons must not be borne by the Reformatory.

The transfers of adolescents serving indefinite sentences to the Remand Shelter should cease. The Adolescent Remand Shelter on Rikers Island is designed to hold youths who are awaiting trial. Accordingly, it cannot be expected that this type of institution would have the facilities or personnel available to give long-term treatment. Therefore, the transfer of youths to such institutions is an admission that they are not receiving any treatment, but are performing useful work functions in the Remand Shelter, and accordingly, it is more convenient to have them there. This convenient arrangement must end immediately. These youths must be brought back to the Reformatory and offered a comprehensive program of rehabilitation.

The population of the Reformatory should be stabilized. A maximum number should be fixed at which the institution can function smoothly as a reformatory. Once this number is reached, youths should no longer be sentenced to the Reformatory. If need be, they should be sent to other institutions performing similar functions. The youths who have been sentenced to indefinite Reformatory sentences have received a promise by the court that they will be given comprehensive treatment. That promise must be kept.

4. Literacy must be made a major objective of the entire Reformatory program. Without functional reading and writing skills, much of the value of the vocational training is lost. English classes for Spanish-speaking prisoners must be organized.

5. Adolescent prisoners must be encouraged to attend school, with special work programs organized so that they will not be deprived of the opportunity of earning "spending money." The present system pays $.03 to $.10 per hour for prison labor. The rate should be increased in order to provide meaningful incentives.

6. The Board of Education should give significant attention to its pioneering prison facility, and use it as a model for the challenge of teaching the disadvantaged. The school program should be part of a comprehensive rehabilitation program and should be available for all prisoners who wish to attend.

7. Follow-up of individuals after release is essential if there is to be any control by which to judge the institution's success.

8. Narcotic therapy programs are a minimum requirement. The absence of narcotic programming in an institution where clearly half of the inmates are confined for narcotic crimes is incomprehensible. The opportunity should be available to all adolescents leaving the Reformatory to enter street programs for methadone maintenance or other therapeutic treatment.

9. A special Advisory Board, including representatives of labor and industry, should be organized to work with the Warden of the Reformatory to assist the training programs and secure employment opportunities. This board could help organize vocational programs that are related to employment needs.

10. Almost all of the inmates interviewed complained about the facilities of the commissary. The lack of filter cigarettes, while perhaps a small item in the total picture, generally illustrates the bureaucratic problem rather well. There are no filter cigarettes sold because the rules say that no filter cigarettes will be sold. When asked the reason for the rule, one is told, "We never sold filter cigarettes," or that "Filter cigarettes were sold here once but they didn't go over very well."

The commissary should also be stocked with more food items. Many of the inmates interviewed said that the only food items they were able to purchase were cookies and candy. While some real food items were sold, the quantity was not great and many inmates stated the supply was frequently exhausted.

Reformatory officials stated that more food items were not sold because cans were dangerous and created a sanitation problem. A solution to the problem of dangerous items would be to supply "canned" items which come in harmless plastic containers, now widely available. As for the sanitation problem, it could be solved by the formulation of reasonable rules regulating the storage and use of food in the cell areas.

There should be a full assortment of toiletry items, specifically items which are used for treatment of adolescent skin conditions.

11. Almost every prisoner interviewed complained about the quality of the food. Many of the problems relating to the quality of food emanate from the fact that it is presently prepared by adolescents. The food was previously prepared by adults. Many inmates working in the mess hall, and correction officials as well, believed that the adolescents working in the kitchen did not care and were negligent in their duty, causing a qualitative decrease in the food. This procedure should be terminated. The food should be prepared under much closer supervision.

Many inmates stated that, but for visits, they would much rather be in upstate institutions than in the New York City Reformatory. Many of these inmates listed the ability to receive food packages upstate as one of their reasons. We were informed by prison officials that food packages should be allowed under proper supervision. Simple rules for receipt, inspection, storage and use of food packages can be promulgated.

12. The institution presently does not sell any magazines in the commissary. Magazines are donated to the institution and distributed to the inmates. Several black inmates complained about the lack of black oriented magazine materials. An attempt should be made to remedy this situation.

The Libraries For Prisons Committee, a dedicated volunteer group, has been working with the personnel of the Reformatory to develop a facility that has meaning for the prisoners. Considerable progress has been created if the Department of Correction determines to go forward with the Reformatory.

HEALTH INSURANCE COST STUDIES PRESENTED TO CONGRESS

Mr. PELL. Mr. President, as the result of an amendment I offered last year to the Public Health Service Act, the Congress received today from the Department of Health, Education, and Welfare an excellent cost evaluation of the national health care proposals now before Congress.

This study compared the costs to the overall economy of enacting a national health care proposal and the costs of not enacting a national health care proposal.

I was particularly struck by the low range of additional costs to our economy that would be incurred if the national

health care proposals were enacted in 1974.

For example, if instead of doing nothing in 1974, my own national health care proposal, S. 703, was enacted, the additional costs to the overall economy would only be $9.5 billion. Its Federal cost would only be $4.9 billion. In a trillion dollar economy this is a very small price to pay for a basic level of health benefits for all citizens.

I would also note that Senator KENNEDY's bill which has been criticized as being so expensive would only add $8.5 billion in additional costs to our national economy.

Although the cost study admits that many of the assumptions on which its projections are based are only tentative, I believe the methodology utilized in the study represents a conceptual breakthrough. The study presents costs, not only in terms of additional Federal dollars, but in terms of changed expenditure patterns in the private sector, in terms of tax adjustments, and in terms of induced costs.

Mr. Charles Trowbridge, Chief Actuary of the Social Security Administration; William Hsaio, his deputy; Mrs. Ruth Hanft, of the Office of the Secretary of the Department of Health, Education, and Welfare; and Mrs. Dorothy Rice, of the Office of Research and Statistics at the Social Security Administration deserve great commendation for the fine effort they made in preparing the study.

There are many interesting aspects of the study which should be noted. I noted that my bill would only cost Uncle Sam $4.9 billion and part of this is related to health care tax deductions by employers resulting in a minor revenue loss.

I was struck by the fact that many of the bills that only provide catastrophic coverage costs as much to the Federal Government as do more comprehensive bills, such as my national health care bill, S. 703.

I was also happy to note that my bill had a very small inflationary impact, that is to say its induced cost was only $0.3 billion.

Mr. President, for many years I have been concerned about the lack of information that Congress has on the major problems it faces. Too often we are required to act within an informational gap.

It was because of my concern for the lack of hard information on the parameters of the health crisis that I offered my amendment last year to require the Department of Health, Education, and Welfare to complete a cost study of national health care proposals and to complete before September 1971 a more comprehensive systems analysis of alternative means of reforming our national health care system.

Mr. President, I believe that today's study represents the first constructive step forward in our debate on the national health care crisis. I look forward to our receipt of the systems study in September as the second major step forward.

I ask unanimous consent that summary tables from today's report be printed in the RECORD.

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

TABLE 1.—NATIONAL HEALTH EXPENDITURES AFTER TAX ADJUSTMENT BY PROPOSAL, FISCAL YEAR 1974

[Dollars in billions]

Proposal	Total	Private sector				Governmental sector		
		Total	Individual direct payments	Health insurance	Other	Total	State and local	Federal
None	$105.4	$62.3	$32.0	$26.4	$3.9	$43.1	$11.1	$32.0
Bennett	107.2	62.6	28.3	30.4	3.9	44.6	10.0	34.6
Byrnes	107.2	62.2	28.3	30.0	3.9	45.0	10.0	35.0
Javits	113.0	31.3	19.9	8.2	3.2	81.7	8.1	73.6
Burleson	110.2	62.3	21.7	36.7	3.9	47.9	8.6	39.3
Pell-Mondale	114.9	67.3	17.3	46.1	3.9	47.6	10.7	36.9
Dingell	$116.8	$13.9	$6.9	$3.1	$3.9	$102.9	$9.6	$93.3
Kennedy	113.8	15.9	11.2	1.9	2.8	97.9	6.5	91.4
Fulton-Broyhill	109.5	61.9	26.5	31.5	3.9	47.6	9.3	38.3
Fisher	109.1	58.1	27.5	26.7	3.9	51.0	8.7	42.3
Hogan	107.7	59.0	27.8	27.3	3.9	48.7	13.4	35.3
Hall	107.6	59.0	28.5	26.6	3.9	48.6	13.4	35.2
Long	106.5	60.3	30.0	26.4	3.9	46.2	11.1	35.1

TABLE 2.—SUMMARY OF ADDITIONAL COSTS TO FEDERAL TAXPAYERS AFTER TAX ADJUSTMENT BY PROPOSAL, FISCAL YEAR 1974

[Dollars in billions]

Proposal	Total	Transferred costs	Induced costs	Change in tax adjustments
Bennett	$2.6	$1.6	$0.3	$0.7
Byrnes	3.0	2.0	.4	.6
Javits	41.6	37.8	6.9	−3.1
Burleson	7.3	8.2	2.1	−3.0
Pell-Mondale	4.9	−.5	.3	5.1
Dingell	61.3	55.2	11.3	−5.2
Kennedy	$59.4	$56.0	$8.4	−$5.0
Fulton-Broyhill	6.3	−1.9	.2	8.0
Fisher	10.3	−2.4	.2	12.5
Hogan	3.3	2.5	1.0	−.2
Hall	3.2	2.4	1.0	−.2
Long	3.1	2.4	.8	−.1

DEPOSITS OF INTERNATIONAL BANKS IN U.S. COMMERCIAL BANKS—RELEASE OF INFORMATION

Mr. PROXMIRE. Mr. President, over the strenuous objections of the U.S. Treasury Department, I am today making public the amounts, interest rates, and locations of over $1.3 billion in deposits by three international financial institutions in several dozen U.S. commercial banks.

I am taking this action as chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations which has jurisdiction over the U.S. contribution of funds to these international banks.

NO REASON FOR SECRECY

The Treasury contends that the data should remain secret. But I am today releasing the details on the deposits of $776 million of World Bank funds in 46 U.S. commercial banks, of $407 million of Inter-American Development Bank funds in 51 U.S. banks, and of $129.9 million of Asian Development Bank funds in 42 U.S. banks. In addition, I am releasing data concerning the holding of over $2 billion by these three institutions in U.S. Treasury bills, medium term securities, and in cash balances.

On May 10, 1971, I wrote Secretary Connally requesting this information "for ultimate publication in the hearing record." I asked for the names of banks, the type of account, and the rate of interest or other consideration paid. Most, but not all, the information was provided. But Under Secretary Charls Walker urged during the public hearings and in correspondence "that you not proceed with the publication of this information" on grounds that it "involves confidential banking relationships between these institutions and the private banking community here and abroad."

NATIONAL SECURITY NOT INVOLVED

I am refusing to honor this request for a variety of reasons. First, no national security information of any kind is remotely involved in this matter.

Second, these are deposits of public money, large portions of which are provided by the American taxpayer through appropriations by the U.S. Congress. It is not a personal or private banking matter. It is a public matter involving public money.

Third, while there appears to be no wrongdoing of any kind on the part of any of these international banks, the potential abuses involved in keeping these matters from public view cannot be exaggerated. The deposit of public money in pet banks without payment of interest or at below market interest rates has been one of the worst abuses by public officials in both the United States and elsewhere. Publishing this information

can help prevent those practices from occurring in the future.

Fourth, I do not accept the argument made by Under Secretary Walker and the Treasury that "any necessary analysis of the data can be carried out equally well if it remains confidential."

ELITIST ARGUMENT

Critical examination by the press and public can prevent abuse. Like sunlight, disclosure is a great disinfectant. The argument that analysis can be performed behind closed doors by a few bureaucrats and a few politicians is the same "elitist" argument used to hide from public view the far-reaching decisions made by insiders in escalating the Vietnam War. We should have learned by now that "papa doesn't always know best."

Finally, I am taking this action to forestall the lobbying attempts by the Treasury both in letters to Chairman ELLENDER and in personal contacts with members of the subcommittee, in an effort to prevent publication of the information.

For the first time this year under my chairmanship all hearings of the Foreign Operations Subcommittee have been open to the public and not held behind closed doors. We have insisted, successfully, that the State Department make public the country-by-country requests for military aid. Where public money is on deposit, in what amounts, and at what interest rates should also be public knowledge. Otherwise we stifle proper public discussion and debate.

I ask unanimous consent that a copy of the data be printed in the RECORD.

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

ASIAN DEVELOPMENT BANK STATEMENT OF INVESTMENTS AS OF DEC. 31, 1970

	Amount	Yield rate
A. U.S. TREASURY BILLS		
1. Federal Reserve Bank of New York, 33 Liberty St., New York, N.Y.	$696,575.25	4.722
Subtotal	696,575.25	
B. TIME DEPOSITS[1]		
1. Algemene Bank Nederland N.V., 62 William St., New York, N.Y.	250,000.00	8.250
	750,000.00	8.500
	1,000,000.00	8.250
	1,000,000.00	8.125
	750,000.00	8.5625
2. American Security & Trust Co., 15th St., and Pennsylvania Ave., Washington, D.C.	1,000,000.00	7.000
3. Banca Commerciale Italiana, 280 Park Ave., New York, N.Y.	1,000,000.00	7.00
	2,000,000.00	7.25
4. Banca Nazionale Del Lavora, 25 West 51st St., New York, N.Y.	1,000,000.00	7.375
	2,000,000.00	7.4375
5. Bankers Trust Co., Post Office Box 318, Church Street Station, New York, N.Y.	2,000,000.00	9.875
	500,000.00	7.250
	1,000,000.00	7.500
6. Bank for International Settlements, Postfach 262, Ch-4002, Basle, Switzerland	2,000,000.00	7.875
	1,000,000.00	7.500
	1,500,000.00	8.000
7. Bank of America, 540 Montgomery St., San Francisco, Calif.	500,000.00	7.750
	1,000,000.00	8.000
	500,000.00	7.750
	500,000.00	8.000
	2,000,000.00	8.000
	1,000,000.00	8.000
	1,000,000.00	6.75
	1,000,000.00	7.500
	500,000.00	7.500
8. Bank of California, 400 California St., San Francisco, Calif.	1,000,000.00	8.625
9. Bank of Hawaii, Post Office Box 2900, Honolulu, Hawaii	500,000.00	8.750
	500,000.00	8.750
	1,000,000.00	9.500
	2,000,000.00	8.375
10. Bank of New York, 48 Wall St., New York, N.Y.	1,500,000.00	9.750
	1,000,000.00	9.500
	500,000.00	9.250
11. Bank of Toyko Trust Co., 100 Broadway, New York, N.Y.	253,791.66	9.500
	500,000.00	9.000
	746,208.34	9.375
	500,000.00	8.785
	500,000.00	9.375
	500,000.00	8.625
	1,000,000.00	8.625
	1,000,000.00	8.000
	500,000.00	8.125
	500,000.00	9.500
	1,000,000.00	9.500
	1,000,000.00	8.0625
12. Brown Bros., Harriman & Co., 59 Wall St., New York, N.Y.	1,000,000.00	6.375
	1,000,000.00	7.000
13. Central National Bank of Cleveland, 800 Superior Ave., Cleveland, Ohio	1,000,000.00	7.375
	1,000,000.00	7.375
14. Chartered Bank, 76 William St., New York, N.Y.	1,000,000.00	7.25
	1,000,000.00	7.1875
15. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y.	500,000.00	7.750
	2,000,000.00	8.500
	1,500,000.00	8.375
	500,000.00	8.375
	500,000.00	8.250
	1,000,000.00	7.00
16. Chemical Bank, Post Office Box 1585, Church Street Station, New York, N.Y.	1,000,000.00	6.00
	500,000.00	6.00
17. Continental Illinois National Bank, 231 South La Salle St., Chicago, Ill.	1,000,000.00	5.875
18. Crocker-Citizens National Bank, International Banking Dept., 1 Sansome St., San Francisco, Calif.	1,000,000.00	8.500
19. European-American Banking Corp., 52 Wall St., New York, N.Y.	500,000.00	10.125
	1,000,000.00	9.375
	1,500,000.00	8.625
	1,000,000.00	8.125
	1,350,000.00	8.0625
	2,500,000.00	8.4375
20. First City National Bank of Houston, 1001 Main St., Houston, Tex.	1,000,000.00	8.250
21. First National Bank of Boston, International Division, 67 Milk St., Boston, Mass.	500,000.00	8.250
	500,000.00	8.500
22. First National Bank of Chicago, 38 South Dearborn St., Chicago, Ill.	500,000.00	7.125
23. First National City Bank, 399 Park Ave., New York, N.Y.	1,000,000.00	9.250
	1,000,000.00	8.125
	1,500,000.00	9.750
	1,000,000.00	8.125
	1,000,000.00	9.500
24. First Pennsylvania Banking & Trust Co., 15th and Chestnut Sts., Philadelphia, Pa.	500,000.00	7.250
25. Guard Trust Bank, Broad and Chestnut Sts., Philadelphia, Pa.	1,000,000.00	8.500
26. Irving Trust Co., 1 Wall St., New York, N.Y.	500,000.00	6.00
	500,000.00	8.125
27. Manufacturers Hanover Trust Co., 350 Park Ave., New York, N.Y.	500,000.00	5.875
	500,000.00	7.750
	1,500,000.00	7.250
	500,000.00	5.875
	1,000,000.00	5.875
28. Mellon National Bank & Trust Co., Mellon Sq., Pittsburgh, Pa.	1,500,000.00	9.125
	1,000,000.00	8.000
	1,000,000.00	9.625
	1,000,000.00	9.625
29. Midland International Banks, Ltd., 26 Throgmorton St., London, E.C.2	500,000.00	8.1875
30. Morgan Guaranty Trust Co. of New York, 23 Wall St., New York, N.Y.	1,500,000.00	9.750
	1,000,000.00	9.375
	500,000.00	5.75
	500,000.00	5.75
	500,000.00	7.000
31. National Bank of Detroit, Woodward at Ford St., Detroit, Mich.	500,000.00	9.000
32. Northern Trust Co., 50H, La Salle St., Chicago, Ill.	500,000.00	8.000
	500,000.00	9.125
	1,000,000.00	8.750
	500,000.00	9.250
	1,000,000.00	8.500
	2,000,000.00	8.500
33. Philadelphia National Bank, Broad and Chestnut Sts., Philadelphia, Pa.	500,000.00	7.875
	500,000.00	8.125
	1,000,000.00	8.250
	500,000.00	9.000
	1,000,000.00	9.000
	1,000,000.00	9.000
	1,000,000.00	8.250
34. Schroder Trust Co., 57 Broadway, New York, N.Y.	500,000.00	8.250
	1,500,000.00	(#)
	500,000.00	8.250
	1,000,000.00	8.000
	500,000.00	9.500
	500,000.00	9.750
35. Societe Generale, 66 Wall St., New York, N.Y.	2,000,000.00	7.5625
36. Seattle-First National Bank, 2d Ave. and Cherry St., Post Office Box 3586, Seattle, Wash.	2,000,000.00	9.750
	500,000.00	5.875
	1,000,000.00	8.250
37. Security Pacific National Bank, Post Office Box 60402, Terminal Annex, Los Angeles, Calif.	1,000,000.00	9.250
	1,000,000.00	8.250
	500,000.00	9.500
	1,000,000.00	8.625
	2,000,000.00	7.000
38. Swiss Bank Corp. (New York Branch) 15 Nassau St., New York, N.Y.	250,000.00	7.000
39. Swiss Bank Corp., San Francisco Agency, 120 Montgomery St., San Francisco, Calif.	500,000.00	9.000
40. Swiss Credit Bank, 25 Pine St., New York, N.Y.	1,000,000.00	9.750
	1,000,000.00	8.250
	250,000.00	8.875
	500,000.00	7.750
41. Union Bank of Los Angeles, 5th and Figueroa St., Los Angeles, Calif.	1,000,000.00	8.250
	1,000,000.00	8.125
	1,000,000.00	8.625
	500,000.00	8.625
	800,000.00	(#)

ASIAN DEVELOPMENT BANK STATEMENT OF INVESTMENTS AS OF DEC. 31, 1970—Continued

	Amount	Yield rate
42. United California Bank, 600 South Spring St., Los Angeles, Calif.	$500,000.00	10.000
	1,500,000.00	8.250
	1,000,000.00	8.000
Subtotal	129,900,000.00	
C. CURRENT ACCOUNTS		
1. Federal Reserve Bank of New York, 33 Liberty St., New York, N.Y.	73,485.88	
2. First National City Bank, 399 Park Ave., New York, N.Y.	132,666.02	
3. Manufacturers Hanover Trust Co., 350 Park Ave., New York, N.Y.	57,056.46	
4. Bank of Tokyo Trust Co., 100 Broadway, New York, N.Y.	20,000.00	
Subtotal	283,208.36	
D. OTHER INVESTMENTS IN GOVERNMENT SECURITIES AND TIME DEPOSITS		
Sydney (Australia), Vienna (Austria), Brussels (Belgium), Montreal and Toronto (Canada), Copenhagen (Denmark), Paris (France), Frankfurt, Munich and Dusseldorf (Germany), Milan and Rome (Italy), Tokyo (Japan), Kuala Lumpur (Malaysia), Amsterdam (Netherlands), Oslo (Norway), Stockholm (Sweden), Basle and Zurich (Switzerland), London (United Kingdom), Hong, Kong, Singapore. The average, return on these investments is 6.8744 percent per annum. Subtotal	$162,873,652.53	
Grand total	293,753,436.14	

[1] Majority placed between August 1969 and October 1970, with maturities ranging from 9 months to 2 years.

SUMMARY SCHEDULE OF IBRD INVESTMENT HOLDINGS AS OF DEC. 31, 1970

Country and description	Book value: Amount (millions)	Book value: U.S. dollars equivalent (millions)	Book yield (percent)
United States:			
Treasury bills	5.3($)	$5.3	6.77
Medium-term securities (Government and agencies).	1,081.1($)	1,081.1	7.60
Time deposits	775.9($)	775.9	8.27
Canada: Medium-term securities (Government)	10.5 (Can $)	9.7	6.86
Denmark: Time deposits	26.8 (DKr)	3.6	8.12
Federal Republic of Germany: Treasury bills	169.9(DM)	46.4	6.81
Finland: Securities redeemable at par on 3-month notice.	5.3(Fmk)	1.3	6.02
Japan: Treasury bills	510.0(Y)	1.4	5.79
Netherlands: Time deposits	24.5(f)	$6.8	8.34
Sweden:			
Treasury bills	39.9(Skr)	7.7	8.49
Time deposits	13.5(Skr)	2.6	4.80
Switzerland: Time deposits	75.3(SwFr)	17.5	5.80
United Kingdom:			
Treasury bills	12.4(£)	29.9	6.91
Medium-term securities (Government)	81.7(£)	196.2	9.12
Total		2,185.4	7.94

SCHEDULE OF U.S. DOLLAR MEDIUM-TERM SECURITIES HELD BY IBRD AS OF DEC. 31, 1970

Security name	Maturity date	Book value (in millions)	Book yield (in percent)
7.50 percent FICB debentures	Jan. 4, 1971	$3.0	6.41
8⅜ percent FHLB notes	Jan. 26, 1971	1.0	7.29
6 percent FNMA participation certificates	Feb. 1, 1971	11.0	6.95
7.40 percent FICB debentures	do	22.5	7.21
6.80 percent FLB bonds	Feb. 23, 1971	25.0	6.80
6.60 percent FHLB notes	Feb. 25, 1971	9.0	6.67
6 percent FNMA debentures	Mar. 11, 1971	4.0	6.66
8.05 percent FICB debentures	Apr. 1, 1971	3.5	6.69
6.30 percent FNMA participation certificates	Apr. 8, 1971	58.0	6.12
8⅜ percent FHLB notes	Apr. 26, 1971	13.0	8.30
7 percent FHLB notes	May 25, 1971	25.0	6.97
6.85 percent FNMA debentures	June 10, 1971	37.9	7.27
8.15 percent FLB bonds	July 20, 1971	25.0	8.15
5¾ percent FNMA debentures	Sept. 10, 1971	15.4	6.10
6⅝ percent Export-Import participation certificates	Sept. 19, 1971	21.6	6.18
6 percent Federal Land Bank bonds	Oct. 20, 1971	50.0	6.01
6.85 percent FNMA debentures	Nov. 10, 1971	17.8	8.42
8.20 percent FHLB notes	Nov. 26, 1971	10.0	8.12
5.00 percent FNMA participation certificates	Jan. 19, 1972	3.9	7.99
5.20 percent FNMA participation certificates	do	5.8	8.52
6¾ percent FNMA debentures	Mar. 10, 1972	17.1	7.06
8.70 percent FNMA debentures	do	39.6	8.46
7.40 percent FNMA debentures	Sept. 11, 1972	25.3	7.40
8.40 percent FNMA debentures	do	20.0	8.40
7.50 percent GNMA debentures	Oct. 2, 1972	$25.0	7.50
8 percent FNMA debentures	Dec. 11, 1972	50.0	8.00
8.35 percent FHLB notes	Feb. 26, 1973	10.0	8.15
8.15 percent FICB debentures	Mar. 1, 1973	14.1	7.76
8.30 percent FNMA debentures	Mar. 12, 1973	37.0	8.32
7.30 percent FNMA debentures	do	10.0	7.30
6.15 percent Export-Import Bank debentures	Apr. 30, 1973	36.8	6.01
7¾ percent FIGB debentures	July 2, 1973	15.0	7.75
7.95 percent FLB bonds	July 20, 1973	15.0	7.95
7.20 FHLB notes	Aug. 27, 1973	2.0	7.20
8.10 percent FNMA notes	Sept. 10, 1973	32.1	8.03
6 percent FNMA debentures	Oct. 1, 1973	10.4	5.90
7.80 percent FLB notes	Oct. 22, 1973	10.0	7.80
8.40 percent FHLB notes	Jan. 25, 1974	5.1	7.76
7.75 percent FNMA debentures	Mar. 11, 1974	30.0	7.75
7.30 percent FLB bonds	Apr. 22, 1974	10.0	7.30
7.90 percent FNMA debentures	June 10, 1974	32.1	7.82
7.85 percent FNMA debentures	Sept. 10, 1974	31.2	8.29
8 percent FHLB notes	Nov. 25, 1974	35.0	8.00
8⅛ percent FHA notes	Jan. 31, 1975	100.0	8.88
8 percent FNMA debentures	Apr. 1, 1975	25.0	8.00
8⅜ percent FNMA debentures	June 2, 1975	50.0	8.38
7.50 percent FNMA debentures	Sept. 10, 1975	30.9	7.48
Total		1,081.1	7.60

U.S. COMMERCIAL BANKS HOLDING IBRD FUNDS IN THE FORM OF TIME DEPOSITS OR CERTIFICATES OF DEPOSIT AS OF DECEMBER 31, 1970

American Security & Trust Company, 15th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20013.

Banca Commerciale Italiana, New York Branch, 280 Park Avenue, New York, New York 10017.

Banca Nazionale del Lavora, New York Branch, 25 West 51st Street, New York, New York 10019.

Banco de Ponce, New York District Office, 164 East 116 Street, New York, New York 10029.

Bankers Trust Company, 280 Park Avenue, New York, New York 10017.

Bank of America, New York, 41 Broad Street, New York, New York 10015.

Bank of America National Trust and Savings Association, Bank of America Center, San Francisco, California 94120.

The Bank of New York, 40 Wall Street, New York, New York 10015.

The Bank of Tokyo Trust Company, 100 Broadway, New York, New York 10005.

Central Cleveland International Bank, 40 Wall Street, New York, New York 10015.

Central National Bank of Cleveland, East 9th Street & Superior Avenue, Cleveland, Ohio 44114.

The Chase Manhattan Bank National Association, One Chase Manhattan Plaza, New York, New York 10015.

City National Bank of Detroit, P.O. Box 2659, Griswold at Fort, Detroit, Michigan 48231.

Continental Illinois National Bank and Trust Company of Chicago, 231 South La Salle Street, Chicago, Illinois 60690.

Crocker-Citizens National Bank, 1 Sansome Street, San Francisco, California 94120.

European-American Bank and Trust Company, 52 Wall Street, New York, New York 10005.

First Israel Bank and Trust Company of New York, 80 Wall Street, New York, New York 10005.

First National Bank of Boston, 67 Milk Street, Boston, Massachusetts 02106.

The First National Bank of Chicago, One First National Plaza, Chicago, Illinois 60670.

First National City Bank, 399 Park Avenue, New York, New York 10022.

The First Pennsylvania Bank and Trust Company, Fifteenth and Chestnut Streets, Philadelphia, Pennsylvania 19101.

First Wisconsin National Bank of Milwaukee, 743 North Water Street, Milwaukee, Wisconsin 53201.

Franklin National Bank, 130 Pearl Street, New York, New York 10015.

Girard Trust Bank, Broad and Chestnut Streets, Philadelphia, Pennsylvania 19101.

Harris Trust and Savings Bank, 111 West Monroe Street, Chicago, Illinois 60690.

The Hongkong and Shanghai Banking Corporation of California, 180 Sansome Street, San Francisco, California 94104.

Industrial National Bank, 111 Westminster Street, Providence, Rhode Island 02903.

Irving Trust Company, One Wall Street, New York, New York 10015.

Manufacturers Hanover Trust Company, 350 Park Avenue, New York, New York 10022.

Marine Midland Bank—New York, 140 Broadway, New York, New York 10015.

National Bank of Commerce of Seattle, Second Avenue at Spring Street, P.O. Box 3966, Seattle, Washington 98124.

National Bank of Detroit, 611 Woodward at Fort, Box 611, Detroit, Michigan 48323.

The National Bank of North America, 44 Wall Street, New York, New York 10005.

The National City Bank of Cleveland, 623 Euclid Avenue, Cleveland, Ohio 44114.

The Northern Trust Company, 50 South La Salle Street, Chicago, Illinois 60690.

The Philadelphia National Bank, 421 Chestnut Street, Philadelphia, Pennsylvania 19101.

Pittsburgh National Bank, One Oliver Plaza, Pittsburgh, Pennsylvania 15222.

Provident National Bank, Broad and Chestnut Streets, Philadelphia, Pennsylvania 19101.

Schroder Trust Company, 57 Broadway, New York, New York 10015.

Seattle-First National Bank, 1001 Fourth Avenue, P.O. Box 3586, Seattle, Washington 98124.

Security Pacific National Bank, 561 South Spring Street, Los Angeles, California 90054.

State Street Bank and Trust Company, 225 Franklin Street, Boston, Massachusetts 02101.

Swiss Bank Corporation, 15 Nassau Street, New York, New York.

Union Bank, Fifth and Figueroa Streets, Los Angeles, California 90017.

United California Bank, 600 Spring Street, Los Angeles, California 90054.

Wells Fargo Bank N.A., 464 California Street, San Francisco, California 94120.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT—TIME DEPOSITS AND CERTIFICATES OF DEPOSIT WITH U.S. COMMERCIAL BANKS (ACCOUNT T)

[Holdings shown remained unchanged through Dec. 31, 1970: expressed in millions of dollars as of Dec. 17, 1970]

	Amount
American Security & Trust Co., Washington, D.C.: Due Aug. 12, 1971, at 8.375 percent (12 months, 1 day)	$1.0
Banca Commerciale Italiana, New York, N.Y.:	4.0
Due Aug. 10, 1971, at 8.750 percent (12 months)	[1] 1.0
Due Oct. 26, 1971, at 8.000 percent (12 months, 3 days)	3.0
Banca Nationale Del Lavoro, New York, N.Y.: Due Oct. 25, 1971, at 8.000 percent (12 months, 3 days)	2.0
Banco de Ponce, New York, N.Y.: Due July 19, 1971, at 8.750 percent (12 months, 3 days)	1.0
Bank of America (International), New York, N.Y.:	15.0
Due Mar. 17, 1971, at 6.250 percent (3 months)	5.0
Due Apr. 28, 1971, at 7.375 percent (6 months, 8 days)	5.0
Due June 17, 1971, at 6.250 percent (6 months)	5.0
Bank of America NTSA, San Francisco, Calif.:	110.0
Due Jan. 25, 1971, at 9.750 percent (12 months, 3 days)	7.5
Due Mar. 16, 1971, at 8.750 percent (12 months)	10.0
Due Mar. 17, 1971, at 7.750 percent (6 months, 3 days)	4.0
Due Mar. 31, 1971, at 8.750 percent (12 months, 15 days)	20.0
Due Mar. 31, 1971, at 8.750 percent (12 months, 11 days)	6.0
Due Apr. 12, 1971, at 9.250 percent (13 months, 29 days)	8.5
Due Apr. 12, 1971, at 8.250 percent (12 months, 2 days)	10.0
Due Apr. 13, 1971, at 7.500 percent (6 months)	11.0
Due Apr. 16, 1971, at 8.750 percent (13 months)	13.0
Due May 10, 1971, at 7.000 percent (6 months, 4 days)	7.0
Due May 10, 1971, at 7.000 percent (6 months, 1 day)	3.0
Due June 15, 1971, at 6.000 percent (6 months)	5.0
Due Aug. 9, 1971, at 8.375 percent (12 months, 3 days)	5.0
Bank of New York, New York, N.Y.: Due Apr. 13, 1971, at 9.250 percent (14 months)	$3.0
Bank of Tokyo Trust Co., New York, N.Y.:	1.5
Due Jan. 8, 1971, at 10.000 percent (12 months, 3 days)	.5
Due Nov. 10, 1971, at 8.250 percent (12 months, 1 day)	1.0
Bankers Trust Co., New York, N.Y.:	40.5
Due Feb. 15, 1971, at 10,000 percent (16 months, 5 days)	5.0
Due Mar. 5, 1971, at 8.750 percent (8 months, 27 days)	5.5
Due Apr. 15, 1971, at 8.330 percent (11 months, 7 days)	[2] 30.0
Central Cleveland International Bank, New York, N.Y.: Due October 15, 1971, at 7.500 percent (12 months, 2 days)	1.0
Central Cleveland International Bank, New York, N.Y.:	8.0
Due Aug. 9, 1971, at 8.375 percent (2 months, 3 days)	2.0
Due Sept. 17, 1971, at 7.750 percent (12 months, 3 days)	3.0
Due Sept. 17, 1971, at 7.570 percent (12 months, 2 days)	3.0
Chase Manhattan Bank, NA, New York, N.Y.:	110.5
Due Jan. 12, 1971, at 10.125 percent (15 months, 2 days)	[1] 8.5
Due Jan. 25, 1971, at 9.750 percent (12 months, 3 days)	[1] 3.5
Due Feb. 5, 1971, at 9.250 percent (14 months, 29 days)	[1] 4.0
Due Feb. 8, 1971, at 8.375 percent (6 months, 2 days)	[1] 5.0
Due Feb. 26, 1971, at 8.000 percent (6 months, 1 day)	[1] 5.5
Due Mar. 9, 1971, at 9.125 percent (11 months, 29 days)	[1] 10.0
Due Mar. 15, 1971, at 6.000 percent (3 months)	[1] 10.0
Due Mar. 31, 1971, at 8.875 percent (12 months, 15 days)	[1] 11.5
Due Apr. 12, 1971, at 9.125 percent (13 months, 2 days)	[1] 13.0
Due Apr. 13, 1971, at 7.625 percent (6 months)	[1] 10.0
Due May 20, 1971, at 9.125 percent (14 months, 10 days)	[1] 13.0
Due Aug. 26, 1971, at 7.875 percent (12 months, 1 day)	[1] 5.0
Due Oct. 15, 1971, at 7.500 percent (12 months, 2 days)	[1] 6.5
Due Oct. 26, 1971, at 7.250 percent (12 months, 3 days)	[1] 5.0
City National Bank of Detroit, Detroit, Mich.: Due Aug. 30, 1971, at 8.250 percent (12 months, 3 days)	3.0
Continental Illinois National Bank & Trust Co. of Chicago	63.0
Due Jan. 8, 1971, at 10.000 percent (12 months, 3 days)	7.0
Due Feb. 15, 1971, at 9.375 percent (12 months, 2 days)	8.0
Due Apr. 12, 1971, at 8.250 percent (12 months, 2 days)	5.0
Due May 10, 1971, at 8.500 percent (12 months, 2 days)	8.0
Due May 10, 1971, at 7.000 percent (6 months, 1 day)	3.0
Due June 11, 1971, at 8.750 percent (12 months)	7.0
Due June 15, 1971, at 5.875 percent (6 months)	5.0
Due July 9, 1971, at 8.750 percent (12 months)	2.0
Due July 19, 1971, at 8.750 percent (12 months, 3 days)	8.0
Due Sept. 16, 1971, at 7.750 percent (12 months, 2 days)	5.0
Due Sept. 20, 1971, at 7.750 percent (12 months, 3 days)	5.0
Crocker-Citizens National Bank, San Francisco, Calif.: Due May 10, 1971, at 8.500 percent (12 months, 2 days)	2.0
European-American Bank & Trust Co., New York, N.Y.: Due Oct. 15, 1971, at 7.625 percent (12 months, 2 days)	2.0
First Israel Bank & Trust Co. of New York, N.Y.: Due Sept. 20, 1971, at 7.750 percent (12 months, 3 days)	1.5
First National Bank of Boston, Boston, Mass.	17.0
Due July 19, 1971, at 8.750 percent (12 months, 3 days)	3.0
Due Aug. 11, 1971, at 9.000 percent (14 months)	10.0
Due Aug. 16, 1971, at 9.000 percent (13 months, 7 days)	4.0
First National Bank of Chicago, Chicago, Ill.	20.0
Due Apr. 12, 1971, at 9.250 percent (13 months, 29 days)	4.0
Due May 10, 1971, at 8.000 percent (13 months)	3.0
Due June 11, 1971, at 9.000 percent (12 months)	7.0
Due July 9, 1971, at 8.750 percent (12 months)	6.0
First National City Bank, New York, N.Y.:	105.0
Due Jan. 18, 1971, at 9.250 percent (5 months, 28 days)	14.0
Due Feb. 8, 1971, at 8.375 percent (6 months, 2 days)	7.5
Due Feb. 22, 1971, at 8.000 percent (5 months, 25 days)	6.0
Due Mar. 18, 1971, at 7.270 percent (4 months, 9 days)	[3] 2.0
Due May 20, 1971, at 9.125 percent (15 months)	7.5
Due Aug. 20, 1971, at 9.125 percent (18 months)	7.5
Due Sept. 17, 1971, at 7.750 percent (12 months, 2 days)	10.0
Due Sept. 24, 1971, at 7.750 percent (12 months, 9 days)	7.0
Due Jan. 3, 1972, at 9.000 percent (18 months, 7 days)	20.0
Due Jan. 17, 1972, at 8.500 percent (18 months, 1 day)	16.0
Due Feb. 7, 1972, at 8.000 percent (18 months, 1 day)	7.5
First Pennsylvania Banking & Trust Co., Philadelphia, Pa.: Due May 10, 1971, at 7.000 percent (6 months, 1 day)	1.5
First Wisconsin National Bank of Milwaukee, Milwaukee, Wis.:	9.0
Due Apr. 12, 1971, at 8.250 percent (12 months, 2 days)	1.0
Due Sept. 17, 1971, at 8.000 percent (12 months, 2 days)	4.0
Due Sept. 20, 1971, at 7.750 (12 months, 3 days)	1.0
Due Oct. 15, 1971, at 7.625 percent (12 months, 2 days)	3.0
Franklin National Bank, New York, N.Y.: Due Mar. 24, 1972, at 8.500 percent (23 months, 29 days)	$5.0
Girard Trust Bank, Philadelphia, Pa.:	12.0
Due Jan. 25, 1971, at 9.750 percent (12 months, 3 days)	2.0
Due Apr. 12, 1971, at 8.375 percent (12 months, 2 days)	5.0
Due June 11, 1971, at 9.000 percent (12 months)	1.0
Due July 19, 1971, at 8.750 percent (12, months, 3 days)	3.0
Due Oct. 15, 1971, at 7.625 percent (12, months, 2 days)	1.0
Harris Trust & Savings Bank, Chicago, Ill.: Due Feb. 2, 1971, at 8.375 percent (5 months, 26 days)	2.0
Hong Kong & Shanghai Banking Corp. of Calif., San Francisco Calif.:	1.0
Due Jan. 8, 1971, at 10.000 percent (12 months, 3 days)	.5
Due May 10, 1971, at 8.500 percent (12 months, 2 days)	.5
Industrial National Bank, Providence, R.I.: Due June 15, 1971, at 5.875 percent (6 months)	1.5
Irving Trust Co., New York, N.Y.	9.0
Due Jan. 25, 1971, at 9.750 percent (12 months, 3 days)	[1] 3.0
Due April 12, 1971, at 9.250 percent (13 months, 29 days)	[1] 3.0
Due April 20, 1971, at 7.375 percent (6 months)	[1] 3.0
Manufacturers Hanover Trust Co., New York, N.Y.	70.0
Due Jan. 8, 1971, at 10.000 percent (12 months, 3 days)	5.0
Due Jan. 25, 1971, at 9.750 percent (12 months, 3 days)	2.0
Due Feb. 5, 1971, at 7.000 percent (3 months)	4.0
Due March 10, 1971, at 5.750 percent (3 months)	7.0
Due March 17, 1971, at 7.750 percent (6 months)	5.0
Due April 13, 1971, at 7.500 percent (6 months)	8.5
Due April 20, 1971, at 7.375 percent (6 months)	3.5
Due April 23, 1971, at 7.250 percent (6 months)	6.0
Due May 10, 1971, at 7.000 percent (6 months, 1 day)	8.5
Due June 10, 1971, at 5.875 percent (6 months)	8.0
Due June 15, 1971, at 5.875 percent (6 months)	6.5
Marine Midland Grace Trust Co. of New York, New York, N.Y.:	28.0
Due Apr. 12, 1971, at 9.250 percent (13 months, 29 days)	4.0
Due Apr. 12, 1971, at 9.250 percent (13 months, 3 days)	4.0
Due Apr. 12, 1971, at 9.250 percent (12 months, 25 days)	5.0
Due Apr. 12, 1971, at 8.250 percent (12 months, 2 days)	1.0
Due June 15, 1971, at 6.000 percent (6 months)	5.0
Due July 19, 1971, at 8.750 percent (12 months, 3 days)	1.0
Due Aug. 30, 1971, at 8.000 percent (12 months, 3 days)	3.0
Due Sept. 20, 1971, at 7.750 percent (12 months, 3 days)	5.0
National Bank of Commerce of Seattle, Seattle, Wash.: Due July 19, 1971, at 8.750 percent (12 months, 3 days)	1.0
National Bank of Detroit, Detroit, Mich.	5.0
Due Apr. 13, 1971, at 7.500 percent (6 months)	3.0
Due Oct. 15, 1971, at 7.500 percent (12 months, 2 days)	2.0
National Bank of North America, New York, N.Y.	13.0
Due Apr. 12, 1971, at 9.250 percent (13 months, 29 days)	2.0
Due Apr. 12, 1971, at 8.250 percent (12 months, 2 days)	1.0
Due June 15, 1971, at 5.875 percent (6 months)	5.5
Due Sept. 15, 1971, 7.750 percent (12 months, 1 day)	2.0
Due Oct. 15, 1971, at 7.625 percent (12 months, 2 days)	2.5
National City Bank of Cleveland, Cleveland, Ohio	8.5
Due Sept. 17, 1971, at 7.750 percent (12 months, 2 days)	5.0
Due Sept. 20, 1971, at 7.750 percent (12 months, 3 days)	3.5
Northern Trust Co., Chicago, Ill.	13.0
Due March 15, 1971, at 7.875 percent (6 months, 1 day)	1.0
Due March 18, 1971, at 8.875 percent (12 months, 1 day)	2.0
Due June 11, 1971, at 8.750 percent (12 months)	1.0
Due June 15, 1971, at 5.875 percent (5 months, 28 days)	2.0
Due July 19, 1971, at 9.000 percent (12 months, 3 days)	1.0
Due August 30, 1971, at 8.250 percent (12 months, 3 days)	2.0
Due September 17, 1971, at 7.875 percent (12 months, 3 days)	2.0
Due October 26, 1971, at 7.250 percent (12 months, 3 days)	2.0

See footnote at end of table.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT—TIME DEPOSITS AND CERTIFICATES OF DEPOSITS WITH U.S. COMMERCIAL BANKS (ACCOUNT T)

[Holdings shown remained unchanged through Dec. 31, 1970; expressed in millions of dollars as of Dec. 17, 1970]

	Amount
Philadelphia National Bank, Philadelphia, Pa	$6.0
Due January 25, 1971, at 9.750 percent (12 months, 3 days)	1.0
Due July 19, 1971, at 8.750 percent (12 months, 3 days)	2.0
Due September 15, 1971, at 7.875 percent (12 months, 1 day)	3.0
Pittsburgh National Bank, Pittsburgh, Pa.: Due June 11, 1971, at 8.750 percent (12 months)	1.0
Provident National Bank, Philadelphia, Pa.: Due September 15, 1971, at 7.750 percent (12 months, 1 day)	1.0
Schroder Trust Co., New York, N.Y.:	1.0
Due March 15, 1971, at 6.000 percent (3 months)	.5
Due June 11, 1971, at 9.000 percent (12 months)	.5
Seattle-First National Bank, Seattle, Wash.: Due August 30, 1971, at 8.000 percent (12 months, 3 days)	1.0
Security Pacific National Bank, Los Angeles, Calif	22.0
Due Jan. 8, 1971, at 10.000 percent (12 months, 3 days)	2.0
Due Feb. 15, 1971, at 9.375 percent (12 months, 2 days)	3.0
Due May 10, 1971, at 8.500 percent (12 months, 2 days)	2.0
Due May 17, 1971, at 7.250 percent (6 months, 1 day)	10.0
Due Sept. 17, 1971, at 8.375 percent (12 months, 2 days)	5.0
State Street Bank & Trust Co., Boston, Mass.: Due July 19, 1971, at 8.750 percent (12 months, 3 days)	1.0
Swiss Bank Corp., New York, N.Y.: Due Nov. 24, 1971, at 7.000 percent (12 months, 1 day)	2.0
Union Bank, Los Angeles, Calif	19.0
Due Jan. 8, 1971, at 10.000 percent (12 months, 3 days)	6.0
Due Mar. 9, 1971, at 9.250 percent (12 months, 19 days)	4.5
Due Aug. 9, 1971, at 8.625 percent (12 months, 3 days)	3.5
Due Sept. 17, 1971, at 8.000 percent (12 months, 2 days)	5.0
United California Bank, Los Angeles, Calif	19.5
Due Feb. 15, 1971, at 9.375 percent (12 months, 2 days)	7.5
Due Apr. 12, 1971, at 8.250 percent (12 months, 2 days)	2.0
Due Aug. 30, 1971, at 8.000 percent (12 months, 3 days)	10.0
Wells Fargo Bank, San Francisco, Calif	13.0
Due Mar. 9, 1971, at 9.250 percent (12 months, 19 days)	6.0
Due Apr. 12, 1971, at 8.250 percent (12 months, 2 days)	7.0
Total United States dollar investments in time deposits and certificates of deposit with U.S. commercial banks	[1] [2] 776.0

[1] Open time deposit.
[2] Interest rate 7½ percent. Bankers Trust due Apr. 15, 1971—$30,000,000 shown at face value instead of cost as reflected in summary statement and general ledger.
[3] Interest rate 8 percent. First National City Bank due Mar. 18, 1971—$2,000,000 shown at face value instead of cost as reflected in summary statement and general ledger.

INTER-AMERICAN DEVELOPMENT BANK—ORDINARY CAPITAL

Reconciliation of Schedules with Balance Sheet, December 31, 1970

Schedules—Cash

U.S. dollars in demand deposit accounts	$456.0
Demand deposits of Latin-American currencies	$47,698.0
Nonmember currencies in demand deposits	953.5
Total	49,107.5

Balance sheet

Due from banks	39,057.7
Due from members—nonnegotiable, non-interest-bearing obligations	10,049.8
Total	49,107.5

Schedules—Investments

Investments in Treasury obligations, at amortized cost	17,044.9
Special reserve securities at cost or amortized cost	23,673.2
U.S. dollars invested in C/D's and time deposits	407,470.0
Funded debt proceeds in time deposits	219,929.0
Total	668,117.1

Balance Sheet

Investments in U.S. obligations	17,044.9
Time deposits, U.S. dollars	407,470.0
Time deposits, nonmember currencies	219,929.0
Special reserve assets, see annual report, p. 39, note D	23,673.2
Total	668,117.1

U.S. dollars held in noninterest bearing demand deposit accounts, December 31, 1970

[Expressed in thousands of dollars]

Names and location of depository banks:	*Balance Dec. 31, 1970*
Federal Reserve Bank of New York:	
Ordinary capital account	114
Bond Account	182
National Bank of Washington, Washington, D.C.:	
Administrative Account	$120
Payroll Account	40
Total	456

DEMAND DEPOSITS OF LATIN-AMERICAN MEMBER CURRENCIES, DECEMBER 31, 1970

[Expressed in thousands of U.S. dollars]

Banco Central de la Republica Argentina, Buenos Aires, Argentina	8,740
East Caribbean Currency Authority, Bridgetown, Barbados	414
Banco Central de Bolivia, La Paz, Bolivia	1,761
Banco Central do Brasil, Rio de Janeiro, Brazil	7,728
Banco Central de Chile, Santiago, Chile	1,949
Banco de la Republica, Bogota, Colombia	3,240
Banco Central de Costa Rica, San Jose, Costa Rica	487
Banco Central de la Republica Dominicana, Santo Domingo, Dominican Republic	172
Banco Central del Ecuador, Quito, Ecuador	585
Banco Central de Reserva de El Salvador, San Salvador, El Salvador	433
Banco de Guatemala, Guatemala, Guatemala	507
Banque Nationale de la Republique D'Haiti, Port-au-Prince, Haiti	913
Banco Central de Honduras, Tegucigalpa, Honduras	799
Bank of Jamaica, Kingston, Jamaica	825
Banco de Mexico S.A., Mexico 1, D.F., Mexico	7,853
Banco Central de Nicaragua, Managua, Nicaragua	723
Banco Nacional de Panama, Panama	392
Banco Central del Paraguay, Asuncion, Paraguay	249
Banco Central de Reserva del Peru, Lima, Peru	1,101
Central Bank of Trinidad and Tobago, Port of Spain, Trinidad, W.I	906
Banco Central del Uruguay, Montevideo, Uruguay	1,192
Banco Central de Venezuela, Caracas, Venezuela	6,724
Total	47,698

Under the terms of the Agreement Establishing the Inter-American Development Bank each member country has designated its central bank as the depository in which the IADB keeps its holdings of such member's currency. These Latin American currencies are held in demand deposit accounts because the central banks cannot pay interest on fixed-term deposits.

NONMEMBER CURRENCIES HELD IN NONINTEREST-BEARING DEMAND DEPOSIT ACCOUNTS IN NONMEMBER COUNTRIES DEC. 31, 1970

[Expressed in U.S. dollars equivalent]

Name and location of depository bank	Unit of currency	Balance
Société Générale de Banque, Brussels, Belgium	Belgian franc	$1,397
Baring Brothers & Co., London, England	Pound sterling	3,276
Deutsche Bank, Frankfurt, Germany	Deutsche mark	484,672
Banca d'Italia, Rome, Italy	Lira	291,287
Bank of Tokyo, Tokyo, Japan	Japanese yen	70,698
Algemene Bank Nederland N.V., Amsterdam, Netherlands	Netherland guilder	521
Stockholms Enskilda Bank, Stockholm, Sweden	Swedish kronor	1,104
Swiss Bank Corp., Basle, Switzerland	Swiss franc	100,550
Total		953,505

Note: The above balances are maintained in current accounts for payment of expenses as incurred, including reimbursements under guaranteed letters of credit as well as imminent payment of interest requirements on outstanding bond issues.

INVESTMENTS IN U.S. TREASURY OBLIGATIONS, DEC. 31, 1970

[Expressed in thousands of dollars]

Name and location of depository bank	Face amount, Dec. 31, 1970	Approximate yield to maturity (percent)
Federal Reserve Bank of New York:		
Ordinary capital securities account	[1] $17,400	5.12
Special reserve securities account	[2] 24,209	7.08

[1] Treasury bills to mature within 6 months—represents temporary investments of cash availabilities for immediate disbursement requests as well as collections on loans pending conversion into certificates of deposit; carried at amortized cost of $17,044,898.
[2] Treasury notes to mature within 5 years—represents investment of commissions paid on loans, required under the agreement establishing the bank to be set aside as a special reserve to be kept available for meeting the bank's obligations created by borrowings or by guaranteeing loans; carried at cost or amortized cost of $23,673,183.

DEPOSITS OF U.S. DOLLARS IN NEGOTIABLE TIME CERTIFICATES OF DEPOSIT AND TIME DEPOSITS WITH COMMERCIAL BANKS—DEC. 31, 1970

[Expressed in thousands of dollars]

Name and location of depository bank	Interest rate percent	Amount	Negotiated	Maturity in months
American Bank and Trust Co., New York, NY	7.25	$1,500	October 1970	3
	8.00	1,250	September 1970	12⅛
	8.50	2,250	March 1970	12⅛
American Security and Trust Co., Washington, D.C.	8.50	2,000	February 1970	12½
Banca Commerciale Italiana—New York branch, New York, N.Y.	8.125	1,000	November 1970	11⅛
	9.25	1,500	June 1970	12⅛
Banca Naziona le del Lavoro—New York branch, New York, N.Y.	8.50	3,000	April 1970	12½
	10.00	1,000	February 1970	12⅛

DEPOSITS OF U.S. DOLLARS IN NEGOTIABLE TIME CERTIFICATES OF DEPOSIT AND TIME DEPOSITS WITH COMMERCIAL BANKS—DEC. 31, 1970—Continued

[Expressed in thousands of dollars]

Name and location of depositor y bank	Interest rate percent	Amount	Negotiated	Maturity in months
Banco Credito y Ahorro Ponceño—New York branch, New York, N.Y.	7.25	2,000	October 1970	3
	8.50	3,000	March 1970	13
	10.00	1,000	January 1970	12½
Banco da Lavoura de Minas Gerais, S.A. New York branch—New York, N.Y.	9.50	1,000	June 1970	12½
Banco de Ponce—New York branch, New York, N.Y.	7.125	2,000	October 1970	12½
	8.25	2,000	April 1970	13
Banco do Brasil, S.A.—New York branch New York, N.Y.	8.75	1,000	May 1970	12
	10.00	1,000	February 1970	12½
Bank of America N.T. and S.A., San Francisco, Calif.	7.50	15,000	October 1970	12½
	6.00	3,000	December 1970	6
	9.25	5,000	February 1970	12½
	10.00	3,000	December 1969	12½
Bank of California National Association, San Francisco, Calif.	8.50	5,000	March 1970	12½
Bankers Trust Co., New York, N.Y.	7.50	10,000	October 1970	6
	7.50	10,000	do	12½
The Bank of New York, New York, N.Y.	8.50	3,000	March 1970	12½
The Bank of Tokyo Trust Co., New York, N.Y.	8.50	1,000	do	12½
Den Norske Creditbank, Oslo, Norway, time deposit.	7.50	3,970	September 1970	12
Time deposit	7.50	1,000	July 1970	6

DEPOSITS OF U.S. DOLLARS IN NEGOTIABLE TIME CERTIFICATES OF DEPOSIT AND TIME DEPOSITS WITH COMMERCIAL BANKS—DEC. 31, 1970

[Expressed in thousands of dollars]

Name and location of depository bank	Interest rate percent	Amount	Negotiated	Maturity in months
Central National Bank of Cleveland, Cleveland, Ohio.	7.25	5,000	October 1970	12½
	8.00	5,000	September 1970	12
The Chase Manhattan Bank (National Association)—New York, N.Y.	7.375	5,000	December 1970	3
	8.25	10,000	March 1970	12½
	8.125	2,500	September 1970	12½
	8.375	3,000	October 1970	6
Chemical Bank, New York, N.Y.	6.00	2,000	December 1970	6
	10.00	6,000	December 1969	12½
Continental Illinois National Bank and Trust Co., of Chicago, Chicago, Ill.	7.25	8,000	October 1970	12½
	8.50	4,000	February 1970	12½
Crocker-Citizens National Bank, San Francisco, Calif.	8.50	2,000	April 1970	12½
The Fidelity Bank, Philadelphia, Pa.	7.00	3,000	October 1970	3
First Israel Bank and Trust Co. of New York, New York, N.Y.	7.125	500	do	6
	6.50	1,000	December 1970	12½
The First National Bank of Boston, Boston, Mass.	10.50	10,000	December 1969	12½
The First National Bank of Chicago, Chicago, Ill.	6.375	2,000	December 1970	13
	6.125	4,000	do	13
	8.50	4,000	February 1970	12½
	8.75	8,000	June 1970	12½
First National Bank in Dallas, Dallas, Tex.	10.75	2,000	December 1969	13
First National Bank, New York, N.Y.	8.50	2,000	March 1970	12½
The First National Bank of Memphis, Memphis, Tenn.	8.25	3,000	April 1970	12½
	8.50	2,000	March 1970	12½
First National City Bank, New York, N.Y.	7.25	7,000	November 1970	12
	8.375	10,000	June 1970	12½
	8.50	5,000	July 1970	5½
	8.75	5,000	March 1970	12½
	8.875	5,000	July 1970	5½
	9.00	3,000	June 1970	13
The First Pennsylvania Banking & Trust Co., Philadelphia, Pa.	6.50	5,000	November 1970	12
First Wisconsin National Bank of Milwaukee, Milwaukee, Wis.	7.625	10,000	October 1970	3
	8.50	1,500	March 1970	12½
	10.125	6,500	January 1970	12
Girard Trust Bank, Philadelphia, Pa.	6.625	4,000	November 1970	12
	8.50	5,000	March 1970	12½
	9.00	3,000	June 1970	12½
Hibernia National Bank in New Orleans, New Orleans, La.	7.50	1,500	October 1970	12½
	8.00	2,500	March 1970	12½
	8.75	2,000	June 1970	12½
Irving Trust Co., New York, N.Y.	7.00	2,000	October 1970	3
Manufacturers Hanover Trust Co., New York, N.Y.	7.125	5,000	do	6
	7.50	10,000	do	3
	7.50	5,000	do	6
Marine Midland Bank—New York, New York, N.Y.	7.50	10,000	do	6
	6.00	4,000	December 1970	3
	8.50	5,000	February 1970	12½
Marine Midland Bank—Western Buffalo, N.Y.	7.00	5,000	November 1970	13
Mellon National Bank and Trust Co., Pittsburgh, Pa.	8.9375	2,000	August 1970	5½
	9.375	4,000	July 1970	6
National Bank of North America, New York, N.Y.	7.00	2,000	November 1970	12
	7.375	2,000	do	12
	7.125	5,000	December 1970	3
	8.50	2,000	March 1970	12½
	9.00	1,000	July 1970	12½
National Bank of Detroit, Detroit, Mich.	8.875	1,000	February 1970	12½
	7.50	2,000	October 1970	6
	7.50	2,000	do	9
	7.50	2,000	do	12½

Footnotes at end of table.

Name and location of depository bank	Interest rate percent	Amount	Negotiated	Maturity in months
The National City Bank of Cleveland, Cleveland, Ohio.	6.00	2,000	December 1970	12½
The Northern Trust Co., Chicago, Ill.	8.875	4,000	February 1970	12½
	9.00	7,000	June 1970	12½
Provident National Bank, Philadelphia, Pa.	8.75	1,000	July 1970	12½
The Royal Bank of Canada Trust Co., New York N.Y.	9.50	1,000	June 1970	12½
Schroder Trust Co., New York, N.Y.	7.125	1,500	December 1970	3
	9.00	2,000	June 1970	12½
Seattle-First National Bank, Seattle, Wash.	8.75	3,000	July 1970	12½
	9.00	3,000	June 1970	12½
Security Pacific National Bank, Los Angeles, Calif.	8.50	1,000	April 1970	12½
	9.375	1,000	June 1970	12½
State Street Banking and Trust Co., Boston, Mass.	10.75	2,000	December 1969	13
	6.00	2,000	December 1970	6
Swiss Credit Bank—New York branch, New York N.Y.	8.875	500	July 1970	12½
	9.25	2,000	June 1970	12½
Texas Commerce Bank, National Association, Houston, Houston, Tex.	8.125	1,000	August 1970	12½
	8.50	1,000	April	12½

DEPOSITS OF U.S. DOLLARS IN NEGOTIABLE TIME CERTIFICATES OF DEPOSIT AND TIME DEPOSITS WITH COMMERCIAL BANKS—DEC. 31, 1970

[Expressed in thousands of dollars]

Name and location of depository bank	Interest rate percent	Amount	Negotiated	Maturity in months
Union Bank, Los Angeles, Calif.	7.25	5,000	October 1970	12½
	8.00	3,000	September 1970	12
	8.25	5,000	April 1970	12½
	8.75	5,000	July 1970	12½
	6.00	3,000	December 1970	12
Union Commerce Bank, Cleveland, Ohio.	8.25	5,000	March 1970	12½
	8.75	2,000	April 1970	12½
United California Bank, Los Angeles, Calif.	9.75	2,000	February 1970	12½
	10.00	7,000	January 1970	12½
	10.50	7,000	December 1969	12½
Total		407,470		

FUNDED DEBT PROCEEDS OTHER THAN U.S. DOLLARS HELD IN TIME DEPOSITS IN NONMEMBER COUNTRIES, DEC. 31, 1970

(Expressed in thousands of U.S. dollars)

Name and location of depository banks	Interest rate (percent)	Amount	Negotiated	Maturity in months
Swiss francs:				
Bank of International Settlements, Basle, Switzerland.	6.25	$3,956	September 1970	12
Bank of America, London, England	6.036	11,123	November 1970	6
British pounds:				
Baring Bros., London, England	6.625	4,760	March 1965	(1)
Bank of America, Paris, France	8.375	2,880	October 1970	15
Do	8.500	840	December 1970	6
Do	8.75	780	do	6
German marks:				
Bank of America, London, England	8.063	5,464	September 1970	6
Bank of London & South America Ltd., England.	9.00	9,915	July 1970	24
Bayerische, Vereinsbank, Munich, Germany.	8.125	4,167	September 1970	3
Do	8.125	8,648	do	6
Do	8.25	3,373	October 1970	6
Commerzbank Luxembourg, Luxembourg	9.313	13,661	July 1970	12
Commerzbank, Frankfurt, Germany	8.125	13,044	August 1970	6
Deutsche Bank, Frankfurt, Germany	8.625	1,448	July 1970	6
Dresdner Bank, Frankfurt, Germany	8.50	11,123	March 1970	12
Do	8.00	6,011	September 1970	12
Do	8.313	4,098	October 1970	3
First National Bank of Boston, London, England.	8.063	8,197	September 1970	12
Provident National Bank, Nassau, Bahamas.	8.875	1,365	February 1970	12
Société Générale, Brussels, Belgium	7.75	11,426	August 1970	12
Société Générale, Paris, France	9.125	26,231	July 1970	24
United California Bank, London, England	8.00	2,732	September 1970	12
Italian lire:				
Mediobanca, Milan, Italy	7.50	2,597	June 1970	24
Do	7.50	8,804	do	24
Bank of London & South America Ltd., London, England.	7.50	24,738	December 1970	12
Belgian francs:				
Société Générale de Banque, Bruxelles, Belgium.	6.50	1,126	May 1970	(1)
Banque de Bruxelles, Bruxelles, Belgium	6.50	449	do	(1)
Banque Lambert, Bruxelles, Belgium	6.50	902	do	(1)
Banque Italo-Belge N.V., Bruxelles, Belgium.	6.50	454	do	(1)
Kredietbank S.A., Bruxelles, Belgium	6.50	454	do	(1)

Name and location of depository banks	Interest rate (percent)	Amount	Negotiated	Maturity in months
Netherland guilder:				
Pierson, Heldring & Pierson, Amsterdam, Netherlands.	6.50	955	December 1970	12
Amsterdam-Rotterdam Bank N.V., Amsterdam, Netherlands.	6.50	1,884	do	12
Bank Mees & Hope N.V., Amsterdam, Netherlands.	6.50	922	do	12
Hollandsche Bank Unie N.V., Amsterdam, Netherlands.	6.50	1,390	do	12
Algemene Bank Nederland N.V., Amsterdam, Netherlands.	7.0	2,181	November 1970	12
Austrian schillings:				
Creditanstalt-Bankverein, Vienna, Austria	6.25	1,584	December 1970	24
Do	6.25	1,846	July 1969	24
Do	6.00	1,350	December 1968	(1)
Do	6.00	1,083	July 1969	(1)
Osterreichische Landerbank, Vienna, Austria	6.00	2,046	December 1968	(1)
Do	6.00	351	July 1969	(1)
Swedish kronor:				
Stockholms Enskilda Bank, Stockholm, Sweden	6.50	1,375	April 1969	(1)
Do	7.00	870	October 1970	(1)
Goteborgs Bank, Stockholm, Sweden	6.50	1,375	April 1969	(1)
Do	7.00	870	October 1970	(1)
Skandinaviska Banken, Stockholm, Sweden	6.50	1,375	April 1969	(1)
Do	7.00	870	October 1970	(1)
Svenska Handelsbanken, Stockholm, Sweden	6.50	1,375	April 1969	(1)
Do	7.00	870	October 1970	(1)
Japanese yen: Bank of Tokyo Ltd., London, England	6.50	600	December 1970	(1)
Total		219,929		

[1] No fixed maturity dates.

SCHEDULES OF BANK ACCOUNT BALANCES AND INVESTMENTS, RECONCILIATION OF SCHEDULES WITH BALANCE SHEET, DEC. 31, 1970

Schedules—Cash:	
U.S. dollars in demand deposit accounts	$456.0
Demand deposits of Latin-American currencies	47,698.0
Nonmember currencies in demand deposits	953.5
Total	49,107.5
Balance sheet:	
Due from Banks	39,057.7
Due from members, nonnegotiable, non-interest-bearing obligations	10,049.8
Total	49,107.5
Schedules—investments:	
Investments in Treasury obligations, at amortized cost	17,044.9
Special reserve securities at cost or amortized cost	23,673.2
U.S. dollars invested in C/D's and time deposits	407,470.0
Funded debt proceeds in time deposits	219,929.0
Total	668,117.1
Balance sheet:	
Investments in U.S. obligations	17,044.9
Time deposits, U.S. dollars	407,470.0
Time deposits, nonmember currencies	219,929.0
Special reserve assets, see annual report, p. 39, note D	23,673.2
Total	668,117.1

U.S. DOLLARS HELD IN NONINTEREST BEARING DEMAND DEPOSIT ACCOUNTS, DEC. 31, 1970

[Expressed in thousands of dollars]

Names and location of depository banks:	Balance
Federal Reserve Bank of New York:	
Ordinary capital account	114
Bond account	182
National Bank of Washington, Washington, D.C.:	
Administrative account	120
Payroll account	40
Total	456

JOB CREATION VERSUS WELFARISM

Mr. HANSEN. Mr. President, it is a startling fact that before the end of this decade the economy in this country will have to generate 20 million new jobs to satisfy the growth in the labor force, or we will be facing massive unemployment. This will be a task which will require a tremendous effort by all levels of government, but most importantly, by the private sector. Which industries, and in what occupation can these jobs be created? This is a burning question.

We all know that the greatest engine for developing jobs is private investment and private initiative. That is the success story of the United States, and it has distinguished our economic history from those of the centrally planned economies in Eastern Europe and elsewhere where stagnation and inefficiencies abound. Private investment in plant and equipment will not be forthcoming unless the investor anticipates he will make a profit. And he cannot anticipate making a profit if his competitors are Government-financed corporations abroad, operating with labor that is 10 times cheaper than U.S. labor. The profit motive is the ultimate test of economic efficiency. And, so American corporations move abroad to invest in facilities which will earn a profit.

Mr. President, there are very dark clouds on the horizon which could vitiate any efforts we might make to achieve the goal of creating 20 million new jobs. We live in an environment of uncertainty. Uncertainty about where we are going, and what we stand for. In an economic sense, the businessman lacks confidence in the ability of his corporation to survive under the pressure of constantly increasing costs and devastating foreign competition. The labor unions themselves are demanding more and more in their settlements. The steel union just managed to obtain a 30 percent increase in wages, and prices were subsequently raised.

How the steel industry can afford to pay 30 percent more in wages when it is already suffering from a sharp decline in profits and a sharp increase in foreign imports is an important question. The electronics, textile, and some other industries have faced this cost of production problem by moving their plants to foreign countries where they could take advantage of far lower labor costs. The resultant loss of jobs for Americans—as we export our industry—must be of deep and serious concern to all of us.

Mr. President, there are certain facts that I think we can all agree to.

First, 20 million jobs must be created by 1980 to meet the increase in population; and second, our unemployment rate is now hovering about 6 percent.

Third, our balance-of-payments position is dismal, running at an annual rate of over $20 billion for the first two quarters.

Fourth, our trade account, even on the most optimistic basis of measurement, is in deficit for the first time in 23 years, and we may have the first yearly trade deficit since 1893.

Fifth, foreign countries not only discriminate against U.S. exports and investment, but also are in collusion with industries in their countries to export more and more to the lush U.S. market.

We are now being told by economists and other philosophical thinkers that this is all to the good, that the U.S. economy is becoming a service-oriented economy, that the United States has no comparitive advantage in the production of most manufactured goods and therefore should concentrate on others, without naming them. I defy these philosophers to state which service industries will be capable of employing 20 million more people by 1980, as well as absorbing the decline in employment which will inevitably occur in manufacturing sector of our economy if their predictions come true.

Mr. President, we are not speaking here about the plight of one or two industries which have traditionally suffered from import competition. We are speaking about the manufacturing base in the United States when we talk about the import competition which is causing injury to the steel industry, the electronic industry, the textile industry, the automobile industry, the machine tool industry and the petroleum industry. All of these industries are suffering from import competition and they employ a large part of the labor force in this country.

The Subcommittee on International Trade of the Senate Finance Committee recently held a very provocative and educational hearing on U.S. trade policy. I think it is fair to say that each of the Members has a grave concern over the adequacy of present policies. Indeed, most of us would conclude that this country really does not have a trade policy capable of meeting the needs not only of the 1970's, but also of the 1980's and 1990's, as well.

Compare our Government's attitude toward our business and labor problems with those in a nation like Japan, for example. In that country, exporting is not only a way of life but is also directed and coordinated by the highest levels of government. The National Export Council in Japan is chaired by none other than Prime Minister Sato. The banking, business and government are in league with each other for the purpose of exporting,

and we are their No. 1 target. When Japan was accepted into the OECD and GATT, the European countries invoked a safeguard clause which permitted them to impose discriminatory restrictions against Japan's exports to their markets. We did no such thing.

The importers and their spokesmen in Congress and elsewhere argue that imports help the U.S. consumer. But they never admit that a consumer, to be a consumer, must have purchasing power—which means income. An unemployed steel worker or textile worker or electronics worker is not a very happy consumer simply because he can buy baseball gloves made in Japan. Personally I would rather play baseball with an American glove.

Mr. President, the time has come for this country to formulate a trade policy which is consistent with our national goals and with the welfare of Americans. And, speaking of welfare, the Committee on Finance is currently hearing executive branch spokesmen defend their so-called welfare reform bill. Welfare has become a way of life in this country. It is viewed in some quarters as an obligation on the part of the Government, and as a right on the part of the recipient. The main argument used by the administration for its Family Assistance Plan appears to boil down to this: "anything is better than the present welfare mess." Well, Mr. President, I am not convinced that anything is better than the present mess. I think we must look deeply into the reasons why we have created the "welfare mess" and how we can take the painful steps to reduce welfare, not increase it. We must examine our attitudes toward work, toward competition and toward our obligations to society and less upon our rights to receive a Federal dole.

I note with satisfaction that the Governor of California has faced the welfare crisis and has taken steps—painful though they may be—to cut down on welfare costs. The results has been an actual decline in welfare rolls in California. That is the kind of welfare reform I can support. The California Welfare Rights Organization is challenging Governor Reagan's decisions. These are the people who criticize the Family Assistance Plan for being too niggardly. Their motto last year was $5,500 or fight"; now it is "$6,500 or fight." What will it be in 1975?

Mr. President, it all begins to fit together. The welfare syndrome, the unemployment problem, the problem of foreign competition, the uncertainties and lack of confidence by business and labor, the limping economy, and even the attitudes of our young people toward work. There is an interrelationship between these factors.

Mr. Peterson of the White House staff has done an excellent job in analyzing these facts. I believe he has a good understanding of where we are. The real problem, however, is to come up with the answers. We know what the problems are—how do we solve them.

In searching for solutions, let us rid ourselves of some delusions. The first delusion is to believe that the choices are between free markets and controlled markets; between free trade and protectionism; or between business and labor. When you really analyze it, you realize that these are not the real choices. They are cliches, not choices. So let us first of all get rid of the shibboleths and cliches which turn factual economic realities into ideological battles.

Second, I think we must formulate a foreign economic policy, to create high-paying jobs in the United States for the "welfare" of Americans. Such a policy must recognize that we need a strong manufacturing base in this country; that we need an ability to mobilize energy resources from domestic sources to fuel the engines of the economy; and that the Government must take an active role in assisting U.S. industries to export, just as other governments do.

Third, I think we must adopt a trade policy based on strict reciprocity so that foreign countries will know that they can no longer count on the State Department to look after their welfare. I have evidence that the State Department worked hand in glove with foreign lobbyists to defeat the Mills bill last year. They may take credit for adding to the unemployment rolls, but I will not.

Finally, something must be done to break the inflationary psychology and the inflationary forces that exist in this country. To do something about prices, you must do something about costs. Ultimately, it will be in the interest of labor to demand less if their real incomes increase.

Whatever institutional changes are necessary to bring about this happy state, we must begin now to put the forces of change into effect.

In conclusion, Mr. President, if we are to survive as a nation we must get our economic house in order, and develop the hardheaded foreign economic policies to create jobs for American workers.

Mr. President, it is timely that the Wall Street Journal recently carried an article on the steel settlement. Headed "Pact Impact, Contract Seen Hurting Steel Firms, Economy, and Eventually Union" the article is an excellent account of the effects which are sure to be felt from the settlement.

Because of the continuing problem of spiraling inflation—and where will it end—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:

CONTRACT SEEN HURTING STEEL FIRMS, ECONOMY AND EVENTUALLY UNION

(By James P. Gannon)

PITTSBURGH.—The labor peace reached late Sunday in the steel industry will come at a high price to the economy, the troubled industry and perhaps even to the Steelworkers Union.

U.S. Steel and others yesterday wasted no time in presenting the economy with the first due-bill arising from the settlement: a price boost—probably the largest ever made in one move—averaging 8% on nearly all steel-mill products. If precedent prevails, the higher costs of steel will soon be translated into higher prices for cars, appliances and many other products.

But the quick price rise is only the first consequence of the labor pact. Other implications point toward another dose of unfavorable economic news in the short run and in the long run, serious economic pressures that may force a reshaping of the steel industry if it is to survive.

That's the consensus of economists, industry executives, financial analysts and union officials. The impact is hardly likely to cheer Nixon administration economists still struggling with the twin troubles of inflation and unemployment. (A White House spokesman yesterday said the administration felt it was "questionable whether this price increase is in the industry's long-run interest.") The price rise inflicts real and psychological damage to the administration's inflation fight. Other immediate consequences of the settlement will include a steep and prolonged slump in steel production, which will slow the already-creeping economic recovery. Mill officials fear the worst slump in nearly a decade and expect thousands of steelworkers to be laid off. They also see a spectacular plunge in profits.

SOME RAMIFICATIONS

Over the longer run, the steelmakers are expected to try to offset the impact of the settlement with a variety of steps that may reshape the industry. The likely steps include:

The closedown of some old mills and a phasing out of the least-profitable product lines, resulting in increased efficiency for companies.

A spate of steel company mergers, especially if the government approves a pending consolidation of National Steel Corp. and Granite City Steel Co.

More serious consideration of establishing steel mills in nations where wages are low in an effort to meet competition from foreign steelmakers.

A long-term reduction, stemming from all these moves, in the industry's employment and thus in the ranks of the Steelworkers Union. "You are going to see one hell of a reduction in manpower over a period of time," predicts one man in the industry.

THE ECONOMICS OF THE PACT

These predictions are based on the economics of the industry in light of the new contract. The industry's chief negotiator, R. Heath Larry of U.S. Steel, estimates that the settlement will increase hourly employment costs by about 15% in the first year of the three-year pact. The industry's total employment costs for hourly workers last year was about $4.4 billion, so the first-year cost impact of about $650 million would actually exceed the total 1970 profits of all major steelmakers combined, which amounted to $513 million.

The short-term outlook for steel is gloomy indeed. Many furnaces that were banked in preparation for a strike will return to production very slowly—and some may never return at all. The industry's operations are expected to hover at less than half of capacity for at least a while; mill officials project August shipment at 4.5 million tons, lowest for any month since July 1962, and they put the current quarter's shipments at less than 18 million tons, an eight-year low.

While steel users are working down the big stockpiles built up in anticipation of a strike, incoming orders will be extremely depressed. "This industry is going to be practically dead" for the next few weeks, says one steel man. Example: General Motors, the world's largest steel user, "told us they would take their normal August orders and spread them over four months." That means GM orders, at least at this company, would be 25% of normal for most of the remainder of 1971 while the auto maker chews up its huge stockpile.

MANY LAYOFFS EXPECTED

As a result, many thousands of steelworkers can't expect to begin collecting newly fattened paychecks for some weeks, or even months. Many of these were laid off last month as the hedge-buying boom deflated

early, and steel-makers indicate that thousands more will be idled over the next few days.

Bethlehem Steel Corp., for example, says its mills at Lackawanna, N.Y., Johnstown and Bethlehem, Pa., Sparrows Point, Md., and Indiana Harbor, Ind., will be brought back up from their strike-shutdown conditions—but only as orders improve. That means, for instance, that some 6,200 workers at Johnstown and 5,000 at Bethlehem won't be scheduled to work this week. The story is much the same at other large steelmakers.

More threatening to workers than these short-term closings and layoffs is the real prospect of permanent mill closings. Steel executives privately concede, and union officials openly fear, that the least-efficient mills may be doomed.

"They're gonna say, 'Look pal, we gave you the raise, now we gotta shut down the obsolete plants to pay for it,'" predicts Al Lupini, president of USW Local 4889 at U.S. Steel's Fairless Hills, Pa., Works (a fairly modern plant not threatened). "They've been planning to close a lot of these plants for years," contends Mr. Lupini, "and now they're gonna close them and lay the blame on us."

Another USW local president, Morros Brummitt, who heads an 11,000-man local at Jones & Laughlin Steel Corp.'s Aliquippa, Pa., mill, says company negotiators warned of such closings. "They said that they had marginal operations and that an unacceptable contract would cause them to phase out some plants or departments," he says. Another J&L local chief quotes company bargainers as saying, "If you force us to put too much money in, it may force us to close down."

Industry officials don't dispute predictions of mill closing. "I know we have some open-hearth capacity that will never come back on again," says one management man. Steel financial analysts agree. "More and more of the old mills are going to be phased out," says one Wall Street source.

Some industry men see a repeat of the cutbacks of the early 1960s, when steel demand slumped after the industry had taken a 116-day strike in 1959. In 1960, for instance, U.S. Steel announced "temporary" closedowns of steelmaking facilities at Donora and Clairton, Pa. Those old Monongahela Valley facilities were "temporarily" idle for about two years—and then were permanently shuttered.

Albert T. Delsandro, who lost his mill job in Donora and now is the mayor there, remembers how it was. "It is a staggering blow to the economy of the town" to have about 1,700 jobs wiped out, he says. "I wish the other steel communities a lot of luck, because it is a tough blow."

In Youngstown, where U.S. Steel last month "temporarily" closed its 2,700-man Ohio Works due to lagging orders, USW local officials were so worried the plant would never reopen that they mobilized some political muscle against U.S. Steel. Responding to their appeals, their Congressman, Charles Carney, confirms that he persuaded Rep. Wilbur Mills, head of the House Ways and Means Committee, to extract a pledge from U.S. Steel chairman Edwin H. Gott that the closing would in fact be temporary. Says Al Wellington, a vice president of the USW local at the Ohio Works: "Now that we have the word of such honorable people (as Messrs. Mills and Gott) we feel we have a chance to start up again."

Besides closely scrutinizing their own operations for possible pruning, at least some steelmakers may begin eyeing each other as merger partners, financial analysts believe. They say that such consolidations may be the only way to save the industry's weakest companies.

"If the National-Granite City deal goes through, I think you are going to find other mergers occurring in the industry," says Ted Gerken, vice president at Laird Inc., a New York-based brokerage house. "It would be very good for the industry, because steel companies all over the world are doing it" and presenting a more formidable competitive threat, he asserts.

A top official of the Steelworkers Union agrees. "I think there may be too many steel companies," he says. "I think you'll see some mergers."

A prospect more threatening to the union, however, is the increased possibility that American steelmakers will try establishing mills abroad. One big steel company looking into the possibility of a foreign mill concedes that anticipation of a major labor cost increase here was one reason for exploring the idea.

Armco Steel Corp. is far along on an investigation of building a mill in Australia that would ship semifinished steel to the U.S. for final processing. "Armco is convinced that good management dictates a move overseas for the production of semi-finished steel," says an executive. This proposition has "passed the 'whether' stage—it's only a question of when such a move will be made," he adds. Though Armco isn't disclosing its timetable, observers believe the costly labor settlement will increase its interest, and that of other producers, in overseas production. Such a move, of course, would take jobs from the U.S. and threaten losses in the ranks of the USW.

USW officials concede they face a declining membership in the basic steel industry. "There will be fewer steelworkers," says one top official. Mill employment has been dwindling for many years. The steel industry's average number of hourly workers dropped to 403,000 last year from 458,500 in 1965. The USW has been able to offset this drop in its major membership group by enrolling more members in non-steel industries and absorbing some smaller unions; currently, it has more than 1.2 million members.

SUBCOMMITTEE ON LABOR PENSION STUDY

Mr. NELSON. Mr. President, on March 1, 1971, the Senate continued by Resolution 35 the mandate to the Subcommittee on Labor to study private welfare and pension plans in the country. To further that mandate, the subcommittee, under the leadership of its able chairman, Senator HARRISON A. WILLIAMS, JR., has now completed 3 days of hearings.

The witnesses who testified have rendered a special service by bringing into sharp focus the problems and hardships of our retired workers. Although they have been led to believe that they were entitled to pension benefits upon retirement, many now realize—too late—that they are illusory and unreal.

Their testimony has provided a real and sad perspective for our study by defining some of the tragic shortcomings in pension plans which require remedial legislation. The legitimate needs for retirement benefits for workers in this country must be met.

I ask unanimous consent that the text of the remarks by Senator WILLIAMS, made at the opening of his hearings on July 27, be printed in the RECORD.

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

REMARKS BY SENATOR HARRISON A. WILLIAMS, JR.

These hearings beginning today by the Senate Subcommittee on Labor deal with the problems and hardships workers experience with private pension plans in the United States. On March 1, 1971, the U.S. Senate by Senate Resolution 35 continued a prior mandate to this Subcommittee to conduct a general study of welfare and pension plans with special emphasis on the need for protection of covered employees.

Congress has a growing and deep concern for the workers who, having been led to believe that they would receive retirement benefits upon completion of their working lives, learn with sorrow that for some reason beyond their control, they are not going to receive any pension.

The Subcommittee on Labor has the duty to determine whether private pension plans do, in fact, fulfill the promise to workers who must depend upon pensions in order to meet the financial obligations necessary to help them maintain a decent living upon retirement. Congress has the obligation to assure workers that pension plans do furnish them with meaningful benefits and that pensions are not just promises resulting in cruel delusions at a late stage in life.

Our first hearing today is to hear testimony from workers who because of inadequate or inequitable plans failed to receive retirement pensions which, in good conscience, they believed they were entitled to.

Private pension plans must be financially sound and fair, and, most importantly, be real, and not as the *New York Times* editorially stated on April 17, 1971, "a phantom for millions of workers who now never collect them." Congress needs to learn the problems of private pensions in order to respond properly to the need for corrective or remedial legislation. Constructive inquiry and effective dialogue among the Congress, individual workers, employers, unions, industry, and others affected will assist us in determining the extent of need for legislative action.

Our Subcommittee study, in fulfillment of its mandate, will be comprehensive, methodical, and analytical. We shall ascertain the views of government agencies which exercise regulatory control over pension plans and inquire into the extent and effectiveness of the administration and operation of plans by employers, trustees, and unions. We shall hear from these as the Subcommittee attempts to cover the spectrum of problems intrinsic to pension plans such as vesting, funding, portability, reinsurance, and fiduciary controls.

At this point in the Subcommittee inquiry, it is apparent that many private pension plans are properly administered and effective in accomplishing their purpose. However, many others, as a result of unsound practices or inequitable provisions, are inflicting hardships upon workers who have no recourse for remedy. The complaints coming to the Subcommittee indicate that many welfare and pension funds are not serving their purpose because of four major problems:

1. Failure of pension funds to provide necessary minimum and adequate vesting provisions.

2. Premature termination of pension plans without adequate insurance coverage to protect the employees.

3. Failure of pension plans to have sufficient and sound funding to meet accrued and vested liabilities.

4. Ineffective fiduciary requirements which threaten the safety and preservation of fund assets.

These shortcomings make it essential for us to inquire into the adequacy of vesting standards to be prescribed in plans, whether asset funding is sufficient or requires increase, whether plans should be reinsured, whether there is need to institute portability arrangements, and whether there is need for further and additional protective and regulatory control over fiduciaries.

Subcommittee inquiry has established by overwhelming evidence that there exists in-

adequate and in cases even total failure of communication of pension benefits and causes for their denial to worker participants. The attempted explanations by employers, administrators, or trustees are too legalistic and complicated for the average worker to fully comprehend. To remedy this, on July 19, 1971, I wrote to the Secretary of Labor advising him of our finding and of my support of a petition filed by Ralph Nader which seeks to bring reform in this area of communication. I shall place a copy of that letter into the record.

The growth of private pension plans in the United States has been phenomenal and rapid. Only twenty years ago, plans covered less than 10 million workers and their total reserves were $12.1 billion. Today, an estimated 30 million workers in our country are covered under a variety of individually tailored private pension plans. With their total assets exceeding $130 billion, pension assets have thus become tremendous sources of financial power. These assets have an annual growth which forecasts that pension funds will increase to $215 billion by 1980, and the number of persons covered will increase to 42 million workers at that time.

One of the first steps undertaken by the Subcommittee in its study was a survey of the operations of 1500 private pension plans of the more than 34,000 such plans registered with the U.S. Department of Labor, under the provisions of the 1959 Welfare and Pension Plans Disclosure Act. This plan study was designed to establish an independent data base from which information could be developed. This was necessary because there is no one federal agency in the government responsible for acquiring the necessary data, nor is there any with overall responsibility for overseeing the operations and administration of private pension plans. This plan survey provides the Subcommittee with the opportunity for an in-depth study.

On March 31, 1971, together with Senator Jacob K. Javits of New York, I released a preliminary staff analysis of 87 of these private pension plans. In short, the analysis covered $16 billion in pension assets and 9.8 million workers, who had participated in pension plans since 1950. It further established that of 6.9 million workers who had been covered in 51 plans and had 11 years or more of service only 4% of them or 253,118 workers received any kind of early or deferred vested retirement. Of the other 2.9 million workers who participated in 36 plans with 10 years or less of service during the same year, only 8% received benefits. While, as we stated at the time the analysis was released, these were to be viewed from an historical perspective, it is apparent that they manifest problems, shortcomings, and resulting hardships upon workers. This analysis was placed in the *Congressional Record* of April 5, 1971, and I believe it appropriate to make it a part of the record of this current hearing.

I think it is also appropriate for me to announce at this time that within the next several weeks, the Subcommittee shall release to the public further results from the continued analysis by the Subcommittee staff of the 1500 pension plans being analyzed. At that time the Subcommittee analysis will reflect to what extent private pension plans in this country are providing for death and survivorship benefits and even more importantly, the average monthly annuity which retired persons in this country are receiving for their retirement years.

Public response to our Subcommittee study has been overwhelming. We have received thousands of letters from every part of the country depicting individual and group hardships which have befallen aged workers and pensioners in the American labor market. In many instances, the letters bring to the surface accounts of suffering and illusory promises which cannot be remedied under current legislation.

While investigations and studies, both private and public, tend to explain, criticize, or justify pension plan inadequacies, the public seldom hears the problem from those who are most affected—the workers themselves. While labor, management, and government, as well as insurance, banking, and related groups have a genuine interest in this area, the witness with no public voice is the worker himself. It is time for the Congress to hear from the workers the variety of problems which beset them as participants in private pension plans. These are people who have communicated with the Subcommittee and have volunteered to offer their problems in a public forum. While employers, and administrators of plans were apprised of the claimed hardship of each witness who will appear, and offered opportunity to testify with respect to these workers, few accepted. It is not the purpose of this hearing to harass or indict employers, trustees or administrators of pension plans. Accordingly, no attempt has been made to compel their testimony. It is anticipated that the record will speak for itself.

It is inevitable that there will be critics who will characterize these hearings and the unfortunate witnesses as "horror stories" or "sympathy cases." These are critics who find no fault with our private pensions and who continue to assure us that time will cure the defects. If what comes from the personal accounts and misfortunes of these witnesses is sorrow, then let us not only be compassionate, but also resolve to find the ways to better the life of those who have yet to retire.

Before beginning with our first witness, I would like to place into the RECORD a compilation of twenty-two letters selected at random from the many received by the Subcommittee from individuals. These reflect a variety of specific problem areas of private pension plans and describe, in the words of the workers themselves, the types of hardships sustained which warrant the attention of the Congress.

UNITED STATES—WORLD TRADER

Mr. MATHIAS. Mr. President, the question of U.S. policy with respect to International trade and the related questions of trade balances and exchange problems cannot be postponed much longer by the Congress. We must soon turn our attention in that direction. We must immediately arm ourselves with the information that will help in achieving an improvement in our position.

To assist in that effort I append an editorial from the Sunday Star of August 1, 1971, which poses the question, "Can United States Remain the World's Top Trader?"

I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Washington Sunday Star, Aug. 1, 1971]

CAN UNITED STATES REMAIN THE WORLD'S TOP TRADER?

Confidence in the Yankee trader is at a low ebb. Concern over America's future in the world marketplace intensified this past week when Commerce Secretary Stans told congressmen that the nation's annual trade balance may slip into deficit this year—for the first time since 1893. Figures that soon followed bore him out: June produced the third monthly deficit in a row, and contributed to a $372 million excess of imports over exports for the first half of 1971.

The trend, should it prove to be permanent, poses serious problems for the American economy and for our relations with the rest of the world. While trade looms bigger in many other national economies than in our $1-trillion-a-year operation, the United States continues as the largest trading nation of them all with combined imports and exports of merchandise totaling more than $80 billion annually. Exports are essential to our prosperity. Imports, such as those of raw materials and fuels, are required by many sectors of industry, and export business is a huge source of revenue for many farms and factories. Difficult questions raised by the new imbalance include these:

Is the United States, busily engaged in a wage-price inflation binge, permanently pricing itself out of world competition? Can our industry overcome the cost disadvantage represented by high (and sharply rising) wages?

Do we face a long economic decline, a lasting recession in which many millions of Americans remain unemployed because of insufficient world demand for their high-priced products?

Will the political reaction to our trade problems be a resort to protectionism—an attempt to preserve American industry and jobs by keeping out imports? What then for our relations with the rest of the free world?

Is the relatively free American economy headed for much more government interference—in the form of planning and export subsidies and aid to ailing industries and idled workers—to make up for private failure in the marketplace?

Is our chronic balance-of-payments deficit, which has eroded confidence in the dollar and threatened the stability of the international monetary system, due for no further help from a favorable trade balance? Must we cut back drastically on our non-trade spending abroad, for mutual security, investment and travel?

Rising wages perhaps are the most intractable element in our trade dilemma. They make many of our products uncompetitive with their foreign counterparts. But wages are part of the high standard of living on which everyone insists, and they are not going to come down even though the prospect is fewer jobs. One hope is that significant progress nevertheless can be made against over-all inflation, and that future wage pressures as a result will be lessened.

The possibility of a dismal reversion to protectionism, resurrecting high import barriers to favor domestic producers, is an immediate threat. This was shown by last year's near-miss in Congress, when a restrictive trade bill died in the closing days of the Senate session. A reversal of America's free-trade policy is no answer to our problem. It would touch off trade wars with our friends, would reduce our influence in the world while enhancing the Communists' and would generally exacerbate world tensions. And by further eroding our export markets, protectionism would have the net effect of worsening our economic position.

Such thoughts make grim reading. Fortunately there are some grounds for encouragement even while the unfavorable figures flow in along with Volkswagens and Yamahas and Hong Kong shirts.

The latest trade figures, themselves, need to be qualified. A Commerce official noted that exports were held down by slower growth "in many of our major markets abroad" while imports were spurred by our business recovery. Threats of strikes here, particularly in steel, boosted metals imports. Such cyclical and temporary effects could be wiped out in coming months. And while the $5-billion-plus trade surpluses of the early 1960s may not be seen again soon, it is worth noting that the surplus last year bounced back to

$2.7 billion, from $1.3 billion in 1969. It is also worth noting that returns on American investments overseas brighten the picture considerably—although they unfortunately do not produce jobs in this country.

A number of American industries maintain healthy export businesses, offering unique or hard-to-produce goods and doing it efficiently in the face of high labor costs. Year after year our agricultural products, benefiting from advanced farming methods, make up a large part of the export total. And while the technologies of Western Europe and Japan offer increasingly tough competition in more complicated products, the United States has the science and the wherewithal to stay ahead in many important fields.

Some international developments should ease America's trade problems. Wages are rising fast in Europe and Japan, with the prospect of a diminishing gap between labor costs here and in other developed countries. We are not alone in coping with cheap labor elsewhere; Japanese Ambassador Ushiba recently spoke about Japan turning away from "labor-intensive" industries where the underdeveloped countries have the advantage. A realignment of currencies, particularly upward valuation of the yen and the German mark, would have the effect of making American prices more competitive.

We must, of course, do all we can to create a more favorable reception for American goods in foreign markets. Expansion of the European Economic Community, and the development of other regional trading blocs, make it urgent to see that American products are not frozen out in favor of internal arrangements. Japan's liberalization of import and foreign-investment policies represents a partial success in the application of pressure to free trade channels. The lowering of trade barriers has become a major theme of Treasury Secretary Connally. Though he may have been too quick to hint at massive retaliation against recalcitrant trading partners, a reasoned type of negotiation may prove more effective.

Secretary Stans, before the House Committee on Science and Astronautics, placed a useful emphasis on the need for American industry to concentrate on "high-technology" products. The United States must seek its trade advantages in innovation, both as to products and as to manufacturing processes. Some of the programs being considered, including subsidies and tax incentives for industrial research, may involve more government participation in business than Americans would accept. That goes, too, for the suggested easing of antitrust laws to permit joint research and ventures by American companies. The United States is not ready to go the way of the European cartels, or the "Japan, Inc.," pattern of government-business collaboration.

Whatever legislation the administration proposes in the future to improve our trade standing, protectionist forces in Congress will try to turn it into a grab-bag of import restrictions. To guard against this, the administration should be prepared to back measures aiding industries and workers hurt by imports.

It is up to industry and labor, in their self-interest, to preserve the United States leading role in international commerce. Some industries have been remiss in cultivating foreign markets—for example, the Japanese would buy California wine if it were available. Some domestic business has gone, by default, to imports, notably the small-car market. Labor must cooperate in increasing productivity (output per man-hour) so that industry can benefit from new manufacturing processes. Of prime importance is an easing of the nation's inflationary burden, a task in which all must participate.

This year's disappearance of the trade surplus need not be a disastrous turning point for the American economy. It is an ominous sign—not a cause for despair.

NEED FOR A COUNCIL OF SOCIAL ADVISERS

Mr. NELSON. Mr. President, I am pleased to be one of the 22 Senators from both parties who has cosponsored the Full Opportunity and National Goals and Priorities Act, S. 5. This bill was introduced by the gentleman from Minnesota (Mr. MONDALE). I think enactment of the bill will contribute significantly to the ability of both the executive branch and the Congress to deal intelligently with pressing social issues.

Both the Johnson administration and the Nixon administration have endorsed the purposes of this bill but have objected to the establishment of a new structure, a Council of Social Advisers, as unnecessary. The Senator from Minnesota, Mr. MONDALE, has just written an excellent article which points out how the efforts of both administrations in this area have fallen short of the mark. The summer 1970 issue of Law and Contemporary Problems has just been released. This issue on "The Institutionalized Presidency" contains the article I refer to under the title "Social Advisers, Social Accounting, and the Presidency."

Because I think all Senators should acquaint themselves with the need for early action in this area, I ask unanimous consent that the text of this article be printed in the RECORD.

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

SOCIAL ADVISERS, SOCIAL ACCOUNTING, AND THE PRESIDENCY

(By WALTER F. MONDALE)

On September 10, 1970, the United States Senate passed S. 5, the Full Opportunity and National Goals and Priorities Act. Among other things, the bill would have established a Council of Social Advisers in the Executive Office of the President.[1]

The bill was not acted on by the House. However, Senate passage represents significant progress for this measure, which did not even emerge from committee when it was first proposed in 1967 as S. 843.[2] I have reintroduced the bill in the Ninety-second Congress, again as S. 5.

I. THE EXECUTIVE OFFICE OF THE PRESIDENT

One might wonder why a United States Senator is so concerned about a structural innovation in the President's office, but I believe that a review of the case for such a Council and of the precedents regarding Executive Office structure will show that Congressional impetus for this is both well-founded and appropriate.

In the twenty-five years since the end of World War II, the Executive Office of the President has undergone radical structural change. This is not readily recognized, perhaps because of the staying power of the two best-known, general-purpose staff units, namely the White House Office and the Bureau of the Budget (now the Office of Management and Budget). Yet these are the only two present units which were in the Executive Office in 1945.

It is also little realized that today's Executive Office contains sixteen separate units in contrast with four at the end of 1945, and that eleven of the present constituent units have been established or significantly altered in the past ten years.[3] So the structure of the Office is quite fluid and, increasingly, specialized. It is against this background that the proposal to establish yet another unit—a Council of Social Advisers—must be evaluated.

Footnotes at end of article.

II. WHAT A COUNCIL OF SOCIAL ADVISERS WOULD DO

With the steady evolution of the Executive Office's composition, it seems clear that the question is not *whether* we should consider establishing new units in the Executive Office but rather, which ones, and when. Under my proposal, the Council of Social Advisers (CSA) would be composed of three of the nation's most gifted and respected social analysts (appointed by the President and confirmed by the Senate) and staffed by a number of America's brightest young social scientists. The CSA would be responsible for monitoring, on an on-going basis, specific and actual conditions in the country which affect the "social opportunity" of our people. Developing a system of "social indicators" would be a principal task of the Council.[4]

A chief objective of such an agency would be to enlarge the chances each of our citizens has to develop his potential to the fullest. That is why I have called the proposal the "Full Opportunity Act." Indeed, the bill stipulates, really for the first time in our history, "the opportunity to live in decency and dignity"[5] as a national goal for all of our citizens.

The bill also provides for an annual report of the President on the nation's social status. Requiring the President to report annually on such areas as education, health, housing, alienation, political participation, personal security, and social mobility would do far more than assure the publication of CSA findings and recommendations: It would guarantee such societal knowledge visibility of the sort that only presidential involvement can generate.

It has been asked whether the state of the art in social accounting and the state of the art in the social sciences warrant the formalization in statute of social accounting and reporting requirements. Much of America's turmoil in the 1960's grew out of massive frustration at continuing social unfulfillment. That frustration mysteriously eluded the attention of decisionmakers, in both the public and private sectors, until the time for defusing the bomb had all but slipped away. Tragically, that should never have been the case. For in truth, the real conditions of explosive neighborhoods in Watts, Detroit, Newark, and elsewhere were known—and their implications understood—by a variety of social scientists who not only possessed such publicly-useful knowledge but published it as well.

To our collective sorrow, most of those studies remained buried in the forbidding pages of the scholarly journals of a dozen or more academic disciplines, ranging from anthropology to political science. One can only imagine how different the tumultuous decade just ended might have been had there existed then the sort of mechanism for monitoring and reporting social conditions I am proposing.

Thus it becomes clear that the social sciences do have something to contribute to the process of rationalizing public policymaking. The social sciences have demonstrated in recent years both a rediscovered interest in social problem-solving and a dedication to the development of research tools which serve this end.

During the three years that my proposal has been before the Congress, the objective of social reporting has been widely accepted. Both the Johnson and Nixon Administrations have based their opposition on the structural changes proposed by the bill, but they have pledged themselves to further the development of social accounting. In fact, the Department of Health, Education, and Welfare produced in January 1969 a document entitled *Toward a Social Report*.[6] As rudimentary as this pilot effort was, it illustrates that we can begin whenever we are ready.[7]

In the four years since I first introduced the "Full Opportunity Act," a number of individuals and study groups have determined

that it is time to establish a Council of Social Advisers and to provide for an annual Social Report. For example, in October 1969 the Behavioral and Social Sciences Survey Committee of the National Academy of Sciences—Social Science Research Council recommended the preparation of an annual social report, initially outside of the government but with the aid of federal funds.[8] The Committee also recommended the subsequent establishment of a Council of Social Advisers. In December 1969, the National Commission on the Causes and Prevention of Violence also recommended that consideration be given to the establishment of such a council and to the preparation of a social report.[9]

III.—NEED FOR A SOCIAL ACCOUNTING SYSTEM

A second point which must be made was strongly underscored by the hearings held on the CSA proposal in both the Ninetieth and Ninety-first Congresses. Put succinctly, hunch, intuition, and good intentions have been the heavy artillery of social problem-solvers, to a far greater extent than anyone has recognized. This point was made most forcefully in the testimony of Mr. Joseph A. Califano, Jr., principal domestic policy assistant in the Johnson White House (and now a supporter of S. 5) who observed, at a December 1969 hearing:

"The disturbing truth is that the basis of recommendations by an American Cabinet officer on whether to begin, eliminate or expand vast social programs more nearly resembles the intuitive judgment of a benevolent tribal chief in remote Africa than the elaborate sophisticated data with which the Secretary of Defense supports a major new weapons system." [10]

He also related the experience he had when, in 1965, the Department of Health, Education, and Welfare did not even know the composition of welfare rolls. There was—and still is—the myth that there are vast numbers of able-bodied men receiving welfare.

When the welfare data were finally obtained, almost *two years* later, we learned that of the 7.3 million then on welfare:

3.5 million were children
2.1 million were women over 65
700,000 were handicapped or blind
900,000 were mothers of the children
100,000 were males who were incapacitated

beyond any ability to work or be trained and 50,000, less than one-tenth of one percent, were males who could possibly be called "able-bodied." [11]

Despite such experiences, the Johnson Administration believed that sufficient progress in social accounting could be made through the existing executive structures. It pointed particularly to the Bureau of the Budget, the Council of Economic Advisers, and the Department of Health, Education, and Welfare. It also thought the Program Planning and Budgeting System, which it had initiated in 1965, would greatly improve analysis of social programs by the operating agencies and the presidential staff.

It is true that efforts to predict and evaluate the effects of social programs have expanded greatly. But we are already suffering from the fact that such efforts are scattered and unconnected.

When the Nixon Administration first assumed office in 1969, it found an elaborate review of the cost-effectiveness of various Economic Opportunity Act programs, which the General Accounting Office had prepared on order of the Congress. Somewhere in the midst of the study were data which ultimately proved disastrous to the Job Corps. The GAO figures showed that the annual cost for training a Job Corps enrollee ranged between $6000 and $8000. They also showed that only sixty-five per cent of participants could be classed as successful.

The central difficulty, from a policy point of view, was one which unfortunately occupied little if any of the time or attention of those who ultimately decided the fate of the Job Corps. Questions there were that deserved to be asked and answered:

Is it really such an outrage to spend $3000 to $4000 for six months' training of an urban youngster with a wretchedly deprived background and no future but one most likely to be devoted to crime or waste?

What would it cost society to keep such a person in prison or on welfare?

Given the difficulty of the problem, is a sixty-five per cent success rate really poor, or is it possibly a great achievement?

Most importantly, what other programs were there to use which would offer a higher success rate, a lower cost, or both?

What future might have awaited the Job Corps had questions such as these been asked and answered can only be left to conjecture. For in due course some 17,000 youngsters who had found new hope in the Job Corps fell under the axe of an unusually cruel system of social accounting. Indeed, several months later, the Administration was unable even to locate almost one-half of these young people, though it had promised to transfer them all to other manpower programs.

The danger of piecemeal social accounting was underscored when a number of us in Congress asked for data which would permit a comparative analysis of the Job Corps with a variety of other manpower programs favored by the Administration. Several weeks later the GAO, following repeated congressional inquiries, produced a table which featured the number "2." This was a footnote which said that the data were "not available."

Subsequent experience with alternative manpower programs suggests that the Job Corps was, and is, relatively effective after all. For example, it turned out that there were *no* placement data on the JOBS program, which was initially favored by the Administration. Later, we learned that this was one of the poorest manpower programs, with a success rate of only thirty to fifty per cent. So it would seem that a partial system of social accounting permits, or perhaps encourages, unwise decisions. Now that we have gone so far in measurement and evaluation, I think we dare not stop.

IV. NEED FOR STRUCTURAL CHANGE

Surely it was at least in partial recognition of this decision-making deficiency in the American political system that, less than six months after having assumed office, President Nixon created a National Goals Research Staff (NGRS) on July 12, 1969.[12] Physically and organizationally located within the White House itself, the NGRS was from the outset over-shadowed by the larger political imperatives which confronted the Administration. Overseeing the work of the NGRS was but one of several responsibilities of a member of the White House staff, Mr. Leonard Garment.

The NGRS was commissioned originally to undertake a comprehensive review of the nation's objectives in the years immediately ahead and to prepare a report each year on the Fourth of July. Ultimately it produced a first, and final, compilation of potential problems which could come to plague the American people.[13] So disturbingly wanting was the report that the *New York Times* observed editorially that it represented a "disappointing evasion of responsibility." [14] Moreover, the *Times* editorial continued:

"The 169-page report, plus appendices, which was a year in the making, sets forth neither goals nor priorities. 'The Staff did not have a goal-setting function,' the report contends. If not, this White House task force was either misnamed or misdirected, or both." [15]

As is so frequently the case with organizational changes not based on statute, the NGRS effort aborted at some critical juncture. Those not privy to the pressures which played upon this small group may never know with certainty either the reason for the project's demise or the point at which it came. Still the experience of the NGRS may be instructive.

The point to be made is simply that the Nixon Administration's early efforts to achieve improved social policymaking have not succeeded. In disbanding the NGRS, the White House announced that its work would be carried on by the new Domestic Council. Thus we have seen two administrations rely, at one time or another, on the Budget Bureau, the Council of Economic Advisers, the Department of Health, Education, and Welfare, a new National Goals Research Staff, and a new Domestic Council to do a job which both agreed needs doing. So the relevant question is, when will such disparate and disconnected impulses be gotten together into some sort of comprehensive, systematic enterprise which has a decent chance for perserverance and productivity?

I am convinced that the day will not dawn when such irrational policy judgments as that involved in the Job Corps illustration are no longer made until America is provided with a new statutorily-mandated governmental structure. This structure must be capable of synthesizing our knowledge in the social area and proceeding directly to obliterate current gaps in that knowledge. Surely the unhappy experience of the NGRS underscores the need for a status which assures continuity. And no good can come from continuing to make decisions based on the chance availability of unconnected social measurements and evaluations.

So critical is the range of social problems confronting our country today that we can no longer afford the idle luxury of what John Gardner has so eloquently and tellingly termed "stumbling into the future." With a gunstock full of notches commemorating such disastrous undertakings as that of the NGRS, now is the time to target our hopes for improved social policymaking in one direction and one direction only. I believe that the creation of some sort of mechanism capable of comprehensively analyzing social conditions in this country, and reporting factually on those conditions to the President, the Congress, and the country, is the direction in which we now must move. We have already invested tremendous amounts of energy, talent, and money in cost-benefit analysis, experimentation with planning-programming-budgeting systems, and a wide variety of program evaluation techniques. Is it not now appropriate to move unhesitatingly toward a more sophisticated level of institutionalized structures competent to the task and responsible for performing it?

V.—THE COUNCIL, THE CONGRESS, AND THE PRESIDENT

Some observers, who agree that we need a system of social accounting and that a new statutory structure is the only way to bring it about, nevertheless harbor one further concern. What chance, they ask, is there that even a council created by statute could effectively do all of these things which need doing so urgently if it is unwanted by the President?

Surely no one would suggest that the conclusions and recommendations in the annual social report prepared by a Council of Social Advisers for the President and the Congress would run counter to the thinking of the President or his Administration. Yet, such a report would necessarily contain data and analysis which might lead other commentators to different conclusions.

Mr. Charles Schultze, former Director of the Bureau of the Budget has said:

Footnotes at end of article.

"The United States budget is not the document of an executive whose decisions are law, nor of a prime minister whose party must support him or bring down the government. It is, rather, a set of proposals to the Congress for action on appropriations and tax measures. Precisely because it must advocate the course recommended by the President, the budget cannot emphasize the difficulty of the choices made. It records the President's decisions, but it does not identify the close ones. Alternatives that were serious contenders for adoption but were finally rejected are seldom if ever mentioned. In some cases, programs generally recognized as ineffective or of low priority are debated but finally left unchanged because all participants in the debate realize how few are the lances a President can afford to break against politically impregnable targets. Thus, the budget is a document designed to persuade an independent Congress rather than to analyze policy alternatives." [16]

Even if we had reason to believe that a comprehensive system of social accounting would be promptly initiated by the executive branch, without a statutory requirement, there would be a sound basis for legislation. The Congress also must have access to such information. Prestigious members of a statutory council, subject to Senate confirmation and available to testify before congressional committees on their findings, would assure the Congress and the public of the required quality and visibility of their work. Further, the tension between the council members and the Congress should elevate the level of analysis in the same way that our understanding of economics has been enhanced through the hearings on the *Economic Report*.

There is ample precedent, since the Second World War, for the establishment of specialized councils which (*a*) were essentially foisted on given administrations and (*b*) have proved to be meritorious additions to the federal government's structure, notwithstanding initial executive opposition.

Certainly the Council of Economic Advisers, created by the Employment Act of 1946,[17] supports this thesis. Similarly, the National Security Council, established in 1947,[18] and the Council on Environmental Quality,[19] set up only a year ago, came to occupy respected positions even within administrations which initially opposed them. The Nixon Administration, for example, opposed incipient congressional efforts to highlight the ecological crisis by a statutory prescription for top-level presidential and congressional advice. Yet when signing into law the measure creating the new Council, the President heralded the action as one opening a new decade of the environment, and he has used it widely and effectively since then.

History compels the conclusion that Presidents use, in varying degree, all of the statutorily-created structures in the executive branch. Moreover, they tend to use most vigorously and trustingly those bodies which draw esteem and respect both to themselves and their President. Thus it may safely be concluded that a Council of Social Advisers which performed satisfactorily its mission of measuring and monitoring and reporting on social conditions in America would, far from meeting perpetual presidential resistance and rancor, come in time to enjoy a position of trust and respect. From such a position it could reasonably be anticipated that the Council could begin to elevate social policymaking in America to new levels of sophistication.

CONCLUSION

The principal concern of this essay has been the interrelationship between a proposed federal mechanism for improving social policymaking and the office of President of the United States. Is there some possibility that even a valuable new council would contribute to overburdening him with specialized advisory units?

I believe a Council of Social Advisers, charged with the responsibility for advancing and asserting existing knowledge of real social facts about this society, should serve to integrate, coordinate, and systematize the now dissident and discordant efforts of social planners and evaluators wherever they may be located within the federal government.

Moreover, the CSA should, in operation, synthesize advisory inputs which now compete for individual, isolated attention, thus reducing the cumulative advice-receiving burden of the President. Additionally, in synthesizing available information, the CSA would be speaking to the President—and to the Congress and the country—in a voice which, while a blend of many voices, would still be coherent.

Finally, I believe that we shall never begin to end our hopeless method of making social policy decisions of the most sensitive sort on the basis of hunch, intuition, and good intentions until we move in the direction pointed to by this legislative proposal. The enactment of legislation creating a comprehensive advisory role in the social policy area will, I believe, radically alter not ony the process by which decisionmakers choose, but ultimately the choices which are made.

When President Nixon established the National Goals Research Staff in July 1969, he stated that the report to be prepared by the unit should "serve as a focus for the kind of lively widespread public discussion that deserves to go into decisions affecting our common future." [20] The document which ultimately emanated from the NGRS could not begin to serve the critical focusing function the President had envisioned for it. After a round of newspaper comments, it disappeared from view. No congressional committee held hearings on it. A Council of Social Advisers, speaking social facts to the American people in a clear and coherent voice, could provide the kind of focus the President asked for.

When, finally, such a Council is created—as I think is very likely—it will be a most fitting recognition of the firm resolve of our people to govern themselves rightly and intelligently and of the efforts of many, along the way, to make a start toward the objective so well stated by Abraham Lincoln: "If we could first know where we are, and whither we are tending, we could better judge what to do, and how to do it." [21]

FOOTNOTES

[1] S. 5, 91st Cong., 2d Sess. § 103 (1970). As originally introduced, the bill would also have established a Congressional Joint Committee on the Social Report, but this provision was deleted. *See* CONGRESSIONAL RECORD, volume 116, part 23, page 31167. Provision for a Congressional Office of Goals and Priorities Analysis was added in Committee. S. 5, § 202. These latter provisions are not discussed in this article, which is intended to focus on the more directly presidential issues.

[2] 843, 90th Cong., 1st Sess. (1967). The hearings on this bill were published in three parts in 1968. *See Hearings on S. 843 Before the Subcomm. on Government Research of the Senate Comm. on Government Operations*, 90th Cong., 1st Sess. (1968). Among those participating in these hearings were Dr. Bertram M. Gross, a Political Science Professor, and Joseph Kraft, a journalist, who were early advocates of a Council of Social Advisers.

[3] The White House Office and the Office of Management and Budget, as Executive office units date back to 1939. Since then the following additions have been made: Council of Economic Advisers (1946); National Security Council (1949); National Aeronautics and Space Council (1961); Office of Emergency Preparedness (1961); Office of Science and Technology (1962); Office of Special Representative for Trade Negotiations (1963); Office of Consumer Affairs (1964); Office of Economic Opportunity (1964); National Council on Marine Resources and Engineering Development (1966); Office of the Vice President (1969); Office of Intergovernmental Relations (1969); Council on Environmental Quality (1970); Office of Telecommunications Policy (1970); and Domestic Council (1970).

[4] *See especially* SOCIAL INDICATORS (R. Bauer ed. 1966) for a comprehensive review of the concept of social indicators and social accounting.

[5] S. 5. 91st Cong., 2d Sess. 101 (1970).

[6] U.S. DEP'T OF HEALTH, EDUCATION, AND WELFARE, TOWARD A SOCIAL REPORT (1969).

[7] The hearings on S. 5 contain testimony and an extensive bibliographic section documenting more fully the state of the art in social accounting. *See Hearings on S. 5. Before the Special Subcomm. on Evaluation of Social Programs of the Senate Comm. on Labor and Public Welfare*, 91st Cong., 1st & 2d Sess. (1970).

[8] NATIONAL ACADEMY OF SCIENCES AND SOCIAL SCIENCE RESEARCH COUNCIL, THE BEHAVIORAL AND SOCIAL SCIENCES: OUTLOOK AND NEEDS (1970).

[9] TO ESTABLISH JUSTICE, TO INSURE DOMESTIC TRANQUILITY, FINAL REPORT OF THE NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE 272 (1969).

[10] Statement of Joseph A. Califano, Jr., in *Hearings on S. 5 supra* note 7, at 204.

[11] *Id.* at 209–10.

[12] Only three days earlier, the Bureau of the Budget had opposed S. 5 on behalf of the Administration, principally on the grounds that a new structure was not needed and would only be duplicative. *See* Statement of Maurice Mann, Assistant Director, Bureau of the Budget, in *id.* at 144–45.

[13] TOWARD BALANCED GROWTH: QUANTITY WITH QUALITY, REPORT OF THE NATIONAL GOALS RESEARCH STAFF (1970).

[14] *What Goals?*, N.Y. Times, July 21, 1970, at 34, col. 1.

[15] *Id.*

[16] C. SCHULTZE ET AL., SETTING NATIONAL PRIORITIES 4 (1970).

[17] Ch. 33, 60 Stat. 23.

[18] National Security Act of 1947, ch. 343, 61 Stat. 495.

[19] National Environmental Policy Act of 1969, 83 Stat. 852.

[20] 5 WEEKLY COMP. PRES. DOC. 982, 984 (1969).

[21] Address delivered by Abraham Lincoln Before the Republican State Convention, Springfield, Ill., June 16, 1858, in 3 COMPLETE WORKS OF ABRAHAM LINCOLN 1 (J. Nicolay & J. Hay eds. 1905).

THE AMA'S MARRIAGE OF CONVENIENCE

Mr. KENNEDY. Mr. President, an editorial published recently in the Arkansas Gazette contains a number of perceptive observations that raise substantial questions as to the commitment of the administration and the AMA to meaningful health reform. I believe that the editorial will be of interest to all of us concerned with the cause of health reform. I ask unanimous consent that it be printed in the RECORD.

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

[From the Arkansas Gazette, July 20, 1971]

NIXON AND THE AMA IN MARRIAGE OF CONVENIENCE

Senator Edward Kennedy's decision to battle head-on what he calls the Richard Nixon-American Medical Association "marriage of

convenience" in opposition to reform of the health care system does have something of a political ring to it. It must be understood, however, that Senator Kennedy has done a great deal of valuable work on health care reform in recent years and has become identified more than any other national figure with this vital subject.

His criticism of the Nixon-AMA marriage, nonetheless, cannot be passed off as easily as the AMA itself has attempted to do in the breezy response of its president:

"As Senator Kennedy himself said on another occasion. 'We can recognize political oratory when we hear it.' We believe that the American people can, too."

Indeed, they can, for they have been fed an awful lot of it through the years by the power structure of the AMA, not to mention the current occupant of the White House. And while all this has been happening the United States has wound up with what comparative international statistics show to be, over all, a mediocre system of health care rendered at very high cost.

Since Senator Kennedy took the lead a year or so ago in proposing a system of national health insurance, both President Nixon and the AMA have backed down from their opposition. Mr. Nixon has in fact formally proposed a health care plan that has the support of the AMA. At least in that context, then, there could be no Nixon-AMA "marriage of convenience" in opposition to reform. Perhaps the more pertinent point is that the AMA-backed Nixon plan may be designed to represent the very minimum measure of reform—with special attention given to reserving the financial interest of the health care "industry"—that the American people may be content to hold still for. The American people do in fact recognize political oratory when they hear it, and the prevailing power structure of the AMA and Mr. Nixon are equally adept in responding to political pressures—just enough to keep the consumers and voters mollified for a few more years.

There is a serious question whether the old strategy is going to work very well any more. One significant factor lies within the medical professions (and allied fields), in which there are increasing numbers of socially aware physicians who recognize the failures of the health care system and are determined to do something about it. Their views evidently are even being felt in increasing measure within the policy councils of the AMA. Another factor is the growing sophistication of the health care "consumer," who has lost patience with the red herring of "socialized medicine" and now wants some hard answers about the quality and cost of care. In fiscal 1969, health care generated $60.3 billion in expenditures (6.3 per cent of the GNP) in the United States, compared with $12.9 billion in 1950. Perhaps the increase would not have seemed so large had the quality of health care improved in dramatic fashion, but it hasn't. For example, in the rate of infant mortality—a category of measurement often used to gauge quality of care—the United States ranks 13th among the industrialized nations of the world. In 1950, the United States ranked sixth. In life expectancy, the United States ranks 18th for males and 11th for females.

Doing things their way and at the pace they have been done in the health care "industry" for years on end simply won't deliver the level of care all Americans have a right to demand, at costs all of them can afford. Drastic surgery is required, but the record at least would present grave doubts about the administration's will to see it successfully performed.

WHAT WE KNOW NOW

Mr. NELSON. Mr. President, amid all the anger and accusations surrounding the publication of the so-called Pentagon papers, there seemed to be too little anger surrounding the real issue of official deception and unnecessary secrecy.

It is understandable that so many political and military leaders were angry and did not want the public to know about the deception and the clumsy decisions that mired this country deeper and deeper in an undeclared military adventure in Southeast Asia.

It is understandable that these leaders wanted to keep such decisions secret, but this is a democracy where the public has the right to know what its leaders are doing and has a right to review their judgments and fitness.

Mr. Erwin Knoll has carefully documented, "What We Know Now," in a perceptive account of the deception and the truth that the American public now has.

The article appears in the August edition of the Progressive magazine, a responsible journal of opinion that has been attempting over the years to punch holes in the arguments the American political and military leaders have attempted to put across.

As Knoll writes:

We have been embarked on an inexorable pursuit of Empire, conceived, planned and executed in our name by a small band of willful men whose disdain for mankind is matched only by their contempt for their fellow Americans.

I ask unanimous consent that the valuable article entitled "What We Know Now," written by Edwin Kroll, be printed in the RECORD.

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

[From the Progressive, Aug. 1971]

WHAT WE KNOW NOW

(By Erwin Knoll)

The Reverend Will Campbell of Nashville, Tennessee, and points South, who carries his Christian ministry with equal and unalloyed love to black revolutionaries and white Klansmen, knows how to preach a fearsome fire-and-brimstone sermon. I heard him once, many years ago, describe to members of a rural flock the damnation that awaited them on Judgment Day unless they mended their racist ways. "You'll look up from the Bottomless Pit," he thundered, "and you'll cry, 'Lord, Lord, we didn't know. We didn't know!' And the Lord will look down over the edge of Glory and he'll say, 'Waaal, you know now!' and he'll slam down the lid."

Waaal, we know now. We know, thanks to the 7,700 pages of history and documentation compiled in the Pentagon, thanks to the newspapers that seized the opportunity to make the record public, how we were enticed, frightened, cajoled, deceived, seduced into waging aggressive and brutal war in Indochina. We don't know all of it yet, and perhaps we never will, but we know enough. In a way we are lucky, for we have come to know before the final judgment day. And though our lords did their best to try to slam down the lid, their efforts were repulsed by the U.S. Supreme Court.

We know now that it was no "mistake," no "accident," no "quagmire" into which America was inadvertently drawn, one reluctant footstep at a time. We know that over more than two decades, through five Administrations, we have been embarked on an inexorable pursuit of Empire, conceived, planned, and executed in our name by a small band of willful men whose disdain for mankind is matched only by their contempt for their fellow Americans.

We know that even those of us who opposed the adventure from the beginning—as *The Progressive* did—were unable to explore the depths of official duplicity. When we accused our Government of being secretive, we hardly imagined the enormity of the secrets it held. When we charged that our Government was lying, we did not fathom the dimension of the lies. When we declared that our reputation, our ideals, our wealth, our young men's limbs and lives were being squandered in a criminal enterprise, we thought that the men who made decisions in our behalf did not understand the nature of the crime. We were wrong; they understood.

We know now that we have been fed a steady diet of deception. More than twenty years ago, when the Truman Administration discovered and proclaimed America's new role as "leader of the Free World," it simultaneously began overt and surreptitious financial and military aid to the doddering French colonial empire to help it hold the peoples of Indochina in subjugation. In the Eisenhower Administration, when the attempt had collapsed, America entered into a "commitment" to the government it had hand-picked for South Vietnam and connived with it to cancel the Vietnamese unification elections that had been called for by the 1954 Geneva Accords. While U.S. propagandists told the world—and their own people—that the Communist North would not permit free elections, the Central Intelligence Agency told President Eisenhower that any election would be an overwhelming popular triumph for Ho Chi Minh, in the South as well as in the North.

American involvement intensified during the Kennedy years, and so did the resort to secrecy and deceit. At a press conference on February 14, 1962, President Kennedy announced that at the request of the South Vietnamese government of Ngo Dinh Diem, "we have increased our assistance there. And we are supplying logistical assistance, transportation assistance, training, and we have a number of Americans who are taking part in that effort." He did not mention that almost a year previously he had ordered a program of covert hostilities against North Vietnam, including infiltration of agents and their aerial resupply, overflights for the purpose of dropping leaflets, and the formation of "networks of resistance, covert bases, and teams for sabotage and light harassment" inside North Vietnam.

Nor did President Kennedy mention that he had under consideration even then a proposal from General Maxwell Taylor, then chairman of the Joint Chiefs of Staff, that the first substantial contingent of American ground forces—8,000 men—be dispatched to South Vietnam. Taylor was careful, as the national security bureaucrats were always careful, to submit a "cover story" with his proposal. "My view," he told Mr. Kennedy, "is that we should put in a task force consisting largely of logistical troops for the purpose of participating in flood relief and at the same time providing a U.S. military presence in Vietnam capable of assuring Diem of our readiness to join him in a military showdown with the Vietcong or Vietminh. . . ."

Throughout 1963, as resistance to the corrupt and despotic Diem regime carried America's client government in Saigon to the brink of collapse, the Kennedy Administration issued a steady stream of encouraging progress reports to the American people. While embassy cables from Saigon predicted imminent disaster, Secretary of State Dean Rusk proclaimed on February 1 that "there are some definitely encouraging elements;" on February 13 that "the momentum of the Communists' drive has been stopped;" on April 18 that "the South Vietnamese themselves are fighting their own battle, fighting well;" on April 22 that "there is good basis for encouragement. The Vietnamese are on their way to success and need our help; not

just our material help—they need that—but our sympathetic understanding and comradeship."

By the late summer, when it was plain that Diem could no longer be counted on as America's viceroy in Vietnam, the United States began conspiring with the South Vietnamese military for his overthrow. Again, the emphasis was on secrecy and deceit. On October 2, Washington advised our embassy in Saigon: ". . . President today approved recommendations that no initiative should now be taken to give any active, overt encouragement to a coup. There should, however, be urgent covert effort with closest security under broad guidance of ambassador to identify and build contacts with alternative leadership as and when it appears. Essential that this effort be totally secure and fully deniable and separated entirely from normal political analysis and reporting and other activities of the country team." On October 30, McGeorge Bundy, the President's special assistant for national security, cabled Ambassador Henry Cabot Lodge: "Once a coup under responsible leadership has begun, and within these restrictions, it is in the interest of the U.S. Government that it should succeed." The coup was consummated on November 1.

The great leap forward into the credibility chasm occurred in the Johnson years, as America plunged deeper and deeper into a war it was determined to conceal. On March 17, 1964, National Security Action Memorandum Number 288 declared that it was U.S. policy "to prepare immediately to be in a position on seventy-two hours' notice to initiate the 'Retaliatory Actions' against North Vietnam, and to be in a position on thirty days notice to initiate the program of 'Graduated Overt Military Pressure' against North Vietnam." Ten weeks later, when the President was asked at a news conference about charges (by Melvin R. Laird, then a Republican Representative from Wisconsin), that the Administration was preparing to move the Vietnam war into the North," Mr. Johnson replied: "I know of no plans that have been made to that effect."

Through the summer and fall of 1964, as President Johnson ran for election as a moderate, a man of peace, against the reckless saber-rattling of Republican Senator Barry M. Goldwater of Arizona, the crisis managers in the Pentagon, the State Department, the CIA, and the National Security Council were making detailed preparations for a wider war—one which they understood would have to be deferred until after Election Day. Months before the Gulf of Tonkin incident, the document that would become the Tonkin Resolution was drafted to confer on the President virtually unchecked power to wage hostilities; it needed only an opportune pretext for presentation to the Congress. Meanwhile, covert "34A Operations" against North Vietnam were intensified, and U.S. destroyers were dispatched on "DeSoto Patrols" to gather intelligence and intimidate Hanoi. When one such patrol produced the Tonkin incident early in August, Defense Secretary Robert S. McNamara was asked why U.S. destroyers were in the Gulf. "It is a routine patrol," he replied, "of the type we carry out in international waters all over the world."

On September 3, Assistant Secretary of Defense John T. McNaughton drew up a memorandum headed PLAN OF ACTION FOR SOUTH VIETNAM, which included this list of "special considerations during next two months": "The relevant 'audiences' of U.S. action are the Communists (who must feel strong pressures), the South Vietnamese (whose morale must be buoyed), our allies (who must trust us as 'underwriters'), and the U.S. public (which must support our risk-taking with U.S. lives and prestige). During the next two months, because of the lack of 'rebuttal time' before elections to justify particular actions which may be distorted to the U.S. public, we must act with special care—signaling to the DRV [North Vietnam] that initiatives are being taken, to the GVN [South Vietnam] that we are behaving energetically despite the restraints of our political season, and to the U.S. public that we are behaving with good purpose and restraint."

By September 7, according to the Pentagon's historians, the planners had reached a "general consensus" in favor of a systematic U.S. bombing campaign directed at the North. But two weeks later, President Johnson told the American people: "There are those who say, you ought to go North and drop bombs, to try to wipe out the supply lines, and they think that would escalate the war. We don't want our American boys to do the fighting for Asian boys. We don't want to get involved in a nation with 700 million people and get tied down in a land war in Asia."

On February 7, 1965, as Lyndon Johnson settled in for a full term, McGeorge Bundy wrote in a memorandum to him: "We believe that the best available way of increasing our chance of success in Vietnam is the development and execution of a policy of *sustained reprisal* against North Vietnam. . . . We may wish at the outset to relate our reprisals to those acts of relative high visibility such as the Pleiku incident. Later we might retaliate against the assassination of a province chief . . . we might retaliate against a grenade thrown into a crowded cafe in Saigon. . . . Once a program of reprisals is clearly under way, it should not be necessary to connect each specific act against North Vietnam to a particular outrage in the South. . . ."

On the same day the White House issued a statement about the enemy's "deliberate surprise attacks" on two U.S. barracks areas near Pleiku, South Vietnam: ". . . These attacks were made possible by the continuing infiltration of personnel from North Vietnam. . . . As in the case of the North Vietnamese attacks in the Gulf of Tonkin last August, the response [bombing of the North] is appropriate and fitting. . . . We seek no wider war."

On April 1, Mr. Johnson chided reporters for being "too dramatic about our prophecies and predictions and I might say too irresponsible sometimes." There was, he assured them, "no far-reaching strategy that is being suggested or promulgated" for escalating the war. On the same day, according to National Security Action Memorandum Number 328, the President "approved the urgent exploration of twelve suggestions for covert and other actions" submitted by the CIA, approved the addition of 18,000 to 20,000 men to the U.S. "military support" forces in Vietnam (which already numbered 27,000), and approved a change of mission—from defense to offense—for the Marine battalions stationed in Vietnam. The change "had momentous implications," the Pentagon historians noted, but the President "was greatly concerned that the step be given as little prominence as possible."

The decision in mid-July to commit 200,000 U.S. troops to combat "was perceived as a threshold—entrance into an Asian land war," the Pentagon study pointed out. "The conflict was seen to be long, with further U.S. deployments to follow." But President Johnson told the press and the people at his next news conference, "It does not imply any change in policy whatever. It does not imply any change of objective."

We know now that there has never been any change of policy, any change of objective. We know that from the beginning of American intervention, U.S. policy has clung tenaciously to the goal of establishing a "free world bastion"—that is, an outpost of Empire—in Indochina. We know that the presence of a Communist regime in Indochina has been viewed as a threat to the "national security" of the world's foremost power—a threat so formidable that all means short of total annihilation could be invoked in the attempt to extirpate it. And we know that the men who held these views and acted in accord with them fiercely resisted any suggestion that they might have been mistaken. Most of the time, however, they simply ignored that possibility.

The basic considerations that govern American policy toward Southeast Asia were articulated by the National Security Council as early as January, 1954, in a statement approved by President Eisenhower. Its fundamental premise was that "Communist domination, by whatever means, of all Southeast Asia would seriously endanger in the short term, and critically endanger in the longer term, United States security interests. The statement emphasized that "in the conflict in Indochina, the Communist and non-Communist worlds clearly confront one another in the field of battle." The loss of that struggle it warned, "would have the most serious repercussions on the U.S. and free world interests," might lead to Communist takeover of all of Southeast Asia, Indonesia, and India, and "endanger the stability and security of Europe."

This was the domino doctrine in its most primitive form, but American policy makers found it powerfully persuasive. On its strength, the National Security Council went on to contemplate the possibility that the United States might "become involved in an all-out war with Communist China and possibly with the USSR and the rest of the Soviet bloc, and should therefore proceed to take large-scale mobilization measures."

In National Security Council Paper Number 5809, dated April 2, 1958. President Eisenhower directed the Government to "work toward the weakening of the Communists of North and South Vietnam in order to bring about the eventual peaceful reunification of a free and independent Vietnam under anti-Communist leadership."

From time to time, questions about the inherent logic of U.S. policy were raised even within the national security establishment. Invariably, such challenges were brushed aside. In June, 1964, President Johnson asked the CIA whether "the rest of Southeast Asia necessarily [would] fall if Laos and South Vietnam came under North Vietnamese control." The agency replied:

"With the possible exception of Cambodia, it is likely that no nation in the area would quickly succumb to Communism as a result of the fall of Laos and South Vietnam. Furthermore a continuation of the spread of Communism in the area would not be inexorable, and any spread which did occur would take time—time in which the total situation might change in any number of ways unfavorable to the Communist cause."

That CIA analysis—a categorical rejection of the domino doctrine—was part of the agency's pessimistic assessment of the results likely to be attained by the bombing program that was about to win the Administration's approval. The CIA assessment was ignored. Five years later it was repeated, almost verbatim, for the benefit of the Nixon Administration, and again it was ignored. If President Nixon had pulled U.S. troops out of Vietnam at the beginning of his Administration and opened the way for Communist rule in Saigon, the CIA found, "We would lose Laos immediately. Sihanouk would preserve Cambodia by a straddling effort. All of Southeast Asia would remain just as it is at least for another generation." That vision of the future, we know now, did not suffice for a President determined to keep America from becoming "a pitiful, helpless giant."

The CIA memoranda, it should be understood, were rare examples of fundamental dissent in what was normally a monolithic planning process pursued by men who quarreled over tactics, usually agreed on strategy,

and rarely indulged in introspection over basic goals. "There appears to have been, in fact, remarkably little latitude for reopening the basic question about U.S. involvement in the Vietnam struggle," the Pentagon's historians pointed out. Such major decisions as the landing of U.S. Marines at Danang in March, 1965—a "pivotal" move that set the stage for a U.S. land war in Asia—were made "without much fanfare—and without much planning."

Daniel Ellsberg, the former Vietnam planner whose act of conscience has made it possible for us to know what we now know, recalls no instance when considerations of morality entered into the planning process. Ellsberg's former chief in Vietnam, Major General Edward G. Lansdale, the original "Quiet American" who headed the pacification program, confirms the recollection. "We really didn't get into that type of discussion," Lansdale told *The New York Times*. "There was too much to do every day with immediate problems."

We know now that it was absurd to suggest, as each of our recent Presidents had suggested, that if-we-only-knew-what-they-knew we would cheerfully endorse their policies. We know now how little they really knew, and how often what they thought they knew bore no relation to reality. We know that on the few occasions when those who did know tried to break through with the facts, their efforts were frustrated and even punished.

When the National Security Council met on August 26, 1963, Paul H. Kattenburg, a career Foreign Service Officer with ten years of direct experience with Vietnam, tried to tell President Kennedy's advisers that they were embarked on a disastrous course. "At this juncture," Kattenburg told Vice President Johnson, Rusk, McNamara, Taylor, and the others there assembled, "it would be better for us to make the decision to get out honorably." Support for the Saigon regime was dwindling rapidly, he maintained, and America was wasting its prestige and staining its honor in a losing cause. Rusk dismissed his analysis as "speculative." Johnson and McNamara agreed with Rusk, and Kattenburg was on his way out of responsibility for Vietnam planning. His duties in the past eight years have included a stint as second in command of the American mission in Georgetown, Guyana. He will retire this month as an instructor at the Foreign Service Institute in Arlington, Virginia.

Under Secretary of State George W. Ball was luckier. A persistent advocate of "compromise solutions" in Vietnam, he was installed in the Johnson Administration as the "devil's advocate" in residence—a sort of latter-day court jester whose dissents were tolerated and even encouraged to demonstrate the Administration's willingness to hear—and ignore—all points of view. Ball enjoyed a monopoly in that role. When McNamara, deeply disillusioned with the failure of the war he had programmed with the latest scientific management techniques, began in 1966 and 1967 to disavow the views he had formerly espoused, there was no choice for him but to depart. In 1964, the Pentagon's "Sigma" war games had indicated that a bombing campaign directed at North Vietnam would not bring the enemy to its knees. The results of "Sigma" were dismissed. In 1967, McNamara concluded that the "Sigma" forecast had been correct. He was dismissed.

Walt W. Rostow, who succeeded McGeorge Bundy as Johnson's principal adviser on national security affairs, was not dismissed. For years he maintained that "calculated doses" of American airpower directed at North Vietnam would bring a halt to the insurrection in the South. For all we know, he still maintains, down in Austin, Texas, that it will.

We know now that the enemy knew all about what we were not permitted to know. We know that the elaborate secrecy precautions, the carefully contrived subterfuges, were intended not to deceive "the other side" but us. When President Johnson decided to widen the war in April, 1965, all members of the National Security Council received written instructions to this effect:

"The President desires that . . . premature publicity be avoided by all possible precautions. The actions themselves should be taken as rapidly as practicable, but in ways that should minimize any appearance of sudden changes in policy, and official statements on these troop movements will be made only with the approval of the Secretary of Defense, in consultation with the Secretary of State. The President's desire is that these movements and changes should be understood as being gradual and wholly consistent with existing policy."

Was this designed to throw the enemy off guard? The enemy knew all about it. It knew when it began encountering American troops in combat. It knew when its bases and plants and homes and pagodas were being bombed. It knew when its territory was invaded by infiltration teams and when its coast was harassed by South Vietnamese torpedo boats under American direction. It knew, but the American people didn't.

On July 10, 1965, the North Vietnamese Foreign Office produced—and Radio Hanoi broadcast to the world—a White Book on the Vietnam war. It was, as it turns out, a remarkably accurate document. It charged that American policy planners had decided at Honolulu in June, 1964, "to extend the war to North Vietnam in the form of destruction by air and naval forces." According to the Pentagon archives, Ambassador Henry Cabot Lodge had proposed at Honolulu a "selective bombing campaign against military targets in the North," and had won the backing of McNamara and Rusk.

"Since the beginning of 1964," Hanoi's White Book declared, "the U.S. ruling circles have many times discussed the policy of extending the war to North Vietnam. The strategists of the U.S. White House and Pentagon have worked out many plans on this question, of which Plan Number 6 of Walt W. Rostow, the chairman of the policy planning staff of the U.S. State Department, is the most noteworthy." The Pentagon papers show such planning was constant and intense, and that Rostow submitted memoranda to McNamara and Rusk calling for increasing commitments of airpower and ground forces.

Rostow's proposals, according to the White Book, were "replenished and amended by John McNaughton, U.S. Assistant Defense Secretary, and now bear the name of the McNaughton Plan, calling for bombing and strafing raids on North Vietnam by the U.S. Air Force." The Pentagon archive includes McNaughton's draft of a "proposed course of action" on March 24, 1965, calling for increased air assaults on the North as well as an expanded role for U.S. "combat support" personnel.

A statement issued in December 1965, by Nguyen Huu Tho, the chairman of the National Liberation Front, asserted that the United States had been operating under a "McNamara Plan" which was "aimed at pacifying the South within the two years of 1964 and 1965." This evolved, Tho added, into "a defensive strategic plan but also representing a new and greater effort by the U.S. imperialists to improve the critical situation of the puppet government and forces and to concentrate their forces on pacifying the main areas under the Front's control." Three years later, when General William C. Westmoreland relinquished his Vietnam command, he recalled that the strategy for 1964–1965 had been first to halt a "losing trend" and pacify populated areas. In 1965, Westmoreland said, "the U.S. mission's efforts to support pacification . . . continued to be hampered by political instability."

Such statements by North Vietnam or the Vietcong received scant attention in the American media. They were merely "Communist propaganda," and our Government, which knew better, hardly bothered to issue rebuttals.

We know now that America spurned every opportunity to recognize the struggle in South Vietnam for what it was—a civil war waged by insurgents who were determined, first of all, to attain national sovereignty and independence. As a fledgling empire experimenting with the techniques of international manipulation and intrigue, we could not conceive our enemies were not equally subject to manipulation. It was—it had to be—obvious that the insurgents in black pajamas were no more than tools of Hanoi, of Peking, of Moscow.

The CIA had reported, back in the Eisenhower Administration, that the American-backed Diem regime "almost certainly would not be able to defeat the Communists in countrywide elections." Yet the United States assumed—and continues to assume—that the insurrection had no popular base in the South and could not survive if Hanoi were forced, in Dean Rusk's memorable phrase, "to stop doing what she is doing."

In 1961, when the Kennedy Administration initiated covert hostilities against the North, a State Department White Paper cited "ominous" evidence of increasing infiltration of fighting men and supplies into the South, though it acknowledged that many of these were Southerners who had gone North after Diem had canceled the 1956 elections provided for by the Geneva Accords. In 1962, however, a close Kennedy adviser, Michael Forestal, reported that "the vast bulk of both recruits and supplies come from inside South Vietnam itself." In 1963, William Jorden, the Vietnam expert who had written the 1961 White Paper, was dispatched on a three-month fact-finding trip to prove the thesis of major aggression directed by North Vietnam against the South. He returned with the news that "we are unable to document and develop any hard evidence of infiltration."

Jorden's report caused consternation in the Special Group Counter-Insurgency, which President Kennedy had established under the direction of his brother, Robert, and General Maxwell Taylor. Charles Maechling Jr., staff manager of the Special Group, recalled the April 5, 1963, meeting last year in an article for the *Foreign Service Journal*. "To the utter astonishment of those who heard [Jorden's] briefing, and Attorney General Kennedy's cross-examination of him, this supposedly honest observer found nothing to indicate that the insurgency was anything but homegrown," Maechling wrote. "Until 1964 all the military advisers back from Vietnam made the same report: There was plenty of instigation from the North—but hardly 'massive aggression.'"

The Pentagon itself concluded that "the vast majority of Vietcong troops are of local origin," and found "little evidence of major supplies from outside sources. . . . Most arms being captured or stolen from GVN [South Vietnamese] forces or from the French during the Indochina war."

On August 18, 1964, a cable from the U.S. mission in Saigon (which called for "a posture of maximum readiness for a deliberate escalation of pressure against North Vietnam") still referred to the basic problem in the South as "the VC insurgency." Three months later, however, a DRAFT POSITION PAPER ON SOUTHEAST ASIA circulated by Assistant Secretary of State William P. Bundy set out his plan to "publicize the evidence of

increased infiltration" from North Vietnam along with explanations of "the differences between the present estimates and those given in the past."

The same draft paper proposed a system of "graduated military pressures against North Vietnam" and declared that the United States "would be alert to any sign of yielding by Hanoi, and would be prepared to explore negotiated solutions that attain U.S. objectives in an acceptable manner. The United States would seek to control any negotiations and would oppose any independent South Vietnamese efforts to negotiate."

We know now that peace has never been on the American agenda. Hanoi knew it as long ago as 1965. Its White Book that year declared that while "the U.S. President was prattling about this hoax of unconditional discussions, the U.S. imperialists took new and very cynical and dangerous steps in their policy of war adventure." North Vietnamese Premier Pham Van Dong said in September, 1965: "President Johnson talks about peace in an attempt to cover up his war schemes. The more he talks about peace, the more he steps up the war."

But President Johnson's was not the first Administration to fear that peace might break out in Vietnam. In the Kennedy Administration, in a memorandum to Rusk on August 30, 1963, Assistant Secretary of State Roger Hilsman urged U.S. help and encouragement to those plotting a coup against Ngo Dinh Diem on grounds that Diem might move toward "neutralization negotiations" with the Communists.

In March, 1964, President Johnson wasted no words in disposing of the idea of peace negotiations looking toward a neutralized Vietnam—an idea that had been advanced by French President Charles de Gaulle and the Secretary General of the United Nations, U Thant, among others. "It ought to be possible to explain in Saigon," Mr. Johnson cabled Ambassador Lodge, "that your mission is precisely for the purpose of knocking down the idea of neutralization wherever it rears its ugly head and on this point I think that nothing is more important than to stop neutralist talk wherever we can by whatever means we can."

"We must continue to oppose any Vietnam conference," William Bundy wrote in a memorandum on August 11, 1964, and America did. When Washington set out its terms for negotiations, the Pentagon historians observed, the conditions were "tantamount to unconditional surrender" for the other side. In 1965, McNamara proposed diplomatic overtures "laying the groundwork for a settlement when the time is ripe," but the Pentagon historians note that this "amounted to little more than saying that the United States should provide channels for the enemy's discreet and relatively face-saving surrender when he decided that the game had grown too costly."

While President Johnson was proclaiming periodic bombing pauses and avowing his eagerness to "go anywhere, any time" for peace, the State Department prudently cautioned embassies abroad: "Insofar as our announcement [of a bombing pause] foreshadows any possibility of a complete bombing stoppage, in the event Hanoi really exercises reciprocal restraints, we regard this as unlikely. . . ."

We know now that the pious affirmations of America's commitment to "the Vietnamese people and their right to self-determination" were hypocritical cant. We thought at the time that Washington had no business telling the Vietnamese what was good for them; we know now that Washington wasn't telling them that at all—it was merely telling them what was good for *us*.

"We are there, first, because a friendly nation has asked us for help against the Communist aggression," President Johnson solemnly declared in his State of the Union address on January 4, 1965. Ten weeks later, Assistant Secretary of Defense McNaughton, writing in the best style of the Pentagon systems analysts, offered a more accurate appraisal of "U.S. aims":

"Seventy per cent—To avoid a humiliating U.S. defeat (to our reputation as guarantor).

"Twenty per cent—To keep SVN (and the adjacent) territory from Chinese hands.

"Ten per cent—To permit the people of SVN to enjoy a better, freer way of life.

"Also—To emerge from crisis without unacceptable taint from methods used.

"Not—To 'help a friend,' although it would be hard to stay in if asked out."

The attitude of American bureaucrats toward their official clients in Saigon was the lace curtain counterpart of the treatment dealt out to "dinks" and "slopes" and "gooks" by American soldiers in the field. Diem had once been celebrated by Lyndon Johnson as "the Churchill of Asia," but Hilsman's memo calling for his overthrow proposed that the United States "encourage the coup group to fight the battle to the end and to destroy the palace if necessary to gain victory." On November 1, 1963, when Diem's palace was under siege, he placed a pathetic last call to Ambassador Lodge, who preserved the icy dignity appropriate to a proconsul of Empire dealing with lesser breeds without the law. Diem asked what was "the attitude of the United States" toward the coup, and Lodge, who had been urging its support for many months, replied: "I do not feel well enough informed to be able to tell you. I have heard the shooting, but I am not acquainted with all the facts. Also it is 4:30 a.m. in Washington and the U.S. Government cannot possibly have a view." This exchange followed:

DIEM. But you must have some general ideas. After all, I am a chief of state. I have tried to do my duty. I want to do now what duty and good sense require. I believe in duty above all.

LODGE. You have certainly done your duty. As I told you this morning, I admire your courage and your great contributions to your country. No one can take away from you the credit for all you have. . . . If I can do anything for your physical safety, please call me.

We know that monstrous arrogance accrues to those who wield the vast power of the State without being held accountable to the people. As early as 1954—and as late as 1964—they seriously (and calmly) contemplated the possibility of using nuclear weapons in Indochina. They called their "conventional" bombing campaign "Rolling Thunder" and said it was "cheap." They disposed of meer mortals in the manner of Olympian gods. In the draft of his Plan of Action for South Vietnam on March 24, 1965, McNaughton wrote:

"It is essential—however badly SEA [Southeast Asia] may go over the next one to 3 years—that U.S. emerge as a 'good doctor.' We must have kept promises, been tough, taken risks, gotten bloodied, and hurt the enemy very badly. We must avoid harmful appearances which will affect judgments by, and provide pretexts to, other nations regarding how the United States will behave in future cases of particular interest to those nations—regarding U.S. policy, power, resolve, and competence to deal with their problems."

Their game was power, and it was the only game worth playing. Taylor impatiently complained that "there was a danger of reasoning ourselves into inaction," the Pentagon historians recall. "From a military point of view," Taylor said, "the United States could function in Southeast Asia about as well as anywhere in the world except Cuba," Assistant Secretary of State William Bundy asserted that "basic doubts of the value of Southeast Asia and the importance of our stake there" could be disposed of by mounting an "urgent" public relations campaign. Walt Rostow, ever the effervescent optimist, assured Dean Rusk:

"I know well the anxieties and complications on our side of the line. But there may be a tendency to underestimate both the anxieties and complications on the other side and also to underestimate that limited but real margin of influence on the outcome that flows from the single fact that we are the greatest power in the world—if we behave like it."

Part of behaving like it, we know now, was to transform the language into something unrecognizable and unrelated to human beings. They wrote "scenarios" for "carrot-and-stick approaches" and for "progressive squeeze-and-talk" techniques. They planned "an orchestration of communications" and "a crescendo of additional military moves against infiltration targets." They "interdicted" and "defoliated" and carried out "surgical strikes" against "targets of opportunity." They issued "signals" and conducted "limited external actions" which carried a promise of "assured destruction." They coined a thesaurus of synonyms for death.

We know now that war crimes were committed in our names—not little war crimes of the kind for which we prosecute Lieutenant Calley and Captain Medina, but big war crimes like those for which we executed our fascist enemies only a quarter of a century ago. The Nuremberg Charter—*our* Nuremberg Charter—outlaws the "planning, preparation, initiation, or waging of a war of aggression or a war in violation of international treaties, agreements, or assurances." The Charter of the United Nations—*our* U.N. Charter—provides that parties to an international dispute must seek a solution by negotiation or other peaceful means, refraining from force or the threat of force.

We know now how and why and by whom a million people or more were destroyed. Only one major question remains unanswered, and the answer will not be found in further Pentagon disclosures, or in court proceedings, or even in Congressional investigations. It is a question we must answer for ourselves.

Now that we know what we know, what are we going to do?

THE NEED FOR FULL FUNDING OF EDUCATION PROGRAMS

Mr. TUNNEY. Mr. President, I ask unanimous consent to have printed in the RECORD, an analysis of the Office of Education Appropriations bill. These figures indicate the great chasms which exist between program authorization and final appropriations. The Senate-passed appropriations bill came close to providing the needed funds for quality education.

I should like to compliment the Senator from Washington (Mr. MAGNUSON) and the other members of Appropriations Subcommittee on Labor and Health Education and Welfare for the fine job they did. I only regret that in many vital areas of education, the Senate appropriations figures were not in the final bill. I feel very deeply that Congress must appropriate funds adequate to meet full program authorizations.

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION, FISCAL YEAR 1972 BUDGET

Appropriation	Fiscal year 1971		Fiscal year 1972					
	Authorization [1]	Appropriation	Authorization [1]	President's budget	House allowance	Department appeal	Senate allowance	Appropriation
Elementary and secondary education	$4,560,406,068	$1,915,968,000	$4,665,338,590	$1,855,278,000	$1,822,218,000	$1,857,278,000	$2,146,885,000	$1,993,278,000
School assistance in federally affected areas	1,018,295,000	550,675,000	1,129,690,000	440,040,000	607,580,000	440,040,000	677,620,000	612,620,000
Emergency school assistance	[2]	74,853,000			[3]	[4]	[3]	[3]
Proposed legislation	500,000,000	425,000,000	1,000,000,000	1,000,000,000	[3]	[4]	[3]	[3]
Education for the handicapped	371,500,000	105,000,000	436,300,000	110,000,000	115,000,000	110,000,000	116,500,000	115,750,000
Vocational and adult education	1,152,311,455	501,357,455	1,238,561,455	476,073,455	565,203,455	482,323,455	609,573,455	576,188,455
Higher education	3,397,720,000	970,403,000	1,027,720,000	1,832,084,000	1,218,051,000	1,364,224,000	1,532,304,000	1,344,384,000
Proposed legislation			[2]	100,000,000	[3]			
Education professions development	550,000,000	135,800,000	45,000,000	135,800,000	135,800,000	135,800,000	135,800,000	135,800,000
Libraries and educational communications	335,000,000	73,001,500	222,000,000	29,400,000	72,109,000	36,400,000	100,109,000	85,109,000
Research and development	15,000,000	98,077,000	35,000,000	105,038,000	105,000,000	105,038,000	122,038,000	113,538,000
Proposed legislation			[2]	3,000,000	[3]		[3]	[3]
Educational activities overseas (special foreign currency program)	[2]	3,000,000	[2]	3,000,000	3,000,000	3,000,000	4,000,000	3,000,000
Salaries and expenses	[2]	45,982,000	[2]	51,645,000	47,700,000	51,645,000	51,645,000	51,200,000
Civil rights education	[2]	19,218,000	[2]					
Student Loan Insurance Fund	[2]	18,000,000	[2]					
Higher Education Facilities Loan Fund	[2]	4,685,000	[2]	4,610,000	4,610,000	4,610,000	4,610,000	4,610,000
Initial funding of programs	168,000,000		61,000,000				4,000,000	
Total, Office of Education	12,068,232,523	[5] 4,941,019,955	9,860,610,045	[6] 6,145,968,455	4,696,271,455	4,590,358,455	5,505,084,455	5,035,477,455
Less: Permanent appropriations and civil rights education	−9,761,455	−30,712,455	−9,761,455	−11,410,455	−11,410,455	−11,410,455	−11,410,455	−11,410,455
Total, Labor-HEW Appropriations Committee	12,058,471,068	[5] 4,910,307,500	9,850,848,590	[6] 6,134,558,000	4,684,861,000	4,578,948,000	5,493,674,000	5,024,067,000
ELEMENTARY AND SECONDARY EDUCATION								
Aid to school districts:								
Educationally deprived children (ESEA I)	3,457,406,068	1,500,000,000	3,640,288,590	1,500,000,000	1,500,000,000	1,500,000,000	1,650,000,000	1,565,000,000
Local educational agencies	2,869,191,655	1,339,749,067	3,041,000,000	1,340,309,857	1,332,858,238	1,332,858,238	1,451,977,169	1,384,484,849
Handicapped children	46,129,772	46,129,772	48,998,483	46,129,772	48,998,483	48,998,483	48,998,483	48,998,483
Neglected and delinquent children	18,188,282	18,188,282	19,296,851	18,188,282	19,296,851	19,296,851	19,296,851	19,296,851
Migratory children	57,608,680	57,608,680	61,075,497	57,608,680	61,075,497	61,075,497	61,075,497	61,075,497
State administration	31,026,326	16,579,312	34,656,406	16,627,079	17,626,601	16,626,601	16,700,000	16,650,000
Incentive grants	126,198,171	6,304,637	126,198,171	6,304,637	5,701,830	5,701,830	14,009,500	9,301,820
Grants for high concentrations of poor	309,063,182	15,440,250	309,063,182	14,831,693	15,442,500	15,442,500	37,942,500	25,192,500
Supplementary services (ESEA III)	566,500,000	143,393,000	592,250,000	143,393,000	143,393,000	143,393,000	155,000,000	146,393,000
Library resources (ESEA II)	206,000,000	80,000,000	216,300,000	80,000,000	85,000,000	80,000,000	95,000,000	90,000,000
Equipment and minor remodeling (NDEA III)	140,500,000	50,000,000			20,000,000		90,000,000	50,000,000
Grants to States	114,840,000	47,500,000			17,500,000		87,500,000	47,500,000
Loans to nonprofit private schools	15,660,000	500,000			500,000		500,000	500,000
State administration	10,000,000	2,000,000			2,000,000		2,000,000	2,000,000
Dropout prevention (ESEA VIII)	30,000,000	10,000,000	31,500,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
Bilingual education (ESEA VII)	80,000,000	25,000,000	100,000,000	25,000,000	27,000,000	27,000,000	50,000,000	35,000,000
Follow through (Economic Opportunity Act, sec. 222(a)(2))	[2]	69,000,000	[2]	60,060,000	[4]	60,060,000	60,060,000	60,060,000
Program	[2]	67,981,000	[2]	58,700,000	[4]	58,700,000	58,700,000	58,700,000
Administration	[2]	1,019,000	[2]	[8] 1,360,000	[4]	[7] 1,360,000	[7] 1,360,000	[7] 1,360,000
Strengthening State departments of education (ESEA V)	80,000,000	29,750,000	85,000,000	33,000,000	33,000,000	33,000,000	33,000,000	33,000,000
Grants to States (pt. A)	76,000,000	28,262,500	80,750,000	31,350,000	31,350,000	31,350,000	31,350,000	31,350,000
Grants for special projects (pt. A)	4,000,000	1,487,500	4,250,000	1,650,000	1,650,000	1,650,000	1,650,000	1,650,000
Planning and evaluation (General Education Provisional Act, sec. 402)	[4]	8,825,000	[4]	3,825,000	3,825,000	3,825,000	3,825,000	3,825,000
Total, Elementary and Secondary Education	4,560,406,068	1,915,968,000	4,665,338,590	1,855,278,000	1,822,218,000	1,857,278,000	2,146,885,000	1,993,278,000
SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS								
Maintenance and operations (Public Law 874)	935,295,000	536,068,000	1,038,440,000	425,000,000	592,580,000	425,000,000	652,580,000	592,580,000
Payments to local educational agencies	632,422,000	501,518,000	700,740,000	387,300,000	554,880,000	387,300,000	554,880,000	554,880,000
Payments to other Federal agencies	34,550,000	34,550,000	37,700,000	37,700,000	37,700,000	37,700,000	37,700,000	37,700,000
Low-income housing	268,323,000		300,000,000				60,000,000	
Construction (Public Law 815)	83,000,000	14,607,000	91,250,000	15,040,000	15,000,000	15,040,000	25,040,000	20,040,000
Assistance to local educational agencies	65,000,000	3,000,000	73,250,000	9,300,000	9,300,000	9,300,000	11,400,000	11,000,000
Assistance for school construction on Federal property	18,000,000	10,900,000	18,000,000	5,000,000	5,000,000	5,000,000	12,900,000	8,300,000
Technical services	[2]	[9] 707,000	[2]	[10] 740,000	700,000	[10] 740,000	[10] 740,000	[10] 740,000
Total, school assistance in federally affected areas	1,018,295,000	550,675,000	1,129,690,000	440,040,000	607,580,000	440,040,000	677,260,000	612,620,000
EMERGENCY SCHOOL ASSISTANCE								
Special educational personnel and programs	[2]	57,500,000	1,000,000,000					
Community participation programs	[2]	7,500,000						
Equipment and minor remodeling	[2]	7,900,000		1,000,000,000	[3]	[4]	[3]	[4]
Federal administration and technical assistance	[3]	[11] 1,953,000		[12]				
Total, Emergency School Assistance	[2]	74,853,000						
Proposed legislation	500,000,000	[4] 425,000,000	1,000,000,000	1,000,000,000	[3]	[4]	[3]	[4]
EDUCATION FOR THE HANDICAPPED								
State grant programs (EHA pt. B)	206,000,000	34,000,000	216,300,000	35,000,000	37,500,000	35,000,000	37,500,000	37,500,000
Early childhood projects (EHA pt C, sec. 623)	[2]	7,000,000	[2]	7,500,000	7,500,000	7,500,000	7,500,000	7,500,000
Teacher education and recruitment	69,500,000	33,100,000	87,000,000	35,145,000	35,145,000	35,145,000	35,145,000	35,145,000
Teacher education (EHA pt. D, sec. 631 and 632)	69,500,000	31,900,000	87,000,000	33,945,000	33,945,000	33,945,000	33,945,000	33,945,000
Physical education and recreation (EHA pt. D, sec. 634)		700,000		700,000	700,000	700,000	700,000	700,000
Recruitment and information (EHA pt. D, sec. 633)		500,000		500,000	500,000	500,000	500,000	500,000
Research and innovation	96,000,000	30,350,000	133,000,000	31,805,000	34,305,000	31,805,000	35,805,000	35,055,000

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION, FISCAL YEAR 1972 BUDGET—Continued

Appropriation	Fiscal year 1971		Fiscal year 1972					
	Authorization [1]	Appropriation	Authorization [1]	President's budget	House allowance	Department appeal	Senate allowance	Appropriation
Research and demonstration (EHA pt. E, sec. 641)	$27,000,000	$15,000,000	$35,500,000	$15,455,000	$15,455,000	$15,455,000	$15,455,000	$15,455,000
Physical education and recreation (EHA pt. E, sec. 642)		300,000		300,000	300,000	300,000	300,000	300,000
Regional resource centers (EHA pt. C, sec. 621)	36,500,000	3,550,000	51,500,000	3,550,000	3,550,000	3,550,000	3,550,000	3,550,000
Innovation programs (deaf-blind centers) (EHA pt. C, sec. 622)		4,500,000		5,000,000	7,500,000	5,000,000	7,500,000	7,500,000
Media services and captioned films (EHA pt. F)	12,500,000	6,000,000	15,000,000	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000
Special learning disabilities (EHA pt. G)	20,000,000	1,000,000	31,000,000	1,500,000	1,500,000	1,500,000	3,000,000	2,250,000
Planning and evaluation (General Education Provision Act, sec. 402)	[13]	550,000	[13]	550,000	550,000	550,000	550,000	550,000
Total, Education for the Handicapped	371,500,000	105,000,000	436,300,000	110,000,000	115,000,000	110,000,000	116,500,000	115,750,000
VOCATIONAL AND ADULT EDUCATION								
Grants to States for vocational education	789,595,310	389,707,710	849,595,310	384,173,455	453,303,455	390,423,455	462,673,455	457,988,455
Basic vocational education programs	609,595,310	322,077,710	609,595,310	381,793,455	384,173,455	388,043,455	384,173,455	384,173,455
Annual (VEA pt. B)	(603,000,000)	(315,302,400)	(603,000,000)	(374,302,000)	(376,682,000)	(380,552,000)	(376,682,000)	(376,682,000)
Permanent (Smith-Hughes Act)	(6,445,310)	(6,445,310)	[14] (6,445,310)	[14] (7,161,455	(7,161,455)	(7,161,455)	(7,161,455)	(7,161,455)
National advisory council (VEA pt. A)	[13] (150,000)	(330,000)	[13] (150,000)	(330,000)	(330,000)	(330,000)	(330,000)	(330,000)
Programs for students with special needs (VEA pt. B)	50,000,000	20,000,000	60,000,000	[16]	20,000,000		20,000,000	20,000,000
Consumer and homemaking education (VEA pt. F)	35,000,000	21,250,000	50,000,000	[16]	21,250,000		30,000,000	25,625,000
Work-study (VEA pt. H)	45,000,000	5,500,000	55,000,000	[16]	6,000,000		6,000,000	6,000,000
Cooperative education (VEA pt. G)	50,000,000	18,500,000	75,000,000	[16]	19,500,000		19,500,000	19,500,000
State advisory councils (VEA pt. A)	[2]	2,380,000	[2]	2,380,000	2,380,000	2,380,000	3,000,000	2,690,000
Vocational research	152,716,145	55,749,745	152,716,145	36,000,000	56,000,000	36,000,000	56,000,000	56,000,000
Innovation (VEA pt. D)	75,000,000	16,000,000	75,000,000	[16]	16,000,000		16,000,000	16,000,000
Curriculum development (VEA pt. I)	10,000,000	4,000,000	10,000,000		4,000,000		4,000,000	4,000,000
Research	67,716,145	35,749,745	67,716,145	36,000,000	36,000,000	36,000,000	36,000,000	36,000,000
Annual (VEA pt. C)	(67,000,000)	(35,033,600)	(67,000,000)		(18,000,000)		(18,000,000)	(18,000,000)
Permanent (Smith-Hughes Act)	(716,145)	(716,145)	(716,145)					
Special projects (Cooperative Research Act)	[2]		[2]	(36,000,000)	(18,000,000)	(36,000,000)	(18,000,000)	(18,000,000)
Adult education (Adult Education Act)	210,000,000	55,000,000	236,250,000	55,000,000	55,000,000	55,000,000	90,000,000	61,300,000
Grants to States	210,000,000	45,000,000	236,250,000	45,000,000	45,000,000	45,000,000	80,000,000	51,300,000
Special projects		7,000,000		7,000,000	7,000,000	7,000,000	7,000,000	7,000,000
Teacher education		3,000,000		3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
Planning and evaluation (General Educational Provision Act, sec. 402)	[17]	900,000	[17]	900,000	900,000	900,000	900,000	900,000
Total, Vocational and Adult Education	1,152,311,455	501,357,455	1,238,561,455	476,073,455	565,203,455	482,323,455	609,573,455	576,188,455
HIGHER EDUCATION								
Student assistance:								
Grants and work-study payments	500,750,000	327,700,000	[2]	971,300,000	578,000,000	708,800,000	708,800,000	578,000,000
Educational opportunity grants (HEA IV-A)	170,000,000	167,700,000	[2]	971,300,000	165,300,000	270,700,000	270,700,000	175,300,000
1st-year awards	(170,000,000)	(65,496,000)	[2 18]		(67,740,000)	(170,000,000)	(170,000,000)	(71,740,000)
Continuations and administration	[2]	(102,204,000)	[2]		(97,560,000)	(100,700,000)	(100,700,000)	(103,560,000)
Work-Study	330,750,000	160,000,000	[2 18]		362,700,000	438,100,000	438,100,000	402,700,000
Work-study program (HEA IV-C)	(320,000,000)	(158,400,000)	[2 18]		(361,000,000)	(436,400,000)	(436,400,000)	(401,000,000)
Cooperative education (HEA IV-D)	(10,750,000)	(1,600,000)	[2 18]		(1,700,000)	(1,700,000)	(1,700,000)	(1,700,000)
Subsidized insured loans	40,000,000	147,866,000	[2]	651,971,000	203,400,000	203,571,000	203,571,000	203,571,000
Interest on basic NDEA-type loans (Proposed legislation)			[1 18]	[18] 65,000,000				
Interest on special NDEA-type cost-of-education loans (Proposed legislation)			[1 18]	[19] 20,000,000				
Purchases of loan paper (including advances) (Proposed legislation)			[1 18]	[18] 400,000,000				
Proceeds of sales of loan paper (Proposed legislation)			[1 18]	(−400,000,000)				
Interest on insured loans (HEA IV-B)	[19] 40,000,000	143,200,000	[2]	[18] 160,000,000	196,060,000	196,600,000	196,600,000	196,600,000
Program administration	[2]	4,666,000	[2]	6,971,000	6,800,000	6,971,000	6,971,000	6,971,000
Administration	[2]	[20] (2,466,000)	[2]	[21] (3,571,000)	(3,400,000)	[21] (3,571,000)	[21] (3,571,000)	[21] (3,571,000)
Computer services	[2]	(2,200,000)	[2]	(3,400,000)	(3,400,000)	(3,400,000)	(3,400,000)	(3,400,000)
Direct loans (NDEA II)	375,000,000	243,000,000	[1 18]	5,000,000	293,000,000	243,000,000	243,000,000	293,000,000
Contributions to funds	375,000,000	236,500,000	[18]	[18]	286,000,000	236,000,000	236,000,000	286,000,000
Loans to institutions	[25]	2,000,000	[18]	[18]	2,000,000	2,000,000	2,000,000	2,000,000
Teacher cancellations	[2]	4,500,000	[2]	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
Special programs for disadvantaged students (HEA sec. 408)	96,000,000	50,061,000	[2]	50,169,000	50,100,000	50,169,000	55,169,000	52,669,000
Talent search	96,000,000	5,000,000	[2 18]	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
Special services in college		15,000,000		15,000,000	15,000,000	15,000,000	15,000,000	15,000,000
Upward bound		30,061,000		30,169,000	30,100,000	30,169,000	35,169,000	32,669,000
Program		(28,500,000)		(28,500,000)	(28,500,000)	(28,500,000)	(33,500,000)	(31,000,000)
Administration	[6]	[22] (1,561,000)	[2]	[24] (1,669,000)	(1,600,000	[24] (1,669,000)	[24] (1,669,000)	[24] (1,669,000)
Institutional assistance:								
Strengthening developing institutions (HEA III)	91,000,000	33,850,000	[2 18]	[25] 53,850,000	38,850,000	[26] 53,850,000	[25] 53,850,000	51,850,000
Construction	2,068,250,000	72,496,000	1,013,000,000	34,540,000	34,407,000	34,540,000	114,540,000	77,540,000
Subsidized loans (HEFA III)	25,250,000	21,000,000	[2 18]	29,010,000	29,010,000	29,010,000	29,010,000	29,010,000
Grants	2,036,000,000	43,000,000	1,013,000,000				78,000,000	43,000,000
Public community colleges and technical institutes (HEFA I)	[26] (431,040,000	(43,000,000)	[27] (214,320,000)				(18,720,000)	(10,320,000)
Other undergraduate facilities (HEFA I)	[28] (1,364,960,000)		[27] (678,680,000)				(59,280,000)	(32,680,000)
Graduate facilities (HEFA II)	[29] (240,000,000)		[27] (120,000,000)					

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION, FISCAL YEAR 1972 BUDGET—Continued

Appropriation	Fiscal year 1971		Fiscal year 1972					
	Authorization [1]	Appropriation	Authorization [1]	President's budget	House allowance	Department appeal	Senate allowance	Appropriation
Institutional assistance—Continued								
Construction—Continued								
State administration and planning (HEFA I)	$7,000,000	$6,000,000	([2] [15])	$3,000,000	$3,000,000	$3,000,000	$5,000,000	$3,000,000
State administration	(3,000,000)	(3,000,000)	([2] [15])	(3,000,000)	(3,000,000)	(3,000,000)	(5,000,000)	(3,000,000)
State planning	(4,000,000)	(3,000,000)	([2] [15])					
Federal administration	([2])	[30] 2,496,000	([2] [15])	[31] 2,530,000	2,397,000	[31] 2,530,000	[31] 2,530,000	[31] 2,530,000
Language training and area studies	38,500,000	8,000,000	([2] [15])	15,300,000	15,300,000	15,300,000	15,300,000	15,300,000
Centers, fellowships, and research (NDEA VI)	38,500,000	7,170,000	([2] [15])	13,940,000	13,940,000	13,940,000	13,940,000	13,940,000
Training grants (Fulbright-Hays Act)	([2])	830,000	([2] [15])	1,360,000	1,360,000	1,360,000	1,360,000	1,360,000
University community services (HEA I)	60,000,000	9,500,000	([2] [15])	9,500,000	9,500,000	9,500,000	9,500,000	9,500,000
Aid to land-grant colleges	14,720,000	12,680,000	$14,720,000	2,600,000	7,640,000	7,640,000	14,720,000	12,600,000
Annual (Bankhead-Jones Act)	12,120,000	10,080,000	12,120,000		5,040,000	5,040,000	12,120,000	10,000,000
Permanent (Second Morrill Act)	2,600,000	2,600,000	2,600,000	2,600,000	2,600,000	2,600,000	2,600,000	2,600,000
Undergraduate instructional equipment (HEA VI)	70,000,000	7,000,000	([18])				25,000,000	12,500,000
Television equipment	10,000,000	1,000,000	([18])				3,500,000	1,500,000
Other equipment	60,000,000	6,000,000	([18])				21,500,000	11,000,000
Law school clinical services (HEA XI)	7,500,000		([2] [15])				1,000,000	
College personnel development	36,000,000	57,350,000	([2] [22])	36,954,000	36,954,000	36,954,000	36,954,000	36,954,000
College teacher fellowships (NDEA IV)	([2])	47,350,000	([22])	26,910,000	26,910,000	26,910,000	26,910,000	26,910,000
Training programs (EPDA, Pt. E)	36,000,000	10,000,000	([2] [22])	10,044,000	10,044,000	10,044,000	10,044,000	10,044,000
Planning and evaluation (General Educational Provision Act, sec. 402)	([32])	900,000	([32])	900,000	900,000	900,000	900,000	900,000
Total, higher education	3,397,720,000	970,403,000	1,027,720,000	1,832,084,000	1,218,051,000	1,364,224,000	1,532,304,000	1,344,384,000
Proposed legislation (National Foundation for Higher Education)			([2] [15])	100,000,000	([34])			
EDUCATION PROFESSIONS DEVELOPMENT								
Personnel training and development	450,000,000	67,900,000	45,000,000	59,700,000	59,700,000	59,700,000	59,700,000	59,700,000
Training of teacher trainers (EPDA, pt. D)	[35] 340,000,000	12,200,000	([2] [18])	13,200,000	13,200,000	13,200,000	13,200,000	13,200,000
Meeting critical qualitative and quantitative shortages of school personnel	110,000,000	52,100,000	45,000,000	43,500,000	43,500,000	43,500,000	43,500,000	43,500,000
Vocational education (EPDA, pt. F)	(40,000,000)	(6,900,000)	(45,000,000)	(6,900,000)	(6,900,000)	(6,900,000)	(6,900,000)	(6,900,000)
State grants for attracting and qualifying teachers (EPDA, pt. B-2)	(65,000,000)	(15,000,000)	[2] 18	(7,000,000)	(7,000,000)	(7,000,000)	(7,000,000)	(7,000,000)
Attracting qualified persons (EPDA, sec. 504)	(5,000,000)	(500,000)	[2] 18	(300,000)	(300,000)	(300,000)	(300,000)	(300,000)
Other (EPDA, pt. D)	([36])	(29,700,000)	[2] 18	(29,300,000)	(29,300,000)	(29,300,000)	(29,300,000)	(29,300,000)
Meeting special needs for educational personnel (EPDA, pt. D)	([36])	3,600,000	[2] 18	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
Special programs serving schools in low income areas	100,000,000	65,900,000	[2] 18	74,100,00	74,100,000	74,100,000	74,100,000	74,100,000
Teacher Corps (EPDA, pt. B-1)	100,000,000	30,800,000	[2] 18	34,435,000	37,435,000	37,435,000	37,435,000	37,435,000
Career opportunities and urban/rural school programs (EPDA, pt. D)	([36])	35,100,000	[2] 18	36,665,000	36,665,000	36,665,000	36,665,000	36,665,000
Planning and evaluation	([2])	2,000,000	([2])	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Manpower data collection (EPDA, sec. 503)	([2])	1,000,000	([2] [15])	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Planning and evaluation (General EducationProvision Act, sec. 402)	([37])	1,000,000	([37])	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Total, education professions development	550,000,000	135,800,000	45,000,000	135,800,000	135,800,000	135,800,000	135,800,000	135,800,000
LIBRARIES AND EDUCATIONAL COMMUNICATIONS								
Public libraries: Services	112,000,000	40,709,000	127,000,000	18,000,000	40,709,000	18,000,000	57,709,000	49,209,000
Grants for public libraries (LSCA I)	75,000,000	35,000,000	112,000,000	15,719,000	38,428,000	15,719,000	54,709,000	46,568,500
Interlibrary cooperation (LSCA III)	15,000,000	2,281,000	15,000,000	2,281,000	2,281,000	2,281,000	3,000,000	2,640,500
State institutional library services (LSCA IV-A)	15,000,000	2,094,000	([38])	([38])	([38])	([38])	([38])	([38])
Library services to physically handicapped (LSCA IV-B)	7,000,000	1,334,000	([38])	([38])	([38])	([38])	([38])	([38])
Construction (LSCA II)	80,000,000	7,092,500	80,000,000		8,000,000		11,000,000	9,500,000
College library resources (HEA II-A)	90,000,000	[39] 9,900,000	([2] [15])	5,000,000	10,000,000	5,000,000	12,000,000	11,000,000
Librarian training (HEA II-B)	38,000,000	3,900,000	([40])	2,000,000	2,000,000	2,000,000	4,000,000	2,000,000
Educational broadcasting facilities (Communications Act of 1934, title III)	15,000,000	11,000,000	15,000,000	4,000,000	11,000,000	11,000,000	15,000,000	13,000,000
Planning and evaluation (General Education Provision Act, sec. 402)	([37])	400,000	([37])	400,000	400,000	400,000	400,000	400,000
Total, libraries and educational communications	335,000,000	[41] 73,001,500	222,000,000	29,400,000	72,109,000	36,400,000	100,109,000	85,109,000
RESEARCH AND DEVELOPMENT								
Educational research and development	15,000,000	60,577,000	35,000,000	62,038,000	63,750,000	63,788,000	73,788,000	70,288,000
Development activities (Coop. Res. Act)	([2])	3,041,000	([2])	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000
(Sesame Street) (Coop. Res. Act)	([2])	(2,000,000)	([2])	(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)
Educational research (coop. Res. Act)	([2])	11,959,000	([2])	7,500,000	7,000,000	7,000,000	7,000,000	7,000,000
Institutional support (Coop. Res. Act)	([2])	33,406,000	([2])	34,000,000	33,000,000	33,000,000	33,000,000	33,000,000

Footnotes at end of table.

Appropriation	Fiscal year 1971		Fiscal year 1972					
	Authorization [1]	Appropriation	Authorization [1]	President's budget	House allowance	Department appeal	Senate allowance	Appropriation
Drug abuse education (Drug Abuse Education Act)	$10,000,000	$6,000,000	$20,000,000	$6,024,000	$8,000,000	$8,024,000	$15,024,000	$13,024,000
Program	(10,000,000)	(5,500,000)	(20,000,000)	(5,500,000)	(7,500,000)	(7,500,000)	(14,250,000)	(12,500,000)
Program administration	[2]	(500,000)	[2]	[42] (524,000)	(500,000)	[42] (524,000)	[42] (774,000)	[42] (524,000)
Environmental education	5,000,000	2,000,000	15,000,000	2,014,000	2,000,000	2,014,000	5,014,000	3,514,000
Program	(5,000,000)	(1,750,000)	(15,000,000)	(1,680,000)	(1,680,000)	(1,680,000)	(4,680,000)	(3,1800,00)
Program administration	[2]	(250,000)	[2]	[43] (334,000)	(320,000)	[43] (334,000)	[42] (334,000)	[43] (334,000)
Libraries and educational technology (Coop. Res. Act)	[2]	2,171,000	[2]	3,000,000	2,750,000	2,750,000	2,750,000	2,750,000
Nutrition and health (Coop. Res. Act)	[2]	2,000,000	[2]	500,000	2,000,000	2,000,000	2,000,000	2,000,000
Experimental schools (Coop. Res. Act)	[2]	12,000,000	[2]	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000
National achievement study (Coop. Res. Act)	[2]	4,500,000	[2]	6,000,000	5,500,000	5,500,000	5,500,000	5,500,000
Demonstrations (Coop. Res. Act)	[2]	2,250,000	[2]	2,250,000	2,250,000	2,250,000	9,250,000	4,250,000
Anacostia school community project	[2]	2,250,000	[2]	2,250,000	2,250,000	2,250,000	2,250,000	2,250,000
Career education community project	[2]		[2]				7,000,000	2,000,000
Evaluations (General Education Provision Act, sec. 402)	[37]	4,000,000	[37]	4,000,000	3,750,000	3,750,000	3,750,000	3,750,000
Dissemination (General Education Provision Act, sec. 412)	[2]	8,500,000	[2]	8,500,000	8,000,000	8,000,000	8,000,000	8,000,000
Spread of exemplary practices	[2]	2,200,000	[2]	2,200,000	2,000,000	2,200,000	2,200,000	2,200,000
Strengthening State and local dissemination capabilities	[2]	650,000	[2]	650,000	650,000	650,000	650,000	650,000
Educational resources information centers	[2]	4,000,000	[2]	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000
Interpretive summaries	[2]	600,000	[2]	600,000	600,000	600,000	600,000	600,000
Applied R. & D. in improving dissemination	[2]	550,000	[2]	550,000	[44] 150,000	150,000	150,000	150,000
General program dissemination	[2]	500,000	[2]	500,000	[44] 400,000	400,000	400,000	400,000
Training (Coop. Res. Act)	[2]	3,250,000	[2]	4,000,000	3,500,000	3,500,000	3,500,000	3,500,000
Statistics (Coop. Res. Act)	[2]	3,000,000	[2]	3,250,000	3,250,000	3,250,000	3,250,000	3,250,000
Total, Research and Development	15,000,000	98,077,000	35,000,000	105,038,000	105,000,000	105,038,000	122,038,000	113,538,000
Proposed legislation (National Institute of Education)			[2 18]	3,000,000	[3]		[3]	[3]
EDUCATIONAL ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM) (PUBLIC LAW 480)								
Grants to American institutions	[2]	3,000,000	[2]	3,000,000	3,000,000	3,000,000	4,000,000	3,000,000
Salaries and Expenses	[2]	[45] 45,982,000	[2]	[46] 51,645,000	47,700,000	[46] 51,645,000	[46] 51,645,000	[46] 51,200,000
CIVIL RIGHTS EDUCATION (TITLE IV, CIVIL RIGHTS ACT OF 1964)								
Training for school personnel and grants to school boards	[2]	16,000,000	[2]					
Technical services and administration	[2]	[47] 3,218,000	[2]					
Total, Civil Rights Education	[2]	19,218,000	[2]					
Student Loan Insurance Fund (HEA IV-B)	[2]	18,000,000	[2]					
HIGHER EDUCATION FACILITIES LOAN FUND (HEFA III)								
Participation sales insufficencies	[2]	4,685,000	[2]	4,610,000	4,610,000	4,610,000	4,610,000	4,610,000
Annual	[2]	2,952,000	[2]	2,961,000	2,961,000	2,961,000	2,961,000	2,961,000
Permanent	[2]	1,733,000	[2]	1,649,000	1,649,000	1,649,000	1,649,000	1,649,000
Total, higher education facilities loan fund	[2]	4,685,000	[2]	4,610,000	4,610,000	4,610,000	4,610,000	4,610,000
INITIAL FUNDING OF PROGRAMS								
Strengthening local educational agencies (ESEA V-B)	20,000,000		30,000,000				500,000	
State and local comprehensive educational planning and evaluation (ESEA V-C)	10,000,000		15,000,000				500,000	
Nutrition and health (ESEA VIII, Sec. 808)	10,000,000		16,000,000				500,000	
Correction education services (ESEA VIII, Sec. 809)	[2]		[2]				500,000	
Network for knowledge (HEA VIII)	15,000,000		[2 18]				500,000	
Education for public service (HEA IX)	13,000,000		[2 18]				500,000	
Improvement of graduate programs (HEA X)	10,000,000		[2 18]				500,000	
International education (IEA)	90,000,000		[2 18]				500,000	
Total, initial funding of programs	168,000,000		61,000,000				4,000,000	

[1] Amounts include specific authorizations only.
[2] Indefinite.
[3] Not considered due to lack of authorizing legislation.
[4] Proposed supplemental.
[5] Appropriation totals reflect transfer of $5,425,000 from libraries and educational communications to other accounts for 1970 and 1971 pay raises which was not reflected in request to House.
[6] Includes $3,177,000 for 1971 pay raise which was not included in request to House.
[7] Includes $60,000 for 1971 pay raise which was not included in request to House.
[8] Total of $25,000,000 authorized for planning and evaluation of programs for which the Commissioner of Education has responsibility for administration.
[9] Exclude $447,000 transferred to Office of Secretary for Facilities Engineering and Construction Agency. Includes $36,000 for 1970 pay raise; and $18,000 for 1971 pay raise which was not included in request to House, both amounts of which are to be transferred from libraries and educational communications.
[10] Includes $40,000 for 1971 pay raise which was not included in request to House.
[11] Excludes $147,000 transferred to General Services Administration for rental of space.
[12] Included in authorization for regional resource centers and Innovation programs.
[13] Total of $25,000,000 authorized for planning and evaluation of programs for which the Commissioner of Education has responsibility for administration.
[14] Authorization sets aside 10 percent of State grants for pt. C research; President's budget, provides no funding for research under pt. C.

Footnotes continued on following page.

[15] Specific authorization represents amounts only for technical assistance to carry out function of National Advisory Council.
[16] States would be permitted to use funds under pt. B for purposes previously funded under this activity.
[17] Total of $25,000,000 authorized for planning and evaluation of programs for which the Commissioner of Education has responsibility for administration.
[18] Based on proposed legislation.
[19] Amount represents specific authorization for incentive payments; indefinite amount authorized for interest payments.
[20] Includes $66,000 for 1971 pay raise which was not included in request to House, to be transferred from libraries and educational communications.
[21] Includes $171,000 for 1971 pay raise which was not included in request to House.
[22] Total of $25,000,000 authorized from fiscal year 1959 through duration of act.
[23] Includes $35,000 for 1970 pay raise; and $26,000 for 1971 pay raise which was not included in request to House, both amounts of which are to be transferred from Libraries and educational communications.
[24] Includes $69,000 for 1971 pay raise which was not included in request to House.
[25] Includes budget amendment of $15,000,000 not considered by House.
[26] Includes $206,400,000 unappropriated authorization from 1970 and $224,640,000 authorized for 1971.

[27] Represents unappropriated authorization from 1971; proposed legislation would provide indefinite authorization for 1972.
[28] Includes $653,600,000 unappropriated authorization from 1970 and $711,360,000 authorized for 1971.
[29] Includes $120,000,000 unappropriated authorization from 1970 and $120,000,000 authorized for 1971.
[30] Excludes $2,792,000 transferred to Office of Secretary for Facilities Engineering and Construction Agency. Includes $116,000 for 1970 pay raise; and $72,000 for 1971 pay raise which was not included in request to House, both amounts of which are to be transferred from libraries and educational communications.
[31] Includes $133,000 for 1971 pay raise which was not included in request to House.
[32] Proposed legislation would consolidate authorization for fellowships (NDEA IV) with training programs (EPDA, pt. E).
[33] Total of $25,000,000 authorized for planning and evaluation of programs for which the Commissioner of Education has responsibility for administration.
[34] Not considered due to lack of authorizing legislation.
[35] [36] Included in $340,000,000 total authorization for EPDA, pts C and D.
[37] Total of $25,000,000 authorized for planning and evaluation of programs for which the Commissioner of Education has responsibility for administration.
[38] Activity has been consolidated into public library services (LSCA I).
[39] Excludes $5,425,000 transfer to other accounts for 1970 and 1971 pay raises which was no reflected in request to House.
[40] Proposed legislation would consolidate authorization for librarian training (HEA II-B) with training programs under EPDA, part D.
[41] Excludes $6,853,500 for cataloging by Library of Congress which is included under that Agency's budget in 1972.
[42] Includes $24,000 for 1971 pay raise which was not included in request to House.
[43] Includes $14,000 for 1971 pay raise which was not included in request to House.
[44] Tentative.
[45] Includes $2,007,000 for 1970 pay raise; and $1,182,000 for 1971 pay raise which was not ncluded in request to House, both amounts of which are to be tranferred from Libraries and Educational Communications. Also includes transfer of $65,000 from Office of Citizen Participation. Excludes transfers of $2,400,000 to higher education insured loan program for administrative costs, $15,000 to Secretary's Advisory Committee, and $21,000 to Career Service Board.
[46] Includes $2,666,000 for 1971 pay raise which was not included in request to House.
[47] Includes $151,000 for 1970 pay raise; and $67,000 for 1971 pay raise which was not included in request to House. both amounts of which are to be transferred from Libraries and Educational Communication.

THE TRAGEDY OF EAST PAKISTAN

Mr. HUGHES. Mr. President, Congress is about to take a vacation for a month. But there will be no vacation for the people of East Pakistan, where warfare is beginning and where 300,000 children already have acute malnutrition.

Already the House of Representatives has voted to suspend all military and economic assistance to the Government of Pakistan. I have been urging similar action since April and have joined with the distinguished Senators from Ohio (Mr. SAXBE) and Idaho (Mr. CHURCH) in sponsoring legislation to prevent further death and repression in East Bengal.

In spite of these actions, the current administration remains committed to a policy of benign neglect. Only yesterday the President rejected in advance the legislation which I favor and which is so desperately needed to bring about an improvement in this situation.

This morning's New York Times contains a frightening article on conditions in East Pakistan, written by Alvin Toffler following a visit to that area. Mr. Toffler criticizes our Government's actions so far. He says:

> The emergency in East Pakistan demands more than a minimal response. We need to pump immediate life-saving baby food, powdered milk, antibiotics, anticholera vaccines and similar supplies into India. But beyond that, decency and political realism both demand an immediate end to the arms shipments.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the New York Times, Aug. 5, 1971]

THE RAVAGED PEOPLE OF EAST PAKISTAN

(By Alvin Toffler)

A planetary catastrophe is taking place in Asia, a human disaster so massive that it could bathe the future in blood, not just for Asians, but for those of us in the West as well. Yet the response of the global community has been minimal at best. In the United States, the official response has been worse than minimal and morally numb.

I have just returned from Calcutta and the border of East Pakistan, where I conducted interviews with refugees avalanching into India as a result of the West Pakistani's genocidal attack on them. Since March 25, West Pakistani troops have bombed, burned, looted and murdered the citizens of East Pakistan in what can only be a calculated campaign to decimate them or to drive them out of their villages and over the border into India.

Part of the time I traveled with a Canadian parliamentary delegation. We saw babies skin stretched tight, bones protruding, weeping women who told us they would rather die today in India than return to East Pakistan after the tragedies they had witnessed, total wretchedness of refugee camps, and the unbelievable magnitude of this forced human migration—6.7 million refugees pouring into India within a matter of four months.

I saw Indian villages deluged by masses of destitute refugees, every available inch crammed with bodies seeking shelter from the blistering sun and the torrential rain. I saw refugees still streaming along the roads unable to find even a resting place. I saw miserable Indian villagers sharing their meager food with the latest frightened and hungry arrivals. I saw thousands of men, women and babies lined up, waiting patiently under the sun for hours to get their rations. These pitiful few ounces of rice, wheat and dahl provide a level of nutrition so low that it will inevitably create protein breakdown, liver illness, and a variety of other diseases, in addition to the cholera, pneumonia, bronchitis that are already rampant. I saw Indian relief officials struggling heroically, and with immense personal sympathy, to cope with the human tidal wave—and to do so on a budget of one rupee a day—about 13 cents per human.

It is now clear that famine will further devastate East Pakistan this fall, and that millions more will seek refuge in an India already staggering under the burden.

Under these circumstances, one is forced to protest the callousness and stupidity of American policy. On the one hand we promise India $70 million in relief funds. On the other, we continue to supply arms to the same West Pakistani generals who launched the bloodbath, so that they can terrorize even more of their subjects into fleeing across the Indian border. The House vote this week to suspend aid, including military sales, to Pakistan is belated recognition of our sorry role.

In terms of *realpolitik*, the continuation of military aid to West Pakistan is supposed to buy us influence with the ruling junta, and help offset Red Chinese influence. (Ironically, the Red Chinese are also aiding the West Pakistani generals.)

Yet the heaviest stream of refugees is pouring into West Bengal, which is not only India's poorest and most overcrowded state, but the most politically unstable. Between Calcutta and Bongoan on the border, some 50 miles distant, I saw scarcely a house that didn't have a hammer and sickle painted on it. Maoists, anarchists, and conventional Marxists attack each other and the less radical parties with violence as well as rhetoric. Strikes, demonstrations, and political assassinations are already a daily occurrence. West Bengal, even before the invasion of refugees, seemed about to explode.

By shipping arms to the West Pakistanis, we are partially responsible for pouring millions of hungry, sick and angry refugees directly into this tinderbox. This vastly increases the likelihood of a bloody upheaval on the Indian side of the border as well, in which the power of Maoist movements could only grow. Thus, even if one unquestioningly assumes the necessity to halt the spread of Chinese Communist influence, our policy seems idiotic. We hang on to the shreds of influence in West Pakistan at the cost of losing it in India. Worse, we pave the way for a bigger, bloodier and even more bitter Vietnam in Asia.

But there is a simpler, less political reason why our aid policy must be changed. On grounds of simple humanity, the failure of our Government to express official concern for the ravaged people of East Pakistan, its alliance with the undemocratic generals of Islamabad, and its cruel insistence on sending still more arms to the killers is morally repulsive.

The emergency in East Pakistan demands a more than minimal response. We need to pump immediate life-saving baby food, powdered milk, antibiotics, anticholera vaccines and similar supplies into India. But beyond that, decency and political realism both demand an immediate end to the arms shipments.

Alvin Toffler, writer and editor, is author of "Future Shock."

TWENTY-FIFTH ARIZONA BOYS STATE PROGRAM

Mr. FANNIN. Mr. President, earlier this summer I was privileged to address the opening of the 25th Arizona Boys State program at Flagstaff, Ariz. Carrying on a fine tradition, these high school leaders from around Arizona demonstrated great enthusiasm and dedication in their exercise of the democratic processes.

Two memorials approved by the Arizona Boys State house and senate demonstrate the concern that these young men have for their State and Nation and the thought that they have given to problems facing us today.

One of the memorials deals with the need for revisions in the current U.S. military system. The memorial points out the desirability of a volunteer army, yet it also makes provision for "a reserve force containing a number sufficient to protect our national security and interest."

The other memorial urges that careful studies be made before any further channelization is carried out in the Gila and Lower Colorado River Basins.

Mr. President, I request unanimous consent that these memorials be printed in the RECORD.

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

HOUSE JOINT MEMORIAL 1

(Introduced by Harvey and Poston)

A memorial relating to Army Corps of Engineers channelization of the Gila and Lower Colorado River Basins

To the United States Congress:

Your memorialist respectfully represents:

The channelization of the Gila and Lower Colorado River Basins are in fact spoiling the scenic and useful value of these River Basins.

In this age where our natural resources are rapidly being consumed, the requested ban would save the aesthetic value of these two beautiful scenic areas in our state for both humans and wildlife.

Now, wherefore, your memorialist, the Legislature of Arizona Boys State prays:

That the Congress of the United States immediately ban the outdated and destructive channelization practices on the aforementioned river basins, and institute an in depth study before authorizing any future thoughts of channelization projects in the great state of Arizona.

SENATE CONCURRENT MEMORIAL 1

(Introduced by Nicolaus-Hunt, Hackett-Safford)

A memorial relating to a National Volunteer Armed Forces and a Draft Reserve System

To the Congress of the United States of America:

Your memorialist respectfully represents:

Recognizing that the present United States Military system fails to offer sufficient initiative for men to willingly serve our country and realizing that men volunteering their services for our country would serve it better, a voluntary Armed Forces would benefit the United States of America in her national defense program.

Now, wherefore, your memorialist, the Senate of Arizona Boys State, prays:

That an active national armed forces be run on a volunteer basis. No citizen shall be drafted into the active armed forces unless a state of national emergency exists and/or war is declared by the Congress of the United States.

That the volunteer armed forces receive a salary equitable to the cost of living.

Male citizens between the ages of 18 and 25 shall, however, be subject to draft into a reserve force containing a number sufficient to protect our national security and interest. This force shall resemble the current armed forces reserve system. This reserve shall be trained and readied so that it may be placed on active duty in the case of national emeragency and/or a declaration of war declared by the Congress of the United States.

HIDDEN UNEMPLOYED WORKERS IN THE ECONOMY

Mr. HUGHES. Mr. President, in Sunday's edition of the Washington Post, Prof. Alfred Tella outlined the problem of the growing number of hidden unemployed workers in our economy.

We are all familiar with the official unemployment count which is published every month by the Department of Labor. It is mentioned frequently in Congress and in public discussion of the economy. What is often forgotten, however, are the workers who are without a job, willing and able to work, but not counted in the unemployment rate because they are not actively seeking work and registered at local employment offices. Mr. President, I believe this is an important article which merits the attention of other Senators, I have forwarded a copy to the Department of Labor for their consideration, and I ask unanimous consent that it be printed in the RECORD.

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

[Reprinted from the Washington Post, Aug. 1, 1971]

JOBLESS INDEX CAN BE MISLEADING

(By Alfred Tella)

How much do you know about the most widely watched statistic in the United States—the monthly unemployment rate?

Following are four simple statements about the unemployment rate which are either true or false. Read each statement carefully, then circle T or F in the space provided. A perfect score means that you should qualify as Assistant Commissioner of Labor Statistics. A score of two out of four correct should qualify you for Secretary of Labor.

1. When total employment rises, the unemployment rate usually declines. T F

2. The unemployment rate goes up when more people find jobs.

3. When total employment rises sharply (by more than 150,000 in a month), the unemployment rate usually declines. T F

4. Adults without a job who are ready, willing, and able to work are counted in the unemployment rate. T F

Here are the answers:

1. *False.* In the past two years total employment, seasonally adjusted, rose as frequently as it declined, but most of the time increase in employment were accompanied by a rise in the unemployment rate. Total employment rose only five times in the past 12 months, but in only half of these months did the unemployment rate decline. To reduce unemployment, a rise in employment must be larger than the growth in the civilian labor force. Often in the past two years the civilian labor force grew more than normally, partly due to the return of veterans to the job market. Therefore, a small rise in employment should not necessarily be expected to produce a decline in the unemployment rate.

2. *True.* The first answer also applies here. Strange as it may seem, increases in employment have frequently pushed up rather than pulled down the unemployment rate. This can occur, for example, when a rise in employment attracts a large number of persons into the labor force.

3. *False,* which is perhaps surprising. Most of the time even sharp increases in employment have failed to produce declines in the unemployment rate. Since early 1967 there have been 24 months when total employment rose by more than 150,000. This is equal to a rise of 1.8 million or more on an annual basis, and is considerably more than the normal growth in the labor force due to population growth. The unemployment rate failed to decline in 18 of the 24 months, or three out of four times. This pattern occurred in each year including 1967 and 1968 when the armed forces were increasing. Since early 1969 the unemployment rate failed to decline more than three-fourths of the time that employment rose sharply.

4. *False.* It is not enough to be ready, willing and able to work. A person also must be actively seeking work in order to be included in the official unemployment count. Therefore, persons unable to find a job in bad times who become discouraged and give up the search are not counted. They become the "hidden unemployed," invisible to the official statistics.

For readers who failed to make a perfect score, there is one more true or false statement.

5. There is something wrong with the unemployment rate, not with me. T F

Answer: True.

It is only in recent years that the unemployment rate has been behaving strangely, or rather, misbehaving. During most of the postwar period up to the mid-1960s when employment rose the unemployment rate usually declined. (In fact, the answers to the true-false statements 1 to 3, above, were reversed.) In short, the unemployment rate generally did what it was expected to do, moving opposite to employment. The more recent togetherness of employment and unemployment has probably taken many policymakers by surprise, and for the current administration it could prove to be a political disaster.

What caused the unemployment rate to get off its old track? Mainly it has been the growing numbers of hidden unemployed, or discouraged workers, and their exclusion from the official unemployment count. In earlier years there were not as many hidden unemployed around, and their movement into and out of the job market did not greatly disturb the behavior of the official statistics. Since the mid-1950s, however, they have been increasing in number. In periods of increasing job opportunities more of them, mainly women and young workers, moved directly into jobs. Although employment rose, the unemployment rate did not always go down since many of the newly employed were not previously counted as unemployed. When too many hidden unemployed chased the available jobs, some ended up in the official unemployment count. This put upward pressure on the unemployment rate even though employment may have risen.

Hidden unemployment can be and has been measured, and should be included in the official unemployment count. As it now stands, the official unemployment rate is neither fish nor fowl: it is neither a measure of hardship nor a measure of unused manpower. On the one hand it includes workers who are only briefly between jobs, and on the other it excludes discouraged workers who want a job.

Adding the hidden unemployed to the official count would result in a smoother growing labor force, and would, of course, raise the total unemployment rate in periods of less than full employment. In a severe recession such an "adjusted" unemployment rate could be more than two percentage points higher than the official unemployment rate.

Also, the perverse behavior of the unemployment rate with respect to changes in employment would all but vanish. Increases in employment greater than the normal growth in the labor force would consistently result in a decline in unemployment, and labor demand, more than labor supply, would determine short-term changes in the unemployment rate. The unemployment rate would be a more dependable indicator of conditions in the labor market and a better guide to economic policy.

ADDRESS BY HERBERT O. REED, SR.

Mr. GRAVEL. Mr. President, on August 4, 1971, Herbert O. Reed, Sr., professor of law at Howard University and staff director of the commission of inquiry, delivered a highly significant and topical speech before the 46th annual convention of the National Bar Association.

Although I am not an attorney, it is clear that the issues which he has raised are critical to the survival of our society. Because his speech is so important, I ask unanimous consent that it be printed in the RECORD.

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

ADDRESS BY HERBERT O. REED

I am grateful for the honor and privilege to address you at this National Bar Foundation Luncheon as part of the 46th Annual Convention of the National Bar Association meeting here in Atlanta, Georgia. We are witnessing and participating in the largest assembly of Black Members of any Bar in the World. The many activities, meetings, and seminars planned during this week indicate the extent to which Black lawyers are functioning as members of the American Bar. As this is a fitting time for fraternizing and rejoicing, it is also a time for sober reflection upon the role of the Black Lawyer in the American scene today. The theme of this convention has attempted to reflect this mood—The Black Lawyer as an Activist.

The first issue of the National Bar Journal in an editorial by the distinguished jurist of the Pennsylvania Bar, and former President of the National Bar Association, Raymond Pace Alexander, sets forth the purpose of the National Bar Association as follows:

"The advancement of the science of jurisprudence, and in addition to form a nationwide organization of practicing attorneys of the Negro race in an endeavor to strengthen and elevate the Negro lawyer in his profession and in his relationship to his people; to improve his standing at the Bar of the country, and to stress those values that would serve to enhance the ethics of his practice and conduct, to condemn actions that have a tendency to lessen respect for the lawyer and to create a bond of true fellowship among the colored members of the Bar of America for their general uplift and advancement and for the encouragement of the Negro youth of America who will follow their choice of this profession."

In this highly provocative article, Judge Alexander discussed two major reasons for the Black Lawyers of this country associating themselves together in a formal manner, the racial isolation of Black Lawyers in the Organized Bar, and the promotion of the role of the Black Lawyer in American society. I urge you to reflect upon Judge Alexander's prophetic remarks:

"Just so long as we are compelled to recognize racial attitudes in America, and the positive refusal to admit the Negro lawyer to membership in the Bar Associations of the South or even to permit them to use their libraries, just so long as the Negro lawyer is restricted in his membership in local Bar Associations in the North, and particularly, so long as the American Bar Association for all practical purposes refuses to admit Negroes to membership, then so long must there be an organization such as the National Bar Association. Certainly all of us shall welcome the day when racial animosities and class lines shall be so obliterated that separate Bar Associations, other separate professional associations as well as separate schools will be anachronisms.

"But beyond all of this lies a deeper and broader fact. The National Bar Association is really the development of the American Negro's belief in himself. He believes that the Negro lawyer and the National Bar Association can add to the science of the law as well as any other law associations, and bends his energies to seeing that his own group has every opportunity for its best and highest development.

"As the American Negro lawyer began through this Association to develop a belief in himself, his efforts in crusading for equal justice for the Negro citizens in their fight to improve their civic status took on a new and vastly important aspect. The Negro bar, most of whom are members of the National Association for the Advancement of Colored People, many of the officers, directors, and most active of the membership being either members of the Legal Committee of the N.A.A.C.P. or officers in their respective city branches have since the formation of the Bar Association, given active support to the many important cases involving the civil and political rights of the Negro which have been brought in the various courts throughout the country."

Black lawyers in this country continue to follow their noble traditions of seeking to make the rule of law serve the general welfare and provide a greater measure of freedom and equality for all.

To perpetuate this tradition, I have urged more Black students to study law so that they can help bring about change through the legal system.

Like the Trial Lawyers Association, and other responsible voices, I too repudiate the gratuitous remarks of Chief Justice Warren Burger that the law should not be viewed by the young as an institution for change in our society. I prefer the young in the law department rather than in the military science department.

I have counseled them to "Fight like hell to get into law school, fight like hell to change the schools once they are in, and fight like hell to save the American Bar from itself once they are admitted to practice." The American lawyer has lost his sense of responsibility to the community and has become, too often, a "hired hand" of the Establishment. Law Schools and lawyers have become enmeshed in the Establishment corporate product.

Traditionally, the American lawyer serviced the total community, rendering counsel and serving as advocate for all of the various interest groups within the total community. Some have written that the sense of social responsibility best characterizes the American legal profession.

Too often the "better trained lawyer" has confined himself to the representation of very limited interest groups. Thereby he has lost his historical independence, forsaken his role and become the hired hand of the corporate Establishment, or as in the characterization of Justice William O. Douglas' "Points of Rebellion"—the "Corporation state."

This development has had an even more alarming effect upon the administration of criminal practice. We are now experiencing in this country today the tragic consequences about which Roscoe Pound sought to alert us almost two decades ago:

"Raising up of a body of lawyers, who are to be advocates, prosecutors, and judges, with no thorough training in criminal law, is nothing short of a threat to the administration of justice."

In explaining the relationship between this development and law school education, Dean Pound continued:

"It is true in their neglect of criminal law the law schools reflect the attitude of the legal profession and the demands of the students. Economic causes have been turning the leaders of the profession more and more away from the trial courts and almost wholly away from the criminal courts. Hence no ambitious student in a national law school today seeks to prepare himself to practice in criminal cases. He knows that such practice as a major activity is the business of a type of politician lawyer of little standing at the bar and is regarded as appropriate to the lower stratum of the profession. Accordingly he wishes no more than that minimum knowledge of criminal law required by the examiners for admission to the Bar. But university law schools, and our better law schools are now of that type, certainly should not think of themselves as simply training students to pass bar examinations. They have a duty to the public to turn out competent, well trained lawyers equal to the tasks which will come to them as counsel to defend accused persons, as prosecutors, or as judges. It is a serious matter that the department of the law which is to maintain the general security is so little regarded in the training of the profession."

Hence today the members of the American community charged with the responsibility for the administration of the legal systems are without the requisite interest and knowledge of the body of law which in our society seeks to balance and regulate the preservation of the general security with the protection of the rights of the individual personality.

The Black Lawyer, paradoxically, has remained in the tradition of the community advocate and is today best characterized by his sense of social responsibility. He is the original "poverty lawyer." Because of his role in servicing his clientele, as part of his social responsibility, he has remained active, interested, and is uniquely qualified, in the field of the administration of criminal justice.

Like you, I too, have great faith in the American system. But I am also aware of its many shortcomings. For me, I am committed to the rule of law if it guarantees freedom for minorities, the poor and the forgotten. If the system is incapable of realizing these goals, then the system must be changed.

I know of no greater problem facing this Republic today than the Administration of Criminal Justice and Black and Minority communities. These problems need the expertness and attention of the Black Bar, whether one views the current status of Black Americans in terms of "progress and achievement" or in terms of "survival."

Together most of us have been involved in the field of civil rights and criminal justice. For the past year, it has been my pleasure to serve as Staff Director of the Commission of Inquiry Into the Black Panther Party and Law Enforcement, set up in response to an incident with which we are all familiar.

On Thursday morning, December 4, 1969, two leaders of the Black Panther Party—Fred Hampton, 21, and Mark Clark, 22—were killed in a pre-dawn police raid in Chicago, Illinois. That incident, the latest in a series of police-Panther confrontations across the country provoked an outcry in many quarters for full and impartial investigation of the two deaths and the repeated conflicts between law enforcement officials and members of the Black Panther Party.

On December 15, 1969, the Commission of Inquiry Into the Black Panthers and Law Enforcement was convened by a group of the nation's most distinguished leaders in the fields of civil rights and civil liberties. Prompted by the deaths in Chicago and growing public concern over what appeared to many to be a state of virtual guerilla warfare between police and Panthers, the convenors established the Commission as an investigative body of private citizens to inquire into the nature of this pattern of escalating conflict.

The Commission announced its intent to study and report on the experience of the Black Panther Party with the entire gamut of the law enforcement process, including relationships with the police, judicial and prison officials. The Commission accepted as a paramount concern the development of the confidence of the total community, especially the minority communities, in the fairness and impartiality of the rule of law. Realizing that in a Democracy respect for the rule of law is a central imperative, the Commission announced as a purpose to inquire into whether the legal process presently functions so as to command that respect of the minority communities.

The Commission is presently engaged in the preparation of three reports as follows:

(1) Report on the Chicago Incident of December 4, 1969, which precipitated the inception of the Commission.

(2) Report on the Experiences of the Black Panther Party with the Gamut of the Law Enforcement Process, Ranging from Treatment by the Police to Judicial and Prison Officials, and

(3) Report on the Administration of the Criminal Justice System from Arrest Through the Correctional System—To Determine Whether the Legal Process Presently Functions So As to Command the Respect of the Minority Communities.

The Chicago Incident of December 4, 1969, assumed particular import in the light of two circumstances:

First, the considerable public attention and concern generated by the deaths, which continues still today. And second, the fact that in that incident and its aftermath virtually every principal issue of concern about the administration of justice in the United States converged. In short, the Chicago Incident represents a microcosm of the relationship between Black and minority communities in America and those officials and agencies charged with the administration of justice.

The circumstances of that incident represented, in the first place, a case-study of the relationship between members of the Black Panther Party and law enforcement officials. It contained those various elements brought into focus by the history of police-Panther confrontation since the formation of the Party in 1967. Still more significantly, the principal elements of the Chicago case were those common to the overall issue of the administration of justice and minority communities in the United States.

These issues ran the gamut from initial police action to ultimate treatment in the courts, from the local level to the federal level. The most critical issues in the criminal justice system today were all brought out in bold relief in this case:

Surveillance and infiltration of dissident political groups; police actions against minority communities; the treatment of minorities in the courts and correctional institutions; the unfettered power of the prosecutor in the use and abuse of the grand jury; the collaboration of law enforcement and prosecutorial officials at the local and national level; the intrusion of political considerations into the administration of justice.

These factors are part and parcel of the problems raised by the history of four years of confrontation between the Panther Party and those charged with the administration of justice. They are, moreover, precisely those issues of primary moment to the Black and minority populations. They represent the trends which, beginning most noticeably in 1967, have developed with alarming speed and still more alarming lack of opposition:

The militarization, nationalization and politicization of law enforcement agencies at all levels; the movement toward the short-circuiting of traditional procedural safeguards in the treatment of defendants; the trend toward non-judicial (and, in some cases, *summary*) punishment; an increasing emphasis on "preventive" action, on "internal security" at the expense of basic Constitutional rights; the blurring of lines between international security and internal security, between local and federal law enforcement functions.

The issues raised in the Chicago case and in the history of the confrontation between law enforcement officials and militant groups such as the Panthers, must not, therefore, be considered in isolation from the overall experience of black and minority peoples. While perhaps more noticeable in the cases involving members of the Black Panther Party, these developments cannot be received as isolated instances of repressive use of the criminal process. Nor can they be viewed from the comfortable position of many, that "the Panthers are such bad actors they deserve anything they get" These developments affect us all, and will continue to do so—indeed, if the Panther Party should disappear overnight, there would be no slackening in the instances of abuse typified by their experience with the criminal justice system. What happened in Chicago, what has happened with the Panthers, is but a prototype of what has been happening first to the Black and minority communities and later to members of the larger community. To ignore these issues is to further imperil our own security and freedom and that of our communities.

Further in-depth study of the problems arising out of the administration of criminal justice and Black and minority communities is of the utmost necessity. I hope this assembly will become more articulate in its demands for such further study, with the necessary Black and other minority imput. Beyond urging upon you the necessity for vigorous participation in this area, I would like to discuss briefly some of the issues of greatest moment in the field of criminal law.

I. EMPLOYMENT AND USE OF THE CRIMINAL PROCESS

Legal writers in attempting to explain the purpose of the criminal law have set down various theories: the criminal process seeks expiration from the offender; it is designed to rehabilitate the offender; or, it is merely a vehicle whereby society vindicates injury laid upon it by the commission of a criminal act. What gains nearly universal assent among the scholars, though, is the proposition that the purpose of the criminal law is to preserve the general security of society while simultaneously affording protection to the rights of the individual.

The ideal relation of these concepts equals justice as is known in Anglo-American jurisprudence. As Dean Pound wrote:

"In criminal law we encounter the antimony of the general security on the one hand and justice as the ideal relation among men on the other hand."

Those charged with the administration of criminal justice in our society today too often have viewed the criminal law solely in terms of preserving the general security, as they define that concept. Their "general security" is tantamount to the status quo of American social, economic and political life. Therefore, to preserve in unaltered form the Establishment in all its present aspects, is to preserve that general security.

United States Attorney General John N. Mitchell, speaking before the Kentucky Bar Association, April 23, 1971, on the conflict between "national security" and Constitutional provisions for individual freedom:

"(W)here the national security is threatened, prevention is our first consideration. We first need intelligence on the movements of suspected conspirators, not formal evidence on which to convict them. . . .

"The United States Constitution does not end with the words, 'This document will self-destruct.' "

The general security is deemed to be threatened by individuals in opposition to certain conditions as they exist in today's society: an apparently unending war with its attendant militarization and public deception: the lack of a national commitment to eradicate urban deprivation and racism.

The present ills of our society, whether focused in demonstrations or not, still remain unaddressed. As Dr. Calvin H. Plimpton noted:

"The pervasive and insistent disquiet on many campuses throughout the nation indicates that unrest results, not from a conspiracy by a few, but from a shared sense that the nation has no adequate plans for meeting the crises of our society . . . we do not say that all of the problems faced by colleges and universities are a reflection of the malaise of the larger society. That is not true. But we do say that until political leadership addresses itself to the major problems of our society—the huge expenditure of national resources for military purposes, the inequities practiced by the present draft system, the critical needs of America's 23,000,000 poor, the unequal division of our life on racial issues—until this happens, the concern and energy of those who know the need for change will seek outlets for their frustration."

And as Mr. Justice Douglas observed:

"The truth is that a vast restructuring of our society is needed if remedies are to become available to the average person. Without that restructuring the good will that holds society together will be slowly dissipated. . . .

"There are only two choices: A police state in which all dissent is suppressed or rigidly controlled; or a society where law is responsive to human needs.

"If society is to be responsive to human needs, a vast restructuring of our laws is essential."

Since, then, "the nation has no adequate plans for meeting the crises of our society," the criminal process is being employed to repress efforts by so-called dissenters toward reordering society on a more equitable basis. A more insidious development has been an abandoning of the effort, whether real or illusory, to meet the serious social problems of Black and minority groups primarily in the urban setting.

Black and other minority groups, now clearly left out of the mainstream of American life, in ever-increasing numbers must remain in degredated circumstances, living out the life styles which attend a depraved social environment. These life styles, themselves, have been deemed anti-social, and hence a threat to the general security. Viewed in this light, the criminal process is being used as a first line of defense against not merely protesters, but deprived, oppressed people.

It appears to me that there is no realistic policy and program to close the gap, between the disparate conditions of the affluent and the poor, to increase the hopes and aspirations of the blacks and the poor. There appears only a design to use the criminal process to hold the line and contain.

Prominent leaders of the community have come to this realization. The Acting Executive Director of the National Urban League, Harold Sims, stated recently:

"The greatest danger facing blacks in the United States is the possibility of massive repression by a general society frustrated over national and international failures.

"In view of the frustrating conditions that the nation has suffered," Harold Sims continued, "there is the danger that they (the majority) will continue to blame the victims in their midst like in Nazi Germany rather than work toward solutions of the problems."

Further Mr. Sims observed:

"Instead of working toward solving the problems of the urban core centers, (the white community) want more money for police work, for detention camps and for courts, to speed the process of court cases.

"In this society they somehow find it easier to deal with controlling and imprisoning and repressing rather than dealing with eliminating the things that cause the problems."

II. THE NEW FEDERAL ROLE

When Senator Barry Goldwater waged the first "Law-and-Order" campaign for a major elective office in this country, he was denounced and apparently abandoned by the great majority of the American people. Yet the fundamentals—if not immediately the blatant rhetoric—of his call for law-and-order were rapidly incorporated into the policies of both parties and administrations following his overwhelming defeat. Spurred on by the ghetto rebellions of 1967 and 1968, the law-and-order policy was instituted in force in President Johnson's "War on Crime," formalized in the so-called Safe Streets Act of 1968, directed by the United States Department of Justice, funded

through the Federal Law Enforcement Assistance Administration, and supported whole-heartedly by virtually every major political leader of both parties. The principal—and virtually the only—criticisms we have heard of the law-and-order policies and programs emanating out of the original Omnibus Crime Control Act of 1968 have been that it was not "efficient" enough, or that the money was being allocated disproportionately to rural areas rather than major cities.

The law-and-order movement has gained respectability, federal financial assistance, the stamp of government approval and some measure of popular support. Under the guise of guaranteeing "safe streets," the law-and-order programs of the past two administrations have implemented and abetted the period of governmental repression that is now upon us.

The law-and-order State is no longer some misanthropic dream of a "1984." It is a more distinct probability with each passing day.

As a result of the ever-increasing federal role in law enforcement "assistance," the traditionally autonomous local police department in American communities are undergoing a process of militarization, nationalization and politicization. Since Watts and Chicago, the local police have become increasingly organized and equipped along military lines. More and heavier equipment, greater mobilization, armored vehicles, training for the control of mass civilian disorders, and elite "task force" units with no relation to any community whatsoever have become the hallmark of the "modern," "professional" police department.

Federal standardization of local police training, equipment, and techniques, along with a massive federally-directed information network, have taken law enforcement far down the road toward nationalization. Already many States, flooded with equipment that is recommended by federal standards and purchased with federal funds, have seen the rise of "mutual assistance pacts" between small, over-equipped local communities—miniature NATO's—that further the ominous trend toward consolidation.

Moreover, with encouragement from the policies and pronouncements of the highest national officials, police and other local law enforcement officers have become a highly vocal and independent political force—to the point where a convention of American police officers could declare that if the courts did not enforce the law to their liking, police would take the law into their own hands.

Along with these threatening developments—militarization, nationalization, and politicization—has come a further, still more perilous trend: the extension of the rationales and techniques of "international security"—a la CIA—to domestic "internal security." The United States Department of Justice and the FBI—and increasingly, following their example, state and local law enforcement agencies—have abandoned their traditional roles of law enforcement and the protection of citizen rights, and have turned to active pursuit of something called "preventive action." "Preventive law enforcement" bears little of the social good inherent in "preventive fire control," to which it is often likened; for, if one judges from the pronouncements of the Attorney General and the venerable Director of the FBI, preventive law enforcement has no room for such technical niceties as "probable cause" and "due process." The principal aim of this preventive activity by the Federal Law Enforcement Establishment is "internal security," i.e. the surveillance and infiltration of groups suspected of being threats to the existing regime. Formerly concerned partially with ferreting out Communists and "fellow travelers," the FBI has now assumed as its primary function, according to its Director, the surveillance of the "violence-prone" and "those who foment racial unrest."

Stated simply, both the FBI and the Justice Department have assumed primary responsibility for two functions which are inherently and inevitably contradictory: the aggressive maintenance and advocacy of the exercise of civil rights, and the still more aggressive maintenance of "internal security." The latter function has, as demonstrated by recent actions of both the FBI and the Justice Department, taken the first priority. The active and widespread use of all forms of domestic political surveillance—wiretapping, electronic eavesdropping, on-site surveillance and infiltration of suspect" organizations—the formation of special anti-subversive units, and the development of highly sophisticated networks to facilitate exchange of information among law enforcement and intelligence agencies at the local, state and federal level, has put the FBI and the Justice Department into a new role. The federal apparatus no longer operates as the agency concerned with federal crimes, and responsible for assisting local jurisdictions only when particular expertise is required or when the local system breaks down. The federal apparatus is now an active participant in law enforcement and the administration of justice at the local level.

For example, the particular problem posed by the stance of the federal government is illustrated in the Chicago case. The FBI has infiltrated the Illinois Chapter of the Black Panther Party. The FBI provided the information which instigated the raid. The FBI provided the informant who may have been complicit in the death of Fred Hampton. Yet the FBI was the sole investigative arm relied on by the Justice Department and the Federal Grand Jury. Who now is to investigate to determine whether government, state or federal, has violated the civil rights of the citizenry? The federal government's role in civil rights enforcement has now become a museum relic.

III. NON-JUDICAL PUNISHMENT

There has developed a wide range of problems in the so-called pre-trial stage. The area of next concern which warrants additional inquiry and study is the criminal process of arrest up to the trial.

The present administration of the criminal justice system at this stage has resulted in what is most accurately described as non-judicial punishment, as distinct from that punishment which is imposed by an appropriate judicial official after a due process adversary trial.

At the outset, there appears to be an ever-increasing use or deployment of the criminal system against blacks, the poor and the unpopular, without a proper judicious balance of societal interest and the injury which will be occasioned to the individual involved in the criminal process—whether he is later vindicated or not.

We have cases where important people have become involved in the use of the criminal process and have been vindicated—or it is expected that they will be vindicated at trial or on appeal. Angela Davis, Huey Newton, Bobby Seale, the New York–21, the Chicago 7 and legions of others. In most of the cases involving important people or issues, or both, adequate legal defense would not have been available but for the standing of the people involved or the issues raised. There have been periods of incarceration in most of these cases for which vindication at trial or later did not attempt to compensate. Where bail was secured, it was raised again by concerned people.

Reflect for a moment on the effect upon the average black and poor where the criminal process has begun against him with an arrest. Two days in jail, and he has lost his job, weeks later his house or apartment and furnishings, and still later his wife, children and home. Society makes no pretense at any restoration, but takes comfort in the greatness of a legal system that has vindicated the innocent, without any consideration of whether the criminal process should have been precipitated in the first instance.

This careless disregard, based too frequently on race or economic status, reflects itself still further during this stage of the criminal process by such practices as arrest for investigation, pre-trial detention, and police interrogation—as an alternative to police investigation.

There appear today far too many instances of arrest, and precipitation of the criminal process, in the hope that before the "end of the rainbow" some evidence sufficient to convict will be discovered; and if not, there is always a next time. Witness the "Berrigan Kidnap Conspiracy," and the "Alfano Case" in Chicago.

With this kind of orientation evidence is developed to sustain prior judgment, and less and less is the prosecution inclined to share with the defense evidence which might exculpate the defendant.

More recently we have witnessed the development of the Grand Jury as an arm of the prosecution, assisting in the prosecutorial function of investigation. Historically, the Grand Jury served either of two functions—pursue its own investigation or hear the prosecutor's case developed by his investigation and decide whether to indict or not indict.

Since the prosecutor in his investigation does not have subpoena power, efforts are now made to achieve that purpose by subpoenaing the witness to appear before the Grand Jury, where the prosecutor (aided by the compulsion of the court) pursues his investigation, by the use of the "grand jury room". The Organized Crime Control Act of 1970 seeks to assist this process by provisions for punishment during the life of the grand-jury which is to be considered as civil and not criminal punishment, and hence to impede release from commitment during appeal. The historic transactional witness immunity has been changed by legislative enactment to a "use immunity"—the too frequent losing game of whether you can catch the prosecutor using "tainted evidence" or "the fruits of the poison tree".

A further aspect of non-judicial punishment, one which weighs most heavily on blacks in particular and poor people in general, is lengthy pre-trial detention. Occasioned partly by logjams in the courts, it has been effectively promoted by the application of prevailing bail standards—an inherently discriminatory process which demands money as the price for freedom from people who have no money.

Accused persons have been incarcerated as a result of pre-trial detention for periods as long as two years, thus serving time under prison conditions indistinguishable from those forced upon convicted and sentenced offenders.

A recent national survey revealed, in fact, that 52% of all persons incarcerated in the United States today are awaiting trial. The riots in New York City's penal institutions a year ago were in institutions housing not sentenced prisoners, but persons who had been awaiting trial up to two-and-a-half years.

The institutions for pre-trial detention are marked by the overwhelming proportion of young, black inmates, many of whom will ultimately be found innocent, or in the alternative will be sentenced to time served. Thus a young black person without a job or without sufficient funds for bail, without perhaps an easily-checked address that would make him eligible for release on his own recognizance, can be imprisoned for two years, or even more, on a charge which,

had he been convicted, might have carried maximum sentence of six months.

But time of pre-trial detention is not the only measure of the harshness of this form of non-judicial punishment. As pointed out earlier, for the man with a marginal income even a few days of pre-trial detention can mean the loss of his job, loss of possessions, difficulty in finding new employment, forced dependence on welfare, and ultimately even the break-up of his family. Pre-trial punishment by detention, in effect punishes a person for the sole crime of poverty. Perhaps this punishment by pre-trial detention is best summed up in the words of a young man recently released from a New York City jail:

"I was busted, right? I was charged with burglary and I couldn't pay bail so I got locked up. Now, I'm supposed to be innocent till the trial, right? I'm innocent but I don't have bail so I'm locked up.

"Now seven months later I pleaded guilty to possession of stolen property and they gave me time served. So now that I'm guilty they let me go. Isn't that a bitch?"

IV. THE TRIAL—SHORT-CUTTING THE TRADITIONAL PATH OF THE COMMON LAW

At the trial stage, as well as before, the recurring problem of the jury arises—the composition of the grand jury and the petit jury. Much of the discussion of jury composition has heretofore centered on racial exclusion, primarily the exclusion of blacks and other minorities from serving on juries in which their peers are defendants. However, a new dimension to this problem has arisen today, growing out of the present urban situation in America. Historically, the concept of peers involved persons of a common interest and environment, a community and its life, from which the defendant came. Yet today jurors are being selected principally from outside the inner city ghettos—and indeed, in many cases from outside the entire core city—to sit in judgment upon the inner city dwellers they have just escaped, and whom they now fear as a threat to their suburban paradise. Of necessity, then, the juror becomes not the defendant's sympathetic peer, but his hostile adversary in the fight to contain the problems of the inner city.

Increasingly, trials today reflect the mounting pressure to relax procedural safeguards and due process standards to take care of the increased load on the criminal process from arrest to incarceration. If you look at the arrest records, they're increasing; if you look at incarceration, it's increasing; and yet there is greater agitation on the part of the government, with great support from the public sector, to facilitate this process.

Given the reason for the deployment of the criminal process in this area, that is, preservation of the general security, it is small wonder that the court system is viewed as being faced with problems of speed, cost and efficiency. Whether the trial proceedings comport with essential elements of due process is no longer a significant consideration. For example, plea bargaining has heretofore been suspect due to the potential involuntariness of the plea, where the prosecutor over-awes the defendant with the substantial likelihood that he will receive severe punishment. Here, however, where the defendant pleads guilty seeking release from long incarceration as a result of high bail and preventative detention, the involuntariness of the plea is even more apparent.

The raising of pre-trial motions in objection to evidence obtained in violation of the ban against self-incrimination and unlawful search and seizure, have been characterized by those charged with the administration of criminal justice as "procedural niceties," which inhibit the judge from his "essential function" of determining guilt or innocence. Moreover, such procedural niceties impose unwarranted costs—due process has become too expensive. Whether evidence has been unlawfully obtained is no longer a due process problem, but merely a cost factor in the overall cost and speed analysis.

Speedy trial no longer means that it meant to the framers. Today it means expediency and economy. The reasoning of expediency and efficiency has led to speed and a desire to short-circuit the criminal process. If you follow that line, you could end up exterminating some people you dislike. When you end up, it's the cheapest thing to do.

The state of the training and interest of the general bar in the field of criminal law, referred to earlier, has produced what Dean Pound predicted:

"If advocates, prosecutors, and judges are not well trained in the law they take part in administering, a general inefficiency in the work of the courts in criminal case may well turn us from the traditional judicial path of the common law into the administrative path."

The persistent assault upon the fundamental guarantees implicit in "due process" now threatens the concept itself. Numerous incidents of assaults upon areas embraced within the due process citadel of a free society could be cited. The erosion of the *Mallory-McNabb* rule and the *Miranada-Escobedo* rule; the suspension of basic search and seizure requirements, highlighted by the "no-knock law and the ability to electronically eavesdrop without prior judicial authorization; the time limitations imposed upon the applicability of the "fruit of the poisonous tree doctrine;" the denial of an adversary type proceeding to determine whether a conviction was based upon unlawfully-seized evidence; the narrowing of the Sixth Amendment right of confrontation, such that hearsay is admissible; the finding that vigorous assertion by a defendant of constitutional rights during a trial may amount to waiver of the right to be present at trial, and thus the defendant may be tried in abstentia.

Attacks upon these guarantees are styled, euphemistically, "attacks upon the Warren Court," or rolling back the overconcern of the Warren Court for the offender.

The assault became more fortright during the annual meeting of the American Bar in New York and London. It has become crystal clear now that there is an accepted governmental policy in this country and in England to constrict the due process guarantees inherent in the concept of "due process." Could this development have achieved the sanction of the Chief Justice and the Attorney General of the United States and high judicial officials of England, but for the fact that there is a belief that Anglo-American protection of the criminal law inherent in Due Process should not limit the government in its dealings with blacks in the United States or in England?

V. JUDICIAL PUNISHMENT

Judicial punishment—the predominant form being incarceration in institutions tragically misnamed "houses of correction"—is an issue long-criticized but never acted upon. There has been virtually unanimous agreement by inmates, guards, prison administrators, social scientists, judges, and attorneys alike that our prisons are brutal institutions which destroy—rather than rehabilitate—human beings. Yet prison policies and conditions have undergone little change since the fledgling American Prison Association declared in 1870:

"Reformation, not vindictive suffering, should be the purpose of penal treatment."

We condemn men and women to these inhuman conditions, then turn our backs completely on them. For all practical purposes a man imprisoned in our society is a man forgotten, a man who indeed has ceased to exist. The words of George Bernard Shaw in 1946 ring truer than ever in America of 1970:

"Imprisonment as it exists today is a worse crime than any of those committed by its victims; for no single criminal can be as powerful for evil, or as unrestrained in its exercise, as an organized nation."

The general society's willful ignorance of the human suffering generated by imprisonment, not only to those behind bars but their families, is all the more callous, if perhaps more understandable, because those rotting away in prison are disproportionately the poor, the oppressed, the racial and ethnic minorities of our Nation, and politically powerless. Doubly condemned, doubly oppressed, doubly victimized are the vast proportion of prisoners who are black or of other minority communities. Their condition, if bad before they entered prison, if worse while in prison, is hopeless when, and if, they are ultimately vomited back out to try to survive in their communities.

In the jails of our largest cities, as many as 90% of those incarcerated are black, Puerto Rican, Mexican-American, and across the nation prison populations contain similarly disproportionate concentrations of the economically and socially oppressed peoples, both black and white.

We have reached the point of diminishing returns as far as the imprisonment of black people is concerned. In the streets, young men talk about prison as "no big deal;" some wear it like a badge of honor. And for those sentenced to longer terms in such conditions of degradation, the risk of quick death in an escape attempt is becoming more desirable than the slow death that each day in prison holds.

As tragic as the killing of the California judge at San Rafael was, it should not have surprised or even shocked those familiar with prison life and conditions. It was a foreseeable, even inevitable, consequence of the fateful path we have too long pursued.

There had begun to emerge decisional law affording to prison inmates some measure of decency and civility during their incarceration. Three areas are involved: matters relating to the prisoner's incarceration or conviction; other matters of personal concern to the prisoner and his family; and internal management of the penal system.

But prison officials have successfully solicited the aid of responsible elements of the community to reverse any developing trend for judicial supervision over prison management. They have attacked the existence of any concept of "prisoner's rights," that the purposes of punishment are antithetical to a notion of basic civil rights of prison inmates.

Now that there is still no evidence that those on the outside of the prison walls are committed to anything but public complaints about the state of penal treatment, inmates have begun to take upon themselves the initiative to alter their environment—by whatever means necessary. The time of spontaneous inmate riots is being supplanted by a genuine political movement within the prisons. As George Jackson, the remarkable author of *Soledad Brother*, has written,

"They come in goose-stepping, but they march out wearing black berets."

And why not? We outside the walls have refused to recognize those within. Should they recognize and rely on those of us outside?

VI. THERE IS NEED FOR BLACK AND OTHER MINORITY INPUT INTO FURTHER STUDY AND DEVELOPMENT IN THESE AREAS

Free men must be even vigilant to remain free. I hope that through this brief discussion, I have suggested to you areas in which you will become more vocal and articulate as Black members of the American bar.

An examination of the Attorney General's Annual Reports over the past few years, and of recently enacted and proposed legislation, at both the federal and state levels, will demonstrate clearly that a wide segment of

the larger community has been and is busily at work in "think tanks," in law schools, in the halls of the several legislatures, state and national, in the executive branch, and in the judicial branch, to effect major changes in the administration of justice in America.

This activity is currently being carried on under the banner "of the people," "by the people, and "for the people" but more accurately—it has been "to the people."

Much of what I have commented upon is not the research and study product of my own individual activity. For that which might be constructive to you and others, I am indeed grateful to not only the Commission staff, but to the many people around the country who have been of invaluable assistance. Without assigning to him any of the burden which I may have to bear as a result of this discussion, I would like to personally thank the Deputy Staff Director, Ray Baxter, and the others for their assistance.

I wish also to express my gratitude to Dean Paul and the Faculty of the Rutgers Law School for my association with them during the past academic year as a visiting professor. I look forward to the ensuing year when I may share more closely some of these problems with Dean Paul Miller and my faculty associates at Howard. I hope through my colleagues at Rutgers and at Howard that a seminar can continue to probe some of these questions in these two law schools.

It is my further hope that through your interest and the interest of others further study of these areas will be insured.

In conclusion—it is again my sincere hope that the response of this convention will be: "We Shall Be Heard."

CRIME ON OUR STREETS—A TIME TO ACT

Mr. McINTYRE. Mr. President, one of the most crucial of my concerns since I came to the Senate is the safety of our citizens on the streets of America's urban communities. Daily news stories continue, however, to tell of the ravages increasingly perpetrated on innocent Americans.

This problem is most publicized for our Nation's Capital. And it is rightly so. Here in the seat of our Government, our citizens, Government officials, and visiting tourists are fearful and frustrated. They do not feel safe on the busiest thoroughfares. I have been disturbed about this for some time. And I am even more disturbed by recent trends.

Despite the passage of some extremely tough legislation over the past 3 years, the problem has gotten worse. I have always supported the toughest constitutional legislation possible for a solution to this problem. And I had high hopes for some progress. Yet crime statistics and the daily heartaches of those accosted shows that more is needed. More than being frustrated about this situation, I am angry. And this anger has grown.

My anger is accentuated by the faot that even near the highly protected buildings of the Capitol, we have seen bombings and we have seen one of our colleagues attacked in a nearby apartment building. One of my employees was assaulted last week—at noontime no less—right on the Capitol Grounds. A secretary in another office was recently robbed at her desk in the Senate Office Building itself.

Yes, I am angry. For I know that if we are subjected to fear and brutality in this well-protected atmosphere, what of the millions of citizens whose daily lives are ravished by crime? They have no protection. For them, fear knows no bounds.

Mr. President, we must move faster. We must take every possible step to counter this spreading cancer. We must, in short, declare a total war on crime. And we must never deescalate these efforts or be mollified by temporary lulls in criminal activity. This must be a quest for total victory. Our police must be better trained and better paid. We must bring to bear our tremendous technological discoveries on those who would flaunt the rights of peace-loving citizens. And we must undertake a tragically overdue reform of our courts and prison systems.

I do want to point out to the Senate that this sense of urgency is now fast spreading to those outside of our urban areas. And it is their problem, too. Editorials published recently in my State have reflected my growing concern and anger.

Mr. President, I ask that one such editorial, from the Hampton, N.H., Union, be printed in the RECORD. It makes clear, I think, that this is one war that the American public will support.

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

[From the Hampton, N.H. Union, July 21, 1971]

Hogate's is one of the famous restaurants in Washington. It is on Maine Avenue which runs along the Potomac River just a few blocks from the White House and the Capitol.

On a recent evening a couple married only two years and in their twenties finished dinner and left the restaurant for its parking lot to ride home in their car.

Only a few paces from the door they were accosted by two men one of whom put a gun to the couple. The young man and his wife were forced into their auto and forced to drive a short distance to an alley. There the young wife was brutally raped repeatedly, and murdered. The young husband had been bound and forced to witness this heinous crime.

A few evenings later a Naval Commander took his wife and children to see the fireworks on the Washington Monument grounds. En route home in their station wagon, the Commander was needlessly harassed by a tail-gating vehicle carrying several persons, including one female. As the Commander's wagon approached a traffic light the other vehicle sped around it and drew up sharply in front of it. The Commander got out of his car to protest the actions of these devils and was immediately pounced upon. His 16 year old son ran to the rescue whereupon one of the hoodlums drew a pistol and killed the Commander and his boy in cold blood.

On another recent evening two newspaper reporters knocked at the door of one Warren Burger, Chief Justice of the Supreme Court of the United States of America. The Chief Justice opened the door cautiously with pistol in hand, not knowing what might be lurking on his steps. As awful as are the foregoing facts, they relate the times as they are in the city which is the home of our federal government.

You can't tell us such a condition is necessary if the people who run that government—all of them—were all doing their job. And if the leaders of government were truly marshalling the decent citizens of the land to do away with permissiveness and tolerance of wrong and lenience of punishment.

Samuel Leibowitz was a tough New York judge for some thirty years. He protected the innocent but meted out severe punishment to the scum guilty of crimes against public safety and public order.

The other night retired Judge Leibowitz was on the Dave Susskind show. He called for a return to respect for parents, and to fear of God, and to effective punishment of the guilty.

It's too bad New York can't return the Judge to the bench. It's too bad the City of Washington and the 50 states don't have many judges like Leibowitz.

THE CRISIS IN ACADEMIC RESEARCH

Mr. MUSKIE. Mr. President, a growing but little noted crisis is at the heart of American higher education. The crisis was created in Washington and it can only be ended in Washington. Its resolution requires a hard look at Federal policy toward the funding of academic science. Such a policy has never before been clearly formulated. The national defense, Sputnik, the burgeoning student population, and mounting social ills spurred the growth of federally sponsored science research in our colleges and universities. What ultimately emerged was the product of a hodgepodge of responses to short term pressures. But as long as the total input of Federal funds increased annually at a healthy rate, the policies under which the money was disbursed were seldom re-examined.

Of course, there were a few doubters even in the early stages. Years ago, some questioned whether it was wise to use the then sacrosanct umbrella of the Department of Defense budget as a cover for research vital to the national interest, but not to the national defense. The reply was that it was easier to use the defense budget than to try to educate the public about the crucial role of scientific research. Hence, much research in the sciences—physical, social, and biological—research which was germane and vital to the longrun interests of society apart from the matter of national security—came to be hidden behind the defense shield. The public in turn remained ignorant of the real substantive value of such research.

At the same time, a few voices questioned whether it was wise to subsidize higher education covertly through Federal research grants and contracts. Again, we were told that the indirect route was easier than persuading the public to favor direct public support for colleges and universities. And again the warning voices were drowned in a flood of Federal research dollars.

From 1960 through 1967, Federal funds for research and development at universities and colleges grew from $458.6 million to $1.46 billion, an average growth rate of $140 million per year. This substantial, sustained, and fairly constant rate of growth had three basic effects. First, it produced a set of expectation on the basis of which longterm plans and capital investments were made. Careers were committed to programs and millions of dollars were put into expensive research equipment like cyclotrons

and linear accelerators. Second, the growth in Federal research funds made it possible for a burgeoning student population to be accommodated by a comparable growth in faculty and space in higher education. Finally, the growth in research support produced an enormous increase in our body of scientific knowledge and technology. Whole fields of inquiry, such as plasma physics, came to maturity; and the interactions between theoreticians and experimenters led to a dynamic, vibrant, and productive scientific community.

But as the economy plunged into recession, Federal support for academic research was hard hit. In 1969, Federal support grew by only $36 million, as against the average of $140 million per year from 1960–68. The most severe shock occurred in 1970, when there was not only inadequate growth, but an actual reduction of support to the tune of $62 million. While 1971 saw an increase of $107 million, the average increase across 1970 and 1971 was only one-fifth as much. These crippling reductions in the growth of Federal aid for academic research, taken in conjunction with the impact of inflation, have generated a substantial gap between where we are and where we were going, according to even the conservative estimate of Lee DuBridge, the President's former science adviser. Dr. DuBridge has proposed that the funding level of 1968—$1.5 billion—be taken as a base and that growth should be at a current dollar rate of 6 percent per year, yielding a growth rate in real dollars of 1 percent per year. Others have suggested that the minimum rate should be twice that. However, even by DuBridge's criteria, we now have a $250 million funding gap.

There is little question that the changing state of the economy had to have some impact on Federal support for academic science. That is not the issue. What is at issue is the extent of the reduction and the way in which it was managed. In the pattern of management alone, there is a stunning indictment of the basic flaws in Federal policy toward academic research.

MANAGEMENT WITHOUT POLICY

The number of total cutbacks in support do not tell the whole story. The manner in which the cutbacks were imposed has compounded the damage beyond the capacity of aggregate figures to describe. An examination of some actual cases reveals the full extent of the disaster. Examine just three: first, the very specific case, the termination of a pilot project in arthritis control; second, the pattern of practices in a particular agency, the National Institutes of Health.

THE ARTHRITIS CONTROL PROJECT AT THE UNIVERSITY OF MICHIGAN

In 1969, the Public Health Service awarded a major contract to the University of Michigan for a project in arthritis control. The contract was for $100,000 per year, and although the contract was in keeping with the Federal practice of contracting on a year by year basis, there was a clear understanding that the grant would run for 5 years if performance was satisfactory. This award had been made after a very hard competition among some of the finest schools in the country. It was generally agreed by those judging the competition that the Michigan proposal was of truly extraordinary quality.

Indeed, even the prior planning had been very thorough. As a result, the money, which became available on July 1, 1969, was already working to treat patients by September 1. But that fall, the director of the program, Dr. Ivan Duff, read one morning in the newspaper that 8 out of 11 chronic disease programs in the Public Health Service were to be eliminated. Listed among those to be discontinued was arthritis control. This was the very first word that he had that there was any problem with the future of the Michigan program. What followed was a long and frustrating series of attempts to reverse the Government's decision. Senator HART and Senator Yarborough and Senator MAGNUSON were very active in the fight to keep the program alive.

Various rationales were offered for its termination. At first, it was argued that the anti-arthritis effort had to be discontinued due to an administrative reorganization. In that reorganization, the program had been assigned to the Regional Health Service, and unfortunately there was no budget for it in that department. The argument that funding should also have been reassigned was to no avail. Other rationales were offered as well, the final one being that the legislative language did not authorize the specific Michigan program. The arguments that proponents of the program had twice testified before Congressional committees and that on the basis of Congressional legislation the Public Health Service had in fact awarded the contract also proved futile. The program was discontinued.

Interestingly, at no point was any argument offered to the effect that the program was not properly run or that it was less deserving of support than others funded by the Federal Government at that time. Such behavior on the part of the Government deters the best research people from participating in federally sponsored programs.

CUTBACKS IN THE ATOMIC ENERGY COMMISSION DIVISION OF RESEARCH

At last report, the Atomic Energy Commission was completely terminating 136 research contracts totaling $7.5 million. It is interesting to note the two main rationales offered to support these terminations. First, the AEC argued that it was reexamining projects to see if they were truly within its mission. That such examinations should have been made before the contracts were awarded and huge investments of time, professional effort, and money were made seems not to have been a consideration.

The other basic rationale offered was that some projects were terminated because it was felt that other agencies should pick them up. The National Science Foundation, in particular, was an often mentioned source of funds for projects discontinued by the AEC. However, even if the full Presidential request for NSF projects is authorized and appropriated, that foundation will not be able to pick up more than half of the funding of projects dropped by the AEC. These projects must compete not only with each other, but with programs and grant proposals formerly under the defense budget, as well as with the normal set of applications to NSF. Here again, the personnel involved can make little or no inference about the likelihood of their project being picked up by another agency simply on the basis of its quality. The quality and likely success of a project are no longer the relevant criteria. Instead, the criteria seems to be whether some agency somewhere can squeeze the project into both its mission and its budget. Mission and budget are obviously appropriate standards—at the point of soliciting proposals and awarding initial contracts. However, to apply them after projects are underway is to demoralize the personnel involved and to throw away the gains their research could have attained.

THE MANAGEMENT OF THE REDUCTION IN THE BUDGET OF THE NATIONAL INSTITUTES OF HEALTH

Perhaps the clearest picture of the havoc wrought by current practices in the management of research fund reductions is to be found in a study of that process in the National Institutes of Health. In 1970, the NIH had its funding reduced by an average of 20 percent. While that is in itself a disturbingly large reduction, the way it was distributed multiplied the damage.

The National Institute of General and Medical Sciences—the major source of funding for basic research in this area—had its money for new research and renewals cut in half. It is difficult to conceive of a sound management procedure which would warrant a cut of such magnitude. In basic research, this is particularly unwise. Basic research is like capital growth—any short-term reduction has very high costs over the long run. The effect of the decision to cut general and medical services 50 percent has been to traumatize the research community—and to deny the country, for some time to come, knowledge and competence to protect health which were well within scientific grasp.

While basic research funding by NIH was traumatically reduced, funding for new research virtually disappeared in certain areas. In 1964, NIH funded more than 90 percent of the proposals which had been approved by its study sections. In 1970, the comparable funding rate for new research dropped to 50 percent—a startling reduction in terms of size and the area in which it was made. New projects are the lifeblood of a vibrant scientific community. Old ideas are challenged, and new breakthroughs guide even ongoing research. Again, the problem was further compounded by the way this disproportionate share of the reduction was distributed. Again, general and medical sciences absorbed a major portion of the reduction in support for new projects. In this area only 19 percent of the proposals approved by the study committees could be funded. Thus, the Nation is virtually guaranteed a major gap in this field of basic research 7 to 10 years hence.

THE NEED FOR CANDOR IN RESEARCH SUPPORT POLICY

There has been more than simply mismanagement in the reduction of funds for research. There has been a continuation of the misdirection of attention and the dissimulation to which the public has already been subjected for too long. A standard practice for obscuring the reduction in funding for basic research has been to relabel what was previously applied research and call it basic research. As a result, Senator Mansfield's attempt to confine defense budget support to militarily relevant research is being undercut. It is none other than the Secretary of Defense who decides military relevance, and he need only decide that on the basis of "potential" relevance. The games this permits the Government to play are both dangerous and self-defeating. The sensible alternative is to educate the public to the society's need for research support independent of our defense needs—and to support such research at the Federal level. The present tactic is a reversion to "faking" out the public for its own good. We have had far too much of that.

In 1971, the public is being misled into believing that there is significant real growth in funding for research. The case is too frequently made by pointing to the recent growth in the budget of the National Science Foundation. However, that is more illusory than real. The growth in that budget has not been sufficient even to offset the reduction in the research efforts of the Defense Department, the National Institutes of Health, and the Atomic Energy Commission. The fact is that the growth in research is practically zero, as present growth rates in funding barely keep abreast of inflation. The public deserves to know this and to know that such a growth rate is a disservice to themselves and to their children.

CONCLUSION

The picture which emerges from a study of Federal funding practices for academic research is not a happy one. Drastic, arbitrary, and apparently panicked decisions have been made, for example, in the general funding level for 1970. The distribution of reductions has borne little relationship to the quality, essentiality, or long-term promise of the projects in question. Indeed no such criteria have been applied.

The past few years have seen scientific research in colleges and universities treated in a manner truly unworthy of the contribution which research has made to our society. The next few years must see a complete change—to a policy of sufficient Federal support—growing at a sufficient and predictable annual rate—with enough funds for basic as well as applied research—and with management criteria that will assure continuity, rational allocation, and a better chance for progress in science and the progress science can give the Nation.

THE VICE PRESIDENT'S KENYA VISIT

Mr. GRIFFIN. Mr. President, certain of the newsstories which have appeared concerning Vice President AGNEW's recent round-the-world trip have gone to great lengths to criticize and ridicule his efforts. Judging from a letter written by the Honorable Robinson McIlvaine, the U.S. Ambassador to Kenya, some of the coverage has been a bit less than objective.

Mr. President, I ask unanimous consent that a letter written by Ambassador McIlvaine to Newsweek magazine regarding an article published in the July 26 issue of that magazine, be printed in the RECORD.

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

Having just read your account of Vice President Agnew's visit to Kenya (July 26 issue) I now understand better the Vice President's reputed aversion to the press. A more inaccurate, innuendo-filled piece would be hard to imagine.

Item: "After hacking up the local golf course . . ." FACT: The Vice President played with two leading Kenyans, the Minister of Foreign Affairs and the head of the University of Nairobi and myself. While I did a certain amount of "hacking", the Vice President won more than half the holes played and, in the process, he got to know these two Kenyan leaders better than if he had spent equivalent time in calls at their respective offices.

Item: The account stated that his other "outing" was a night at a hunting lodge "with his private physician and his pretty, red haired secretary." FACT: The night in question was spent with the Kenyan Minister of Tourism and Wildlife, the Provincial Commissioner, the Director of the National Parks, five or six leading authorities on conservation, three senior U.S. Embassy officers including myself, the senior members of his staff, 15 members of the press and, to be sure, his private physician and secretary whose hair, is in fact, red.

Item: "Agnew spent . . . all of 15 minutes with Kenya's Jomo Kenyatta and his cabinet." FACT: Agnew spent two hours and had an interesting if not world shaking exchange on a number of subjects.

Item: "cargo plane carrying two bullet-proof Cadillacs for Agnew's dash from airport to Hotel to Golf course." FACT: The Vice President went everywhere in my official car, a four-year old Chrysler.

FACT: We get many official and unofficial American visitors in Kenya each year including numerous congressmen and senators. The Vice President spent more time with top level Kenyans and did the U.S. position more good than any other visitor I can recall in the past two years.

ROBINSON MCILVAINE,
U.S. Ambassador to Kenya.

POPULATION RESOLUTION HEARING

Mr. PACKWOOD. Mr. President, this morning the Subcommittee on Human Resources of the Senate Labor and Public Welfare Committee, held its very first hearing. I am honored to be the ranking Republican member of this new subcommittee, which is presided over by the distinguished Senator from California (Mr. CRANSTON). We share a keen interest in the Nation's human resources, and so are gratified to have this opportunity to examine some of the critical issues facing the American people today.

Today's opening hearing concerned legislation my colleague and I have cosponsored along with 31 other Senators, Senate Joint Resolution 108, "To declare a United States policy of achieving population stabilization by voluntary means." Hearings on the resolution will resume after the recess.

Excellent testimony was taken today from four distinguished witnesses. So that Senators may have the benefit of their comments and observations, I ask unanimous consent that their statements be printed in the RECORD, along with Senator CRANSTON's and my own opening statements.

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

STATEMENT OF JOSEPH D. TYDINGS

Mr. Chairman, I appreciate this opportunity to testify at these hearings on Senate Joint Resolution 108, legislation to make it United States policy to stabilize the nation's population.

These are historic hearings. For the legislation being considered here today proposes no less than the establishment of a new national goal and the development of a comprehensive public policy to deal with a problem too important to remain a child of chance—the population problem.

You and Senator Taft and Packwood are to be commended for the courage and leadership you have exhibited in making the Congress face up to its responsibilities in this critical area.

COST OF A GROWING POPULATION

The case for stabilizing population growth in the United States is clear and compelling. Continuing to grow at our present rate—which will give us a population of 300 million by the year 2000 and a staggering populace of *one billion Americans* a century later, entails staggering costs and few benefits.

In the short run, continued population growth will make the solution of nearly all our domestic problems more costly and difficult.

Taxes will go up. According to data published in the interim report of the Commission on Population Growth and the American Future, the total annual cost of education in the year 2000 will be $40 billion more if Americans average three children per family instead of two—which would mean an average increase of 30% in the tax bill for education alone for each working member of society.

Our chances of rescuing our deteriorating environment will diminish and probably vanish. Recent U.S. Census Bureau figures indicate that population growth will produce 37% of the pollution-creating increase in the consumption of goods and services anticipated in the U.S. over the next 15 years.

Congestion will get worse. In 1930, for example, 3 million visitor days were spent in our national parks; by 1960 that number had jumped to 79 million days, and today it is over 160 million visitor days in a population of 208 million.

I would like to quote briefly from a recent New York Times article on the consequences of its inundation of our parks with people:

"Yosemite, only a day's drive from San Francisco and Los Angeles, is generally considered the most overcrowded park. Congestion reaches its peak on major holidays and this Labor Day weekend was no exception.

The constant roar in the background was not a waterfall but traffic. Transistor radios blared forth the latest rock tunes. Parking was at a premium. Dozens of children clambered over the rocks at the base of Yosemite Falls. Campsites, pounded into dust by incessant use, were more crowded than a ghetto. Even in remote areas, campers were seldom out of sight of each other. The whole

experience was something like visiting Disneyland on a Sunday.

Mr. Chairman, it is simply too crowded in many parts of the nation already. And if we do not act now to slow population growth considerably, we will live to see the day when it is too crowded and congested nearly everywhere.

These then are the short run costs of a growing population: declining quality of life, higher taxes, more crowding and less personal peace and privacy. However, the long-term costs of continued population growth are even greater.

With 400 million or 500 million or 1 billion people in the United States, it is doubtful that many of our present political and social institutions could survive.

More crowding necessarily entails more government intervention and direction to maintain order. At some point the sheer size of constituencies renders democratic representation impossible. State control replaces citizen consent as the operating principle of government. We see this result of unchecked population growth more and more in the Latin America and Asia.

In other words, a U.S. population equal to that of India or mainland China would almost certainly mean the end of the United States as a democratic nation. It would absolutely mean the end of our present standard of living characterized by affluence rather than want.

It is too high a price for this nation to risk, particularly when it is within our power to avoid it.

IS S.J. RES. 108 THE BEST FIRST STEP?

That we must begin now to stabilize U.S. population size is beyond doubt. The central question being raised in these hearings is whether the legislation before this Committee, S.J. 108, is the logical first step.

I believe it is for three important reasons:

First, few social problems are successfully solved with a piecemeal program approach. Without specific objectives and a comprehensive policy framework, public programs more often than not end up working at cross purposes.

For example, there are numerous federal programs not ostensibly population-related that can exercise a powerful influence on our birth rate. Lacking a policy to relate these programs to our primary population activities, we may find ourselves spending millions of dollars to reduce the birth rate by disseminating family planning information and services while spending billions to provide pro-natalist incentives through a Family Assistance Plan that fails to offer assistance to childless couples while giving $2400 a year to that same couple after one child is born to them.

Such inconsistencies only become evident once an explicit population policy exists.

S.J. Res. 108 would provide the nation with such a policy.

Second, the dominant mores and social habits of a society are normally the product of compelling needs and pressures. Unfortunately, they often linger on after the conditions that engendered them have passed from the scene. Outlooks and attitudes that were essential in one time thus become dangerous anachronisms obstructing necessary changes in the next.

This has been the case with many American mores and customs relating to family size.

Throughout our colonial and national history, we fostered public policies and customs encouraging large families. And until the early years of this century, these government incentives and social pressures to promote large families were consistent with the salient economic and demographic realities.

The continent was large and sparsely settled; more hands were needed to settle it.

The family was still the dominant economic and social unit. Having many children at a time when infant mortality rates remained high ensured sufficient labor for the family farm or shop, and constituted a traditional form of social security for parents in their later years.

However, the 20th century has seen medical science, social insurance and the corporate economy replace those earlier realities with new ones. What is needed now is a way of communicating to the American people that these new realities will require new fertility patterns if we are to preserve the fruits of our past labor.

Enactment of S. J. Res. 108 would constitute a dramatic message to the American public that the small family leading to a stabilizing of U.S. population size is now in the best interests of the nation and its citizenry.

Third, attaining zero population growth in the United States by voluntary, noncoercive means will require a much deeper understanding than we now possess of the social, economic and psychological determinants of family size. It is very difficult to develop effective voluntary incentives and education programs to curb population growth without knowing why couples decide to have a particular number of children.

Passage of S. J. Res. 108, committing the government to the development of a population stabilization policy, would create a positive context within which to convince Congress to appropriate funds for needed research and education efforts.

In summary, Mr. Chairman, without the enactment of S. J. Res. 108, I believe it would be extremely difficult—if not impossible—to develop a rational policy to halt population growth in this country by voluntary means.

FEARS AND MISCONCEPTIONS ABOUT POPULATION STABILIZATION

I would like to conclude my remarks this morning with a brief look at some of the fears and misconceptions that continue to surround this subject of population stabilization.

To begin with, there is the fear that public population policy ultimately will result in a Big Brother assault on personal freedom in which the state will dictate the number of children people can have.

I am convinced that these "Brave New World" predictions will not come to pass for two reasons:

First, the Resolution before this Committee unequivocally states that *all* federal programs seking to slow our birth rate must, by law, be absolutely voluntary—a provision included in the Resolution with the avowed purpose of strictly prohibiting any attempt by government to dictate matters of family size to any individual.

Second, it is becoming apparent that the best way to encourage smaller families is not through punitive measures that penalize people for having children, but by increasing opportunities for all Americans to discover personal satisfaction and meaning in roles of parents of a small family. There is evidence, for example, that many American women desire large families simply because vocational and avocational opportunities for self-definition and development other than motherhood are denied to them. Having a baby becomes the only meaningful activity society activity offers.

In short, to be effective a national population policy must expand individual choices and freedom, not diminish them.

Another frequently encountered apprehension about a national population policy is the fear that it will be implemented in a discriminatory fashion.

However, the most reasonable safeguard against discriminatory practices is not the rejection of the need for a population stabilization policy. Rather, the answer lies in continued vigilance to insure that population programs are implemented in a just fashion with an equal impact on all segments of the society.

Furthermore, it should be noted that a population stabilization policy represents one public endeavor that cannot succeed if its impact is restricted to certain groups or economic classes. For most of our population growth comes from children born into White, middle-class families. According to the most recent studies, only 29% of the children born in this country from 1960 to 1965 were born to poor or near-poor mothers.

Unless population programs reach all economic classes with the same impact our goal of stabilization will not be achieved.

Finally, there remains the lingering fear that a stable population will make it impossible to maintain our status as a major world power.

The fact is, our military might and prolific economy—the principal supports upon which U.S. power and prestige rest—currently are founded on a scientific and technological base. They are not dependent on increased numbers for their maintenance and growth. Nor do we appear to have any aggregate manpower shortages as a nation. Indeed, our problem in recent years has been one of persistent unemployment and underemployment.

CONCLUSION

Mr. Chairman, the time to move from debate to action has arrived. Fate has placed us at that point in history where a responsible, rational, moral solution to the population problem must be found.

We have the resources and ability to find and apply that solution.

The necessary ingredient is the will to do it.

STATEMENT OF DAVID BROWER

Mr. Chairman, members of the Committee. I am David Brower, of Berkeley, California, President of Friends of the Earth, an international organization devoted to the preservation, restoration, and rational use of the ecosphere. I am heartened by the fact of this hearing, and by the existence of Senate Joint Resolution 108. Three years ago, I would guess, it would not have been possible to obtain even a fraction of your thirty-three cosponsors on such a proposal. Today it is surprising. Tomorrow, I would guess, the message it contains will be a commonplace. The evolution of this issue in the political arena has been unprecedently rapid; so has the growth in public consciousness.

We in the conservation movement went through somewhat the same evolution of awareness. I think we were ahead of the general public; certainly we did not suffer under all the constraints of elected officials. And we had a concern with the one resource that is ever diminishing, which cannot be augmented by any act of man's ingenuity, which no technology can develop a substitute for, and which, in the end, we cannot do without; wilderness. It is wilderness, and what it stands for, that taught conservationists the folly of the idea of numbers without end. It was wilderness that brought us face to face with the terrible dangers of overpopulation.

Even so, we were late. Only in 1956 did the issue first crop up in publications of the Sierra Club. The terms we used were not too far from those I find in the Resolution:

"People are recognizing that we cannot forever continue to multiply and subdue the earth without losing our standard of life and the natural beauty that must be a part of it . . . These are the years of decision—the decision of men to stay the flood of man." Even so, I was more impressed at that time with the fact that population was "a tricky cat to put a bell on" than I was with the urgency of beginning the chase.

It was Professor Raymond Cowles, Professor of Zoology at the University of California

at Santa Barbara, who shook us loose with a provocative address before a Sierra Club conference, "The Meaning of Wilderness to Science." We followed up with a piece in the Club *Bulletin* on "How Dense Can People Get." There were a few protests, even resignations from our board. The idea, in 1959, was still heretical.

But not for long. Where once there had been complaints when I mentioned the population problem in speeches, there were soon more vociferous complaints if I forgot to mention it. In just two or three years it became possible to question growth, to suggest that DNA was greater than GNP, to predict that man had enough genius to recognize and require that science and technology be put to good purpose. Man could limit his numbers. We could limit his heretofore unslacked appetite for destroying wilderness. He could go back over the nine-tenths of earth that had already felt his touch, sometimes a gentle touch, but too often brutal, and do better where he had been. He could start with Manhattan, or Los Angeles.

I think I sensed a turning point when Stewart Udall addressed a second wilderness conference of the Sierra Club and gave us a strong statement on the population problem. This was in the early sixties, it was a high government official, in the Cabinet of a Catholic President. We were soon to discover that this issue knew no such bounds, and that expressions of concern could be encountered in even less likely places. But at the time it was a sign of change.

But, as we moved through the sixties, concern did not serve us well enough. The decline in our birth rate stopped. Our forecasters consulted their computers, and gloomily told us that even if every family henceforth limited itself to two and only two children, we would still pay for our past heedless growth with another hundred million Americans. And they did probability analysis to demonstrate that even with the best modern contraceptives about one-third of our women could expect to conceive a child they did not want sometime during their lives. At least their actuarial tables showed a small, almost insignificant, increase in life expectancy over the next thirty years. Already the rising tide of pollution, of stress, of crowding, was threatening the modern decline in death rates. Nature was not waiting for any of the demographer's magic numbers to strike back; cancer, heart disease, emphysema, strokes are technological man's horsemen of the apocalypse. The Reverend Dr. Malthus was not so much wrong about nature's rules; he merely underestimated her imagination.

Our forecasters did little better. Some of them even expressed confidence that our economy would somehow "manage" the problems that grew out of growth itself. And they warned us that any slackening in this growth would leave behind forever one-third of our population, the men, women and children who somehow never fitted on the escalator of "disposable personal income." And having warned us against tinkering with this mechanism which was to solve all our problems, they resumed their professional quarrels over why it had not already provided for the elimination of poverty; clearly the machine itself was strong enough.

Perhaps some of those standing at the bottom of the escalator may have noticed that a few simple things, like air, water, and sunlight, that they once enjoyed, were no longer free, but also depended on a place on the escalator.

And in the way of a machine, the escalator continued on its way up. In just the last year we have seen its needs invoked as a justification for destroying our finest wilderness to get at the oil underneath it a little faster. The sponsors of the Timber Supply Bill wanted us to hasten the end of our majestic national forests so that we could build housing for more Americans than the Census Bureau expects to see. And, in the logic of this machinery of growth, when we have too much oil and too many houses, someone will go on television and encourage us to produce more children "for a healthy economy."

We need to control this machine; we need to consider the question of stopping it. Perhaps stairs, which go at the pace of a man, at different paces for different men, are a better way to get where we are going. At least we could stop at the landings and enjoy the view. But before we can begin to recognize this possibility, we need to develop a little humility. The late Joseph Wood Krutch once wrote, "as everybody knows, it was Lord Acton who said, 'All power tends to corrupt; absolute power corrupts absolutely.' . . . We accept it as true of both individuals and governments. . . . Strangely enough, however, what we assert of individuals, of governments, of groups, and even of nations, we do not believe of mankind itself. We look with suspicion on the individual who has risen too high; we devise checks and balances designed to limit economic groups and political parties; very recently we have begun to urge nations to limit their sovereignty voluntarily. But we still rejoice in every addition to the power which mankind as a whole can exercise and never assume that it also might become a victim of *hubris*. Men have spent a great deal of time wishing they were angels. Cats, dogs, and the rest never seem to wish they were anything else. To some this is a lack of ambition. But should we, perhaps, call it contentment instead?"

I offer these as questions we need to consider. I do not think we will ever know all the answers. But there is one overwhelming fact about population growth which should urge us to bring it to a halt *especially* before the answers are in; once a population has achieved a particular size, it is very difficult to reduce it with any rapidity. And once we begin to stabilize it, it takes a long time to end even growth. And once we have a population of three, or four hundred million, we have a moral imperative to care for that entire population. This is not true of our highways, our steel mills, even our houses. We can, and in some cases I pray we will, dispose of them rather rapidly. We can tear up street car tracks when we become impatient to make way for the almighty auto; now, ten years later, we are beginning to repent. Very well, we can lay them again, and I predict we will in some cities. But we cannot do this with human populations. So, I suggest, the only sane course is not to race ahead to find the breaking point. And really, that is what we have been doing.

I hope these hearings are the beginning of the end of that race to the precipice. It may already be too late to brake; I don't know. But I would urge you not to hesitate in calling for action because you fear that the people are not ready. The people have already shown on this issue that they will respond to leadership; they cling to old ideas far less stubbornly than most leaders believe. Do not be taken in by fear of the people. If these hearings convince you, as I believe they will, that this problem is severe, more severe than you had believed, then say so. I believe that like the conservation movement you will come to see that concern is not enough; we need urgency. I hope it does not take you years, as it took us. We do not have that kind of time.

If we develop this sense of urgency, I believe we can find a way to bell the cat. We can implement the goal set forward in your resolution. But in order to do so, we must set this as our task. To each proposal, there will be some specialist who cries, "Wait, I see a fault." We must answer each such cry with a firm answer: "The time for objections is past. The time for solutions has come." Each of your ideas will meet from someone the retort, "Too little, too late." There is probably no one solution to population growth. As an ecologist, I would have to be suspicious of a policy which relied on one force or influence. In diversity there is strength. Each member of this Committee sits on several other bodies of the Senate. I would like to suggest that for at least three months you try, at each hearing, in each session, to ask yourself at the close of that session, "What impact will what we have done today have on the problem of population? What impact could we have had?" And if you set this example, your colleagues, and the public, will be far more convinced by what you say about population. You will have established your *seriousness*; and you may even find that the problem is easier to solve than to recognize. It has been hard enough to recognize.

We should also try to remember, each one of us, that we have more at stake than disaster or a narrow escape. There are optimistic prophecies as well as those of danger. To dream the former we must take seriously the latter; eternal vigilance is the price of all human values, not just liberty. But if we will take our dilemma seriously, we can master it. The stabilization of human population will do more than prevent famine, or stem air pollution, or cut down on pesticide use. Again, I would like your indulgence for a longer quote from Dr. Krutch:

> The way of the desert and the way of the jungle represent the two opposite methods of reaching stability at two extremes of density. In the jungle there is plenty of everything life needs except mere space, and it is not for want of anything else that individuals die or that races have any limit set to their proliferation. Everything is on top of everything else; there is no cranny which is not both occupied and disputed. At every moment, war to the death rages fiercely. The place left vacant by any creature that dies is seized almost instantly by another, and life seems to suffer from nothing except too favorable an environment. In the desert, on the other hand, it is the environment itself which serves as the limiting factor. To some extent the struggle of creature against creature is mitigated, though it is of course not abolished. . . . I wonder if it does not augur ill for the human race that its techniques have enabled it to produce for itself a sort of artificial, technological jungle in which too many people can live somehow—if not well—and where, therefore, as in the jungle, the struggle inevitably becomes ultimate the struggle of man against man and not the struggle of man against nature.

I think we all must recognize in our modern lives much of Dr. Krutch's description of the jungle. Even in the United States Senate, insulated by the peculiarities of our Constitution against growth at compound rates, we see that "the place left vacant by any creature . . . is seized almost instantly by another . . . ."

So perhaps we should be glad, not unhappy, that the resources which are left in wilderness cannot sustain us in our old habits of growing and reaching without limitation. Wilderness can, however, provide questions for answers we have not yet learned to ask. The day of creation is not yet over; there will be wiser men, if we will give them room and space. Let wilderness remain, in Wallance Stegner's words, as part of "the geography of hope." Let it, by enduring on the planet, prevent man's world from becoming a cage.

Then we can begin to listen to the good predictions. We can begin to look towards a more and more desirable world, not just a more and more crowded one.

I thank you for this opportunity to testify.

STATEMENT OF RUFUS E. MILES, JR.

Mr. Chairman and Members of the Committee: I am glad to respond to your invitation to appear before your committee to

discuss the implications of S.J. Resolution 108. The views which I shall express to your committee are my own, for which I assume full responsibility. I do not speak in my official position as President of the Population Reference Bureau.

The more one examines man's population predicament, the more convinced he becomes that slowing down, and then stopping, population growth is a matter of overriding importance. It is a challenge and an obligation which belongs to the wealthy industrial nations as much as to the poor and underdeveloped nations. I have set forth my reasons for this conclusion in thirteen succinct and related propositions. They are:

1. If we were to make the unrealistically optimistic assumption that fertility rates would drop to the replacement level all over the world by 1985, and remain there, we would reach a world population in the twenty-first century in the order of 7 billion.

2. There is increasing reason to doubt that the ecosystem of the earth can support even 7 billion people—let alone the much higher figures commonly predicted—at levels of living which we consider desirable or even acceptable. With the rich nations getting richer and the poor nations getting comparatively poorer, we are faced with world trends which simply cannot continue into the next century without the prospect of unprecedented catastrophe. The next century is only as far in the future as the beginning of World War II is in the past.

3. Each million of increased population in the United States causes a much heavier drain upon world resources and contributes much more to world pollution than each added million Indians or Indonesians.

4. If the United States expects other nations of the world to deal directly and effectively with their own population problems, the United States must do no less. It can do more by leading the way.

5. Even if international factors were ignored, the United States has enough of a population growth problem in terms of aggravating numerous social and environmental problems to warrant a major research and action program by the United States Government. The subject of population distribution warrants similar governmental leadership.

6. A population policy objective should be established by the United States in respect to itself of achieving a condition of nongrowth at the earliest feasible time.

7. A policy should be established of encouraging the distribution of the population growth which will inevitably occur in the next two decades in such a way as not to burden further the cities now over 500,000 in size.

8. A "Population Policy Act" should be enacted, clearly setting forth these policies and the machinery to implement them.

9. A "Council of Population Advisers" should be established, directly responsible to the President, to conduct research and advise the President and the Congress on the more detailed formulation and implementation of population policies.

10. Family planning programs and supporting research should be broadened conceptually and in program terms. Governmental leadership and funds should be provided for counselling and services for responsible parenthood for all socioeconomic segments of our society. And the research element to develop improved methods of contraception is of particularly high importance and priority in international terms. Family planning, however, important as it is, should not be thought of as constituting a population policy and program. It constitutes one component of a comprehensive set of population policies.

11. Additional components of population policy will include such sub-objectives as improving employment opportunities, especially for women, instituting a government-sponsored population education program, and developing budget priorities and tax policies to influence population distribution and population growth.

12. A substantial and continuing social research program must underlie the development of appropriate population policies to achieve agreed-upon objectives within the framework of American values. This kind of research has been vital to the work of the Council of Economic Advisers in carrying out the objectives of the Full Employment Act of 1946, and is now vital to the work of the comparatively new Environmental Quality Council.

13. Through the principal methods of establishing national objectives, analyzing and rearranging our national priorities, and exercising national leadership, the nation may well succeed in bringing about a non-growing population within the context of our traditional values. If the nation does succeed in doing this, we will have learned how to bring under manageable control one important contributing factor to our physical and social decay.

Enactment of Senate Joint Resolution 108 would do much to establish clearly the direction in which we should be moving. It would be consistent with Point 6 in my statement which I should like to repeat:

"A population policy objective should be established by the United States in respect to itself of achieving a condition of non-growth at the earliest feasible time."

A non-growth policy, as I define it, would not be the same as a policy of trying to achieve a stationary population by bringing the fertility of American women down to the replacement level and holding it there indefinitely. Assuming American families started this year to have only enough children to replace themselves—just over two children per family—the ultimate population of the United States would be nearly 280 million. I think this is too many. For this reason, replacement fertility should be the *upper* limit of the national objective, in my judgment. The lower limit would be unspecified and would vary from time to time, depending upon a variety of factors, especially the changing age structure of the population.

For some reason, there has developed a rather common assumption that the replacement level of fertility—2.1 children per woman—should be the *lowest* level toward which we should aim. A modest variation above the replacement level is thought to be acceptable; a modest variation below the replacement level is thought to be unacceptable on a variety of grounds, and possibly contrary to the national interest. It seems to me that this proposition has been much too widely accepted without thinking it through. An error on the high side—that is, a higher population than we set as our objective—is likely to be far more costly than an error on the low side which produces a lower population than was intended.

The United States should not become concerned because a nation like Japan is today faced with a so-called labor shortage as a result of its plunging birth rate two decades ago. The term labor shortage is simply a way of saying that there is full employment and the nation could employ still more people if they were available at comparatively low wages. That is an enviable position for a country to be in. Japan's rate of economic growth has been the highest in the world, partly for the very reason that her low birth rate produced a low ratio of dependents to producers. If a labor shortage is the main cost of low fertility, it is hard to think of a cost with a higher benefit.

The decades of the '70s and '80s will be decades in which it will be particularly important for the fertility level to come *down to or below the replacement level.* In these decades, if fertility should turn out to be even moderately above replacement, we will have an "echo baby boom" of significant proportions. A sub-replacement level of fertility during the next two decades would partially offset the momentum created by high fertility a generation ago. It would be much more advantageous than a second baby boom.

It is very important that we get over our fear of a declining population. I predict that within a very few years there will be broad recognition of the idea that a slowly declining population would be much more healthy than a steadily increasing population, and probably more healthy for some to come than a statutory population. Eventually, of course, a decline in population must be halted, but that time is likely to be some distance in the future. And when the time does come when population decline should be halted for the good of the society, I see no reason to doubt that it can be achieved. Halting population decline for reasons which are evident to the members of society will certainly be far easier than halting population increase. Fears that population decline will automatically lead to either human extinction or serious decline in national power seem based more on emotional reactions than carefully reasoned analysis.

The United States need have no fear of being overwhelmed militarily by other nations with larger populations. The comparative capacity of nations for self-defense depends far more on other factors than sheer numbers of human beings. The three most important factors are: (a) whether the nation is seeking genuinely to defend its own vital interests, especially when its own soil is jeopardized, (b) the extent of internal strength and coherence of the society in social, economic, and psychological terms, and (c) the productivity of the nation in industrial and agricultural terms, and in terms of its communications and transportation infrastructure. The United States might well be stronger with a stationary or slowly declining population, accompanied by a strong economy and healthy cooperation within the society, than with 300 million or 400 million people who are at odds with one another because of overcrowding, excessive internal competition, and social decay.

In conclusion, Mr. Chairman, I should simply like to say that I support your joint resolution even though I hope that it does not represent the end point of an evolving policy. Two of the succeeding steps to which I hope your committee will ultimately give similar attention are: (a) the establishment of a Council of Population Advisers, and (b) the enactment of a Population Education Act, to perform the same function in respect to population as it was the intent of Congress to perform with its enactment of the Environmental Education Act. Possibly the latter Act might be amended and broadened to become the Population and Environmental Education Act. In its present form and at present levels of financing, the program conducted under the Environmental Education Act is doing very little to come to grips with the extraordinarily important subject with which Senate Joint Resolution 108 deals. Population education, I believe, is of paramount importance in solving the population problems of this nation.

TESTIMONY BY CYNTHIA FUCHS EPSTEIN, PH. D.

One of the tasks of the sociologist is to look for the multiple consequences of both planned and implicit social policy. Thus I hope to review with you today, some of the consequences of the essentially pro-natalist policies of our society, particularly with respect to the options of women to participate fully and equally in the occupational structure of the United States.

For the past eight years my sociological

research has focused on the social factors which inhibit and facilitate women's access to, and participation in, occupations of high prestige in American society. Part of that research is reported in my book, Woman's Place: Options and Limits in Professional Careers, published by the University of California Press last year, and deals with the pressures exerted on Women who consider exploiting their talents in professional work as doctors, lawyers, scientists and engineers, pressures not only from the "gatekeepers" within these professions, but from the entire social structure which defines their desire to work as inappropriate and "unnatural." Although my research has centered mainly on women in the so-called elite professions, it is clear that the social mechanisms which act to exclude them from the top are the same which limit the life choices of women at every level of the stratification system, from the poorest to the richest, and white and black; there is a true democracy in the discrimination process. The destiny of women is often measured by the common denominator of their physiological apparatus, and reproductive potential, sweeping aside the infinite capacity of all members of the human species to go beyond physiology to adapt, restructure and re-orient basic capacities. The popular judges of woman's place ignore the vast differences in their tastes, talents and even in their basic physiological and psychological capacity to bear children, respond to children, care for children (much less themselves) or even need or desire children. Although men's identities have never been wrapped up in being fathers as intensively and primarily as the identities of women have been tied up in being mothers, through the ages men have viewed becoming fathers as a necessity of life, and life after death, and have been socialized and conditioned to keep women in this role so that their fatherhood would be implemented.

Although the attitudes fostered probably have been historically necessary so that societies might reproduce themselves, especially as the high mortality rates made any child's life contingent, it now seems apparent that reproduction without the limits of high mortality rates may cause the destruction of societies. Men and Governments have intervened into the natural course of life to extend life. No one opposes saving lives. But to make life worth living I think we shall have to intervene at the conception end of the spectrum, and consider the social conditioning which goes into the decisions to bear children at all.

Without very much direct social planning, urbanization, education and industrialization all did work to limit the fertility of women. But the trend toward population limitation has been unsteady and it now seems unlikely that without social planning the geometric progression of population will cease. In the United States, although the overall fertility of American women declined from the early nineteenth century to the middle 1930's, in the 1940's and 1950's there was a sharp increase. The postwar years 1946–1957 became known as the period of baby boom or the "motherhood mania" in some circles. What was curious about the upsurge in the 1950's was that by that time the increase in fertility which usually follows post-war periods should have subsided, it went up, instead, and among sectors of the population previously having low fertility, namely among the educated upper income white. The impact was not only important not only because it meant the diversion of the most eligible, best equipped and skilled manpower resource in the female population, but because this group tends to be the tastemakers—the setters and keepers of norms in the society.

Explanations for this phenomenon have been given by a number of analysts of society, among them, Mirra Komarovsky in the 1950's in her study on Women in the Modern World and in the popular, now-classic book of Betty Friedan, The Feminine Mystique (1963) which showed the impact of ideological and cultural themes urging American women to "return" to a home-centered, consumer oriented, child-focused existence as the only way to be "truly feminine." Friedan showed that Freudian psychology, much touted (but untested) work in family sociology, and pediatric medicine, as well as the mass media and hard sell consumer advertising were fostering the so-called natural approach to child care and procreation. Thus a whole generation of women with college degrees turned from their books to the baby carriage, the boudoir and the pantry, returning to nature by having natural childbirth, weaving, baking, canning food, sewing and breast feeding, and do-it-yourself dry-cleaning in an attempt to validate their feminity and thereby do the "right" thing. Never welcomed by the male-dominated high-level occupational world where their brothers of comparable education and social standing went to take their places, they gave up careers or never even dared challenge the system by presenting themselves as candidates. They cut off their choices before they could qualify for the high personally, economically and socially rewarding jobs. The period marked a decline in women's graduate study (See figure 1), career aspirations and participation in the world in general as candidates for political office and participants in social movements.

The supreme moment in the woman's life was posed not as the time she might make a discovery in science, paint a great painting, win an election or make a million, but that moment when the doctor would call out, "push" and she would deliver her child. If this, indeed, was to be the supreme moment, the focus of many hours of anticipation and post partum discussion, then the woman was highly motivated to repeat it, aiming for a better, and, of course, more natural production each time.

The proportion of American women engineers, chemists, mathematicians, physicists, dentists, and college teachers all dropped between 1950 and 1960. While women were increasing their proportion in these professions in other countries at the same time, in fact not unrelated, I think, to the retreat of college women into motherhood as a fulltime occupation. (See Table 1.)

Although women in those years had fewer children than their grandmothers, they devoted themselves to mothering for as long a period as women took with larger families. They not only expected to take care of the child's physical needs, and felt it important to be on tap to monitor not only each word and comment, but the non-verbal messages—his frowns and smiles—for the possible psychological dimensions and meanings. Having learned clearly that a woman was nothing if she was not a mother, the American mother applied all her energy, attention and famed American know-how to the job of mothering, with the full approval of the society.

Although the baby boom did taper off, and there was a slight upturn in the percentage of women getting B.A.'s and advanced degrees (Table 2) after the 1950's there is no doubt that these norms associated with motherhood, always there, but stirred into frenzied zeal, are still very much with us.

One measure of the intensity with which the norm is felt is the rage directed by women toward some of the more vocal members of the woman's movement who advocate more freedom in life styles for women. Suggestions that women ought to be able to not only choose their roles, but to decide how they will assign priorities to these roles, a privilege until now catered to men, have aroused the hostility and distress of people in the mainstream culture.

A number of studies indicate that the primary role of women is still seen as mother, and indeed, women view themselves first as mothers and usually second as wives and only then as teachers or whatever else they will be. Furthermore, although norms seem to be changing regarding ideal family size, the two-child family seems to be considered the minimum acceptable.

Whereas one-child families were common during the depression years and are currently common in some of the eastern European countries (where, by the way, the proportion of women in the professional labor force is radically higher than in the United States) they are not only uncommon in the United States, but more important, they are considered *improper*. Married couples with one child are under as much pressure as couples without children to have a child. In classes at Queens College, where I have been teaching large sections of 100 and more students in Introductory Sociology for the past six years, I have polled young people on their preference for size of family. Only one student, a boy, one out of approximately 1200 students claimed he wanted no children. More curious is the fact that not one of the 1200 polled expressed a desire for *one* child. (You might be interested to know that despite this conventional response, a sizeable proportion of these students expressed doubts about whether or not they thought marriage was a desirable aim.) My informal surveys showing that the two-child family is the barely acceptable minimum for a family, bears out the results of a large scale survey conducted by the Michigan Social Research Center in 1960. The number of children considered ideal for the average American family was 3.4 to 3.5 children (as Table 3 indicates), with the majority of women interviewed responding that 4 was the ideal number. Fewer than 0.4 per cent indicated that one child was the desired number and *no one* replied that it would be ideal not to have any children (see Table 4).

Charles Westoff, of Princeton has shown for selected samples that the idealized family size is closer to three children than two. I have found, too, that even those young people who are extremely concerned with population control seem to feel that their personal ideal solution is to have one child and adopt another, thereby as you see, still fulfilling the two child norm. In my surveys when college students were asked why they did not desire to live without having children at all, or why they didn't feel one child was enough, their responses were often in the terminology of morality—for example: "it is selfish not to have any children." "Only children are spoiled children." In short, young people are brought up to believe that it is not only a deprivation to have less than two children but that it is *morally wrong* and that they are failing as people and as parents not to aim for the ideal two or more. There is no real freedom of choice of family size when to have no children or one child is defined as being socially pathological.

The consequences have impact not only on the sheer numbers of population, but on the possible life choices open to young people. Although the size of family affects the woman significantly, especially in limiting her options to perform in spheres other than the home, it effects young men as well, by placing economic and energy burdens on them at a point in life when they are severely taxed by educational and occupational demands: American men and women marry young. The girls when they are twenty and the boys a year or two later. College educated girls marry later—at 22. Americans make nearly the youngest marriages in the

Western World, and since most have children immediately, they load the time and resource structure of their families in irredeemable ways.

A recent study indicated that families who had children early never caught up in earning power with families who waited, irrespective of social class and education.

The pressures defining feminity in terms of motherhood and giving priority to motherhood, above all the other statuses a woman might hold, mean that young wives limit even further their opportunity to add to the economic status of the family. Not only do they feel concerned about committing themselves to occupations which they feel may prevent them from being on tap constantly for their children, but employers do not consider women with children good risks, believing that their loyalty to job has to run a poor second to their loyalty to the family.

Certainly when women are pushed to become mothers, they never get the chance to develop a self image as a producer of anything but children and they cannot plan rationally for training in school and on the job. This is true for women who have proven abilities, who have done outstanding work in high school and college, and whose intellectual talents are completely wasted as housewives in the isolation of the typical American suburb. It is well established that these women, far from being content and happy homemakers and mothers, are often bitter and frustrated women who live vicariously through their husbands and children. The irony is complete today, when the children of these same mothers often reject their way of life, their values, and their offers of attention and nurturance. Their mother's rage at them is often the outpouring of fear at being prematurely "laid off" by the only occupation they know, without any training for another, in a society which views their problem as of no consequence.

Not all women are suited to the occupation of motherhood any more than as they are suited to any other all-embracing task, and not all women would choose to be mothers, if they were truly given free-choice. Men are also limited in their choices because they feel they cannot be completely mature without siring children and definitions of their virility is in question about the proof of a child. It is interesting however that the more men are involved in a pleasing and rewarding occupational activity, the less concerned they seem to be about establishing their virility by the proof of conception. In fact, the demographer Judith Blake has found that middle class white men are more liberal in attitudes regarding controls on family size, approving abortion, for example, more than any other group, including white middle class women.

The issues affecting reproduction are complex and intertwined with attitudes in many institutional realms other than the family. I have tried to indicate here how the culture insists that women *must* bear children simply to be regarded as normal. That, plus the fact that other options have traditionally been closed to them means that women have a vested interest in being mothers.

If the society wishes to set a socially responsible population policy it might start by addressing its efforts to opening other channels of productive activity for women, creating the means for alternative life styles and reviewing its implicit pronatalist policies such as the discriminatory tax policies against single and childless people. In addition, it might consider the ways in which it might contribute to a change in the pervading cultural view that men and women who choose not to procreate, or who limit their families to one child as socially aberrant and positively unAmerican.

TABLE 1.—WOMEN IN SELECTED PROFESSIONAL OCCUPATIONS; UNITED STATES

	1950	1960
Chemists	10.0	8.6
Mathematicians	38.0	26.4
Physicists	6.5	4.2
College presidents, professors, and instructors	23.0	19.0
Dentists	2.7	2.1
Engineers	1.2	.08

Source: U.S. Bureau of the Census.

TABLE 2.—PROPORTION OF DEGREES IN HIGHER EDUCATION GRANTED TO WOMEN IN THE UNITED STATES, 1930–66

	Masters (and other 2d-level degrees)	Doctor's (and equivalent)
1930	40.4	15.4
1940	38.2	13.0
1950	29.2	9.6
1960	31.6	10.5
1964	31.8	10.6
1966	33.8	11.6

Source: U.S. Department of Labor, Woman's Bureau.

TABLE 3.—NUMBER OF CHILDREN CONSIDERED IDEAL FOR THE AVERAGE AMERICAN FAMILY AND PERCENT DISTRIBUTION BY NUMBER CONSIDERED IDEAL, FOR WIVES, BY COLOR[1]

Type of reply	Number of wives	Average number of children considered ideal	Percent distribution by number considered ideal: Total	None	1	2	3	4	5	6 or more
Total:										
Minimum	2,642	3.4	100			22	31	39	4	5
Maximum	2,642	3.5	100			18	28	43	5	6
White:										
Minimum	2,377	3.4	100			22	32	39	3	4
Maximum	2,377	3.5	100			18	29	43	4	5
Nonwhite:										
Minimum	265	3.5	100		2	25	18	38	7	11
Maximum	265	3.8	100		1	22	19	39	7	13

[1] In this and subsequent tables in chapter 2, all data are for wives who were 18–39 years old when interviewed unless otherwise specified.

TABLE 4.—PERCENT DISTRIBUTION BY NUMBER OF CHILDREN CONSIDERED IDEAL, 1941, 1945, 1955, AND 1960

Number of children considered ideal	American Institute of Public Opinion		Growth of american families		
	1941	1945	1955 White wives	1960 White wives	1960 All wives
All replies	100	100	100	100	100
None					
1	1	1			
2	40	25	19	20	20
3	32	33	32	31	30
4	21	31	41	41	41
5	3	7	4	4	4
6 or more	3	3	4	4	5
Average number	3.0	3.3	3.4	3.5	3.5

Source: Whelpton, Pascal K., Arthur A. Cambell and John E. Patterson. 1966. Fertility and Family Planning in the United States. Princeton, N.J.: Princeton University Press. Tables 11 and 12, pp. 33–34.

Opening Statement of Senator Alan Cranston

This morning the Special Subcommittee on Human Resources of the Senate Labor and Public Welfare Committee opens its inaugural hearing. Today will be the first day of hearings on S.J. Res. 108, legislation to declare explicitly a national population policy. This legislation would make it the policy of the United States to develop voluntary programs, consistent with human rights and individual conscience, to stabilize the population size of the nation at the earliest possible time. Today is the first time in the Nation's history that a Committee of Congress will consider legislation to declare a national population policy.

Until recently, most Americans regarded the population explosion as a problem confined to other countries, principally the developing nations of Asia, Africa and Latin America. After all, it was argued, the Malthusian prediction of famine and mass starvation that haunts much of the world is not imminent in this country.

However, the fact is we have a very real population problem here at home—a problem that seriously threatens our spiritual and physical environment and thus the basic quality of life for all Americans.

President Nixon accurately described America's population problem in his population message of July 18, 1969, when he said:

"Only recently has it come to be seen that pressing problems are also posed for advanced industrial countries when their populations increase at the rate that the United States, for example, must now anticipate. Food supplies may be ample in such a nation, but social supplies—the capacity to educate youth, to provide privacy and living space, to maintain the processes of open, democratic government—may be grievously strained. . . . I believe that many of our present social problems may be related to the fact that we have had only fifty years in which to accommodate the second hundred million Americans."

If present birth rates persist, we will have only three decades to accommodate the third hundred million Americans. And even if American families began tomorrow having only two children on the average—just enough to replace themselves—our population would continue to grow until year 2037, when it would be roughly 277 million persons—70 milion larger than it is today. Finally, should we return to the three-child family that dominated the 1950's, this nation should find itself staggering under the monumental burden of *one billion Americans a* century from now.

Clearly, given the profound consequences for the country of different rates of growth, the time has come to develop an explicit national population policy to determine what population level and growth rate is most consistent with other national goals and aspirations. The alternative is to abandon to the winds of chance a matter which so intimately affects the quality of our daily lives and the opportunities we shall bequeath to our children. I reject this alternative as a dangerous game of roulette in which our future wellbeing is the stake.

As for the proper objective of a national population policy, there is a growing consensus in the nation and in the Congress—as reflected by the bipartisan makeup and philosophical diversity of the 33 Senate sponsors of S.J. Res. 108—that the goal should be to stabilize population size by voluntary, non-coercive means; means that do not, either by intention or impact, discriminate against any racial, religious or economic group and do not force any individual to contravene his personal moral or ethical beliefs.

It will be the purpose of these hearings to examine carefully the advisability of population stabilization as a national policy goal.

It is especially appropriate that our first witness on the opening day of hearings on a national population policy should be the former United States Senator from Maryland, Joseph Tydings. It was largely through the persistent and effective leadership of Senator Tydings that Congress seized the initiative in the population field last year by passing the Family Planning Services and Population Research Act of 1970, of which he was the author and principal sponsor, and which I was privileged to cosponsor. At present, Senator Tydings is devoting much of his time to the search for solutions to the global population problem through his activities with the United Nations and the International Planned Parenthood Foundation.

STATEMENT OF SENATOR BOB PACKWOOD

Mr. Chairman, I welcome the opening of these hearings and congratulate the chairman and witnesses upon a historic occasion. Senate Joint Resolution 108 and its counterpart, H.J. Resolution 789 in the House of Representatives, constitute important new recognition that the government of the United States as well as the citizens, the leaders as well as the followers, are facing up to one of the potent challenges of the twentieth century—population growth.

The development of population policy has historically been a field where the people were ahead of their governments, where the average citizen comprehended long before national leaders that space and funds were limited. Whereas a number of governments have at various times urged and even tried to bribe their subjects into having larger families to provide more consumers for their economy, more manpower for their armies and cheaper labor for their industries, Mr. and Mrs. John Q. Citizen have usually been very much aware that they could provide a better home and greater opportunity for their own offspring by matching their fertility to their resources. The importance of the resolution before us today is first and foremost that it declares very firmly at the national level what most individuals have known all along at the family level—that growth cannot continue unchecked, and that the size of the nation, like the size of the family, must at some point be stabilized, so that each member will have his or her opportunity for a full life—for education, health, love, and achievement.

The United States has been fortunate in having for almost two centuries a near-empty land destined to be populated by some of the most enterprising and adventurous immigrants in the world. Yet we can see all too clearly today what kind of population pressures and misery may develop when people multiply beyond the land's capacity to shelter and feed them. We see, for example, what has happened in East Pakistan, where we may now be witnessing one of the major population crises of this decade. First, thousands were drowned by a massive cyclone and tidal wave because they were living on land that should not have been inhabited and because they were not warned or protected, by a government that did not have the means available to provide other homes or refuge. Yet within barely three months, the lost lives were replaced by as many new births.

This natural disaster was followed by political disaster—the unleashing of racial, religious, and communal jealousies that now amount to near-genocide. The political and religious differences in East Pakistan are real, but the intensity of the struggle goes back to the root cause of over population. As one reporter pointed out, "Behind every feud, at the bottom of every quarrel is a piece of land." When population exceeds the land to support it, as it does for 60 million East Pakistanis, every "temporary solution" leads only to a greater problem. How many more East Pakistanis will we see before this century is ended? How many millions will die in despair before world population is stabilized at a level many times greater—in numbers or in human misery—than the present nearly four billion people?

The purpose of this resolution is very simply to prevent such catastrophic tragedies in the United States, to insure that our cities do not grow to the point where individual lives become saturated with a surplus crop of human beings, and that our government does not place the monolithic myth of gross national product above the individual reality of a decent standard of living. Only the people of the United States themselves could create such a catastrophe and only those same people can in the long run prevent it—by encouraging now a goal of population stabilization and by implementing it as quickly as is consistent with voluntary methods and individual conscience.

In the field of voluntary population stabilization or zero population growth, as it is more commonly known, the United States can set a world example and assume a convincing role of world leadership through national endorsement of this resolution. The United States has already given support to family planning programs overseas and encouraged a United Nations program that is now receiving contributions from nearly 30 governments and assisting programs throughout the developing world. We have already voted to provide family planning services here for all who want them but do not yet have them readily available. By approving this resolution, Congress can signify its further intention to protect and preserve the quality of life not only for our own descendants but also for others throughout the world. Those who are still mistrustful of birth control and zero population growth can find in this resolution evidence of American willingness to practice what we preach.

The United Nations General Assembly has designated the year 1974 as World Population Year. An international conference of governments will be held, probably at U.N. headquarters in New York, to consider among other things national population policies and programs. It would be not only appropriate but also very influential for the United States, which stands first not in population but in per capita income and individual standard of living, to be able to declare at that conference that we have indeed accepted a policy of population stabilization and are in the process of implementing it. I have here the text of the General Assembly Resolution proclaiming World Population Year and ask unanimous consent to include it in the opening pages of this hearing.

Finally, Mr. Chairman, let me conclude by observing that a U.S. policy of population stabilization, somewhere, I hope, between 200 and 300 million, is not only internationally sound and socially desirable, but also it is economically sound for a nation that still considers an informed and intelligent citizenry its greatest asset. If there is one basic principle of economics, it is the theory of scarcity. In other words, diamonds because they are scarce are precious gems cherished and protected in the setting of jewelry. Granite, because it is common, is not precious and so we use it carelessly to construct buildings or pave roads. Labor, when it is scarce, commands high wages, but when it is abundant must live on lower pay. Today many countries—of which Pakistan is only the most dramatic example—literally have a surplus of population, so that individuals lose their uniqueness and value and become little more than a surplus commodity on the market, depressing standards for themselves and for others.

I would hate to think or even imagine that the day could ever come when we might be tempted to treat individuals, not like diamonds, rare and precious, but like ordinary stone, for paving the streets and grinding others into equal poverty. To preserve the values of our life and culture, we must preserve the balance between population and resources, population and environment, population and aspirations. The best way to preserve that balance for our children and our grandchildren is to seek and achieve a stable level of population in the United States as rapidly as possible in accordance with the principles and values expressed in this resolution.

[Appendix I]

RESOLUTION 2683 (XXV) WORLD POPULATION YEAR

THE GENERAL ASSEMBLY

Recalling its resolution 2211 (XXI) of 17 December 1966 on population growth and economic development.

Noting Economic and Social Council resolution 1484 (XLVIII) of 3 April 1970 on the Third World Population Conference.

Noting also that the International Development Strategy for the Second United Nations Development Decade[1] provides for action, both at the national and international levels, to deal with the problem of population growth in those countries which, in accordance with their concept of development, con-

[1] General Assembly resolution 2626 (XXV).

sider that their rate of population growth hampers their development.

Taking into account the progress made by Member States in coping with those aspects of the population problem which are relevant to their respective economic, social, humanistic and cultural development.

Recognizing that, in spite of the progress made so far in this regard by Member States and international organizations, and particularly the important role being played in the population field by the United Nations Fund for Population Activities, varied aspects of the population problem require further attention from Member States and international organizations.

Recognizing further that a way of focusing international attention on different aspects of the population problem would be for Member States and international organizations to devote the year 1974 especially to appropriate efforts and undertakings in the field of population in the context of their respective needs and areas of competence.

Confident that the designation of the year 1974 for necouraging appropriate and relevant cooperative activity in the field of population would make a significant contribution to the realization of the objectives in this field.

1. *Designates* the year 1974 as World Population Year;

2. *Acknowledges* that the formulation and implementation of population policies and programmes are matters falling under the internal competence of each country and, consequently, that international action in the population sphere should be responsive to the varied needs and requests of individual Member States;

3. *Requests* the Secretary-General to prepare, in consultation with interested Member States, a detailed programme of proposed measures and activities to be undertaken by the organizations of the United Nations system during the year 1974, taking into account the different character of population problems in each country and region, the population policies of Member States, as well as the proposals contained in the Secretary-General's report on the question of holding a Third World Population Conference,[1] and to submit the programme to the Economic and Social Council in 1972 through the Population Commission at its sixteenth session;

4. *Invites* interested organizations of the United Nations system to render the necessary assistance to the Secretary-General in preparing the programme of measures and activities for the World Population Year;

5. *Invites* Member States to participate fully in the World Population Year in the context of their capacities and policies;

6. *Stresses* that assistance from organizations of the United Nations system and interested Member States should continue to be available upon request for evolving and implementing a dynamic population policy to cope with all the problems emanating from different population levels, characteristics and trends, including assistance in developing a comprehensive demographic research and studies programme as well as training programmes and in providing advisory services in this field; consequently,

7. Requests the Secretary-General to prepare and submit to the General Assembly in 1975, through the Economic and Social Council, a final report on the World Population Year.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

[1] B/CN.9/224 and Add.1.

MILITARY CONSTRUCTION AUTHORIZATION ACT, 1972

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order the Chair lays before the Senate the pending business, H.R. 9844, the military construction authorization bill. Debate on this bill is limited to 1 hour, the time to be equally divided between the distinguished Senator from Missouri (Mr. SYMINGTON) and the distinguished Senator from Texas (Mr. TOWER).

Thereupon, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction.

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia, $10,750,000.
Fort Knox, Kentucky, $775,000.
Fort Lee, Virginia, $5,192,000.
Fort George G. Meade, Maryland, $1,690,000.

(Third Army)

Fort Benning, Georgia, $2,185,000.
Fort Bragg, North Carolina, $2,373,000.
Fort Campbell, Kentucky, $9,996,000.
Fort Rucker, Alabama, $437,000.

(Fourth Army)

Fort Bliss, Texas, $626,000.
Fort Hood, Texas, $23,435,000.
Fort Sam Houston, Texas, $9,694,000.
Fort Sill, Oklahoma, $940,000.

(Fifth Army)

Fort Carson, Colorado, $23,172,000.

(Sixth Army)

Fort Lewis, Washington, $3,931,000.
Fort Ord, California, $2,174,000.
Presidio of San Francisco, California, $10,498,000.

(Military District of Washington)

Fort Myer, Virginia, $2,300,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, $2,048,000.
Aeronautical Maintenance Center, Texas, $5,052,000.
Harry Diamond Laboratory, Maryland, $9,035,000.
Letterkenny Army Depot, Pennsylvania, $319,000.
Redstone Arsenal, Alabama, $879,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

East Coast Relay Station, Maryland, $326,000.
Fort Huachuca, Arizona, $2,580,000.

ARMY MEDICAL DEPARTMENT

Brooke Army Medical Center, Texas, $2,551,000.
Walter Reed Army Medical Center, District of Columbia, $112,500,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Sunny Point Military Ocean Terminal, North Carolina, $305,000.

UNITED STATES ARMY, ALASKA

Fort Greely, Alaska, $1,718,000.

UNITED STATES ARMY, HAWAII

Schofield Barracks, Hawaii, $4,787,000.

MODERN VOLUNTEER ARMY

Various locations: Barracks improvements, $30,000,000.

POLLUTION ABATEMENT

Various locations: Air pollution abatement facilities, $34,946,000.
Various locations: Water pollution abatement facilities, $32,791,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Panama area, Canal Zone, $8,026,000.

UNITED STATES ARMY, PACIFIC

Kwajalein missile range, $2,507,000.

UNITED STATES ARMY SECURITY AGENCY

Various locations, $1,221,000.

MODERN VOLUNTEER ARMY

Various locations: Barracks improvements, $10,000,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Various Locations, $174,000.

UNITED STATES ARMY, EUROPE

Germany, various locations, $1,946,000.

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $20,000,000: *Provided*, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

SEC. 102. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment; in the total amount of $10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1972, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 103. (a) Public Law 90–408, as amended, is amended under the heading "Inside the United States", in section 101 as follows:

With respect to "Joliet Army Ammunition Plant, Illinois", strike out "$2,188,000" and insert in place thereof "$2,391,000".

(b) Public Law 90–408, as amended, is amended by striking out in clause (1) of section 802 "$366,499,000" and "$453,651,000"

and inserting in place thereof "$366,702,000" and "$453,854,000", respectively.

SEC. 104. (a) Public Law 91–142, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

(1) With respect to "Fort Hancock, New Jersey", strike out "$625,000" and insert in place thereof "$693,000".

(2) With respect to "Fort Sheridan, Illinois", strike out "Fort Sheridan, Illinois: Administrative facilities, $2,210,000".

(3) With respect to "Fort Sam Houston, Texas", strike out "Utilities, $378,000" and insert in place thereof "Administrative facilities and utilities, $2,588,000".

(b) Public Law 91–142, as amended, is amended by striking out in clause (1) of section 702 "$186,591,000" and "290,726,000" and inserting in place thereof "$186,659,000" and "$290,794,000", respectively.

SEC. 105. (a) Public Law 91–511 is amended under the heading "INSIDE THE UNITED STATES", in section 101 as follows:

(1) With respect to "Carlisle Barracks, Pennsylvania", strike out "$503,000" and insert in place thereof "$658,000".

(2) With respect to "Badger Army Ammunition Plant, Wisconsin", strike out "$1,604,000" and insert in place thereof "$2,234,000".

(b) Public Law 91–511 is amended by striking out in clause (1) of section 602 "$179,717,000" and "$264,914,000" and inserting in place thereof "$180,502,000" and "$265,699,000".

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Radio Station, Cutler, Maine, $161,000.

Naval Security Group Activity, Winter Harbor, Maine, $94,000.

Naval Station, Newport, Rhode Island, $1,660,000.

Naval Underwater Systems Center, Newport, Rhode Island, $655,000.

Naval Air Station, Quonset Point, Rhode Island, $3,511,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, $3,830,000.

Naval Submarine Medical Center, New London, Connecticut, $668,000.

Naval Submarine School, New London, Connecticut, $666,000.

Naval Ammunition Depot, Earle, New Jersey, $383,000.

FOURTH NAVAL DISTRICT

Navy Aviation Supply Office, Philadelphia, Pennsylvania, $855,000.

Naval Home, Philadelphia, Pennsylvania, $991,000, and/or at such other installation or site as shall be approved by the Committees on Armed Services of the Senate and the House of Representatives.

Naval Air Development Center, Warminister, Pennsylvania, $304,000.

NAVAL DISTRICT, WASHINGTON

Naval Research Laboratory, Washington, District of Columbia, $5,048,000.

Naval Academy, Annapolis, Maryland, $8,400,000.

Naval Medical Research Institute, Bethesda, Maryland, $4,500,000.

Naval Ordnance Station, Indian Head, Maryland, $1,307,000.

Naval Air Test Center, Patuxent River, Maryland, $321,000.

Naval Ordnance Laboratory, White Oak, Maryland, $1,397,000.

FIFTH NAVAL DISTRICT

CINCLANTFLT Headquarters, Norfolk, Virginia, $4,201,000.

Naval Air Rework Facility, Norfolk, Virginia, $6,226,000.

Naval Communication Station, Norfolk, Virginia, $884,000.

Navy Public Works Center, Norfolk, Virginia, $1,565,000.

Naval Shipyard, Norfolk, Virginia, $1,880,000.

Naval Station, Norfolk, Virginia, $19,316,000.

Naval Air Station, Oceana, Virginia, $6,240,000.

Naval Weapons Station, Yorktown, Virginia, $2,067,000.

Naval Radio Station, Sugar Grove, West Virginia, $260,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida, $1,603,000.

Naval Security Group Activity, Homestead, Florida, $439,000.

Naval Air Station, Jacksonville, Florida, $6,930,000.

Naval Air Station, Pensacola, Florida, $8,380,000.

Naval Air Station, Saufley Field, Florida, $505,000.

Naval Air Station, Whiting Field, Florida, $2,278,000.

Naval Air Station, Glynco, Georgia, $5,656,000.

Naval Air Station, Meridian, Mississippi, $3,266,000.

Navy Commissary Store, Meridian, Mississippi, $270,000.

Naval Hospital, Charleston, South Carolina, $754,000.

Naval Shipyard, Charleston, South Carolina, $7,602,000.

Naval Station, Charleston, South Carolina, $929,000.

Naval Air Station, Memphis, Tennessee, $1,770,000.

Naval Hospital, Memphis, Tennessee, $262,000.

EIGHTH NAVAL DISTRICT

Naval Air Station, Kingsville, Texas, $90,000.

NINTH NAVAL DISTRICT

Navy Electronics Supply Office, Great Lakes, Illinois, $323,000.

Naval Hospital Corps School, Great Lakes, Illinois, $3,161,000.

Naval Training Center, Great Lakes, Illinois, $2,386,000.

ELEVENTH NAVAL DISTRICT

Naval Weapons Center, China Lake, California, $447,000.

Naval Amphibious Base, Coronado, California, $1,557,000.

Naval Amphibious School, Coronado, California, $137,000.

Naval Hospital, Long Beach, California, $15,092,000.

Naval Air Station, Miramar, California, $5,081,000.

Naval Air Station, North Island, California, $8,557,000.

Naval Station, San Diego, California, $1,886,000.

Navy Submarine Support Facility, San Diego, California, $2,878,000.

Naval Training Center, San Diego, California, $1,349,000.

Naval Weapons Station, Seal Beach, California, $714,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Lemoore, California, $4,716,000.

Naval Schools Command, Mare Island, Vallejo, California, $6,014,000.

Naval Shipyard, Mare Island, Vallejo, California, $394,000.

Naval Communication Station, San Francisco, California, $155,000.

THIRTEENTH NAVAL DISTRICT

Naval Shipyard, Puget Sound, Bremerton, Washington, $2,677,000.

Naval Torpedo Station, Keyport, Washington, $2,496,000.

Naval Air Station, Whidbey Island, Washington, $3,294,000.

FOURTEENTH NAVAL DISTRICT

Pacific Missile Range Facility, Barking Sands, Kauai, Hawaii, $2,202,000.

Naval Ammunition Depot, Oahu, Hawaii, $78,000.

Fleet Submarine Training Facility, Pearl Harbor, Hawaii, $501,000.

Naval Shipyard, Pearl Harbor, Hawaii, $1,384,000.

Naval Station, Pearl Harbor, Hawaii, $3,967,000.

SEVENTEENTH NAVAL DISTRICT

Naval Facility, Adak, Alaska, $516,000.

Naval Station, Adak, Alaska, $9,025,000.

MARINE CORPS FACILITIES

Marine Barracks, Washington, District of Columbia, $4,434,000.

Marine Corps Development and Education Command, Quantico, Virginia, $1,783,000.

Marine Corps Base, Camp Lejeune, North Carolina, $2,610,000.

Marine Corps Air Station, Cherry Point, North Carolina, $3,607,000.

Marine Corps Air Station, New River, North Carolina, $3,364,000.

Marine Corps Air Station, Beaufort, South Carolina, $2,417,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $1,444,000.

Marine Corps Air Station, Yuma, Arizona, $2,261,000.

Marine Corps Supply Center, Barstow, California, $678,000.

Marine Corps Auxiliary Landing Field, Camp Pendleton, California, $593,000.

Marine Corps Base, Camp Pendleton, California, $11,210,000.

Marine Corps Air Station, El Toro, California, $838,000.

Marine Corps Air Station, Santa Ana, California, $908,000.

Marine Corps Recruit Depot, San Diego, California, $1,497,000.

Marine Corps Base, Twentynine Palms, California, $6,653,000.

Marine Corps Air Station, Kaneohe, Hawaii, $2,455,000.

POLLUTION ABATEMENT

Various Naval and Marine Corps Installations: Air Pollution Abatement Facilities, $15,474,000.

Various Naval and Marine Corps Installations: Water Pollution Abatement Facilities, $12,883,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Naval Station, Guantanamo Bay, Cuba, $3,579,000.

Naval Facility Air Force Base, Puerto Rico, $188,000.

Naval Station, Roosevelt Roads, Puerto Rico, $4,983,000.

FIFTEENTH NAVAL DISTRICT

Naval Communication Station, Balboa, Canal Zone, $200,000.

Naval Security Group Activity, Galeta Island, Canal Zone, $516,000.

ATLANTIC OCEAN AREA

Naval Facility, Grand Turk, West Indies, $418,000.

Naval Station, Keflavik, Iceland, $5,800,000.

EUROPEAN AREA

Naval Security Group Activity, Todendorf, Germany, $377,000.

Naval Air Facility, Sigonella, Sicily, $1,371,000.

INDIAN OCEAN AREA

Naval Communication Facility, Diego Garcia, Chagos Archipelago, $4,794,000.

PACIFIC OCEAN AREA

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $75,000.

Naval Air Station, Agna, Guam, Mariana Islands, $12,398,000.

Naval Communication Station, Guam, Mariana Islands, $1,823,000.

Naval Magazine, Guam, Mariana Islands, $993,000.

Naval Station, Guam, Mariana Islands, $3,385,000.

Naval Communications Station, Yokosuka, Japan, $258,000.

Naval Air Station, Cubi Point, Republic of the Philippines, $1,892,000.

Naval Communication Station, San Miguel, Republic of the Philippines, $1,280,000.

POLLUTION ABATEMENT

Various Naval Installations: Air Pollution Abatement Facilities, $488,000.

Various Naval Installations: Water Pollution Abatement Facilities, $7,412,000.

SEC. 202. The Secretary of the Navy may establish or develop classified Navy installations and facilities by acquiring, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of $3,733,000.

SEC. 203. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1972, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 204. (a) Public Law 90–408, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Submarine Base, New London, Connecticut, strike out "$1,225,000" and insert in place thereof "$1,825,000".

(b) Public Law 90–408, as amended, is amended by striking out in clase (2) of section 802, "$239,082,000" and "$245,947,000" and inserting in place thereof "$239,682,000" and "$246,547,000", respectively.

SEC. 205. (a) The Secretary of Defense is directed to prepare a detailed feasibility study of the most advantageous alternative to the weapons training now being conducted in the Culebra Complex of the Atlantic Fleet Weapons Range. The Secretary shall determine the most advantageous alternative on the basis of investigations which consider cost, national security, the operational readiness and proficiency of the Atlantic Fleet, the impact on the environment, and other relevant factors.

(b) The detailed feasibility study authorized by subsection (a) of this section shall be completed by December 31, 1972, and shall be done in sufficient detail as to provide a basis for the development of a plan for the orderly transfer of activities now conducted in the Culebra Complex to another site or sites. Upon completion of the feasibility study, a report summarizing the study results together with the Secretary's recommendations shall be transmitted to the President of the United States and to the chairmen of the Committees on Armed Services of the Senate and the House of Representatives.

(c) There are hereby authorized to be appropriated such sums as are necessary for carrying out the studies required by subsections (a) and (b) of this section.

SEC. 206. (a) Public Law 91–142, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Submarine Base, New London, Connecticut, strike out "$303,000" and insert in place thereof "$1,056,000".

(2) With respect to Naval Air Station, Alameda, California, strike out "$6,094,000" and insert in place thereof "$8,170,000".

(b) Public Law 91–142, as amended, is amended by striking out in clause (2) of section 702 "$276,794,000" and "$311,848,000" and inserting in place thereof "$279,623,000" and "$314,677,000", respectively.

SEC. 207. (a) Public Law 91–511 is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Ordnance Station, Indian Head, Maryland, strike out "$159,000" and insert in place thereof "$249,000".

(2) With respect to Marine Corps Recruit Depot, Parris Island, South Carolina, strike out "$112,000" and insert in place thereof "$210,000".

(b) Public Law 91–511, is amended by striking out in clause (2) of section 602, "$245,930,000" and "$268,898,000" and inserting in place thereof "$246,118,000" and "$269,086,000", respectively.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction.

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Peterson Field, Colorado Springs, Colorado, $1,453,000.

Tyndall Air Force Base, Panama City, Florida, $1,019,000.

AIR FORCE COMMUNICATIONS SERVICE

Richards-Gebaur Air Force Base, Kansas City, Missouri, $782,000.

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Ogden, Utah, $19,311,000.

Kelly Air Force Base, San Antonio, Texas, $12,585,000.

McClellan Air Force Base, Sacramento, California, $727,000.

Newark Air Force Station, Newark, Ohio, $1,476,000.

Robins Air Force Base, Warner Robins, Georgia, $17,133,000.

Tinker Air Force Base, Oklahoma City, Oklahoma, $12,872,000.

Wright-Patterson Air Force Base, Dayton, Ohio, $18,302,000.

Various locations, $275,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee, $327,000.

Brooks Air Force Base, San Antonio, Texas, $3,936,000.

Edwards Air Force Base, Muroc, California, $3,484,000.

Eglin Air Force Base, Valparaiso, Florida, $4,248,000.

Space and Missile Test Center, Lompoc, California, $84,000.

Satellite Tracking Facilities, $323,000.

AIR TRAINING COMMAND

Keesler Air Force Base, Biloxi, Mississippi, $2,900,000.

Lackland Air Force Base, San Antonio, Texas, $2,564,000.

Laredo Air Force Base, Laredo, Texas, $331,000.

Laughlin Air Force Base, Del Rio, Texas, $579,000.

Lowry Air Force Base, Denver, Colorado, $8,435,000.

Mather Air Force Base, Sacramento, California, $2,891,000.

Randolph Air Force Base, San Antonio, Texas, $1,122,000.

Reese Air Force Base, Lubbock, Texas, $2,522,000.

Sheppard Air Force Base, Wichita Falls, Texas, $9,893,000.

Vance Air Force Base, Enid, Oklahoma, $1,770,000.

Williams Air Force Base, Chandler, Arizona, $1,639,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska, $968,000.

Elmendorf Air Force Base, Anchorage, Alaska, $441,000.

Various Locations, $1,092,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, $2,013,000.

Bolling Air Force Base, Washington, District of Columbia, $7,185,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma, $1,060,000.

Charleston Air Force Base, Charleston, South Carolina, $2,347,000.

Dover Air Force Base, Dover, Delaware, $5,223,000.

McChord Air Force Base, Tacoma, Washington, $1,556,000.

McGuire Air Force Base, Wrightstown, New Jersey, $83,000.

Norton Air Force Base, San Bernardino, California, $2,016,000.

Scott Air Force Base, Belleville, Illinois, $71,000.

Travis Air Force Base, Fairfield, California, $1,299,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii, $459,000.

STRATEGIC AIR COMMAND

Beale Air Force Base, Marysville, California, $1,348,000.

Blytheville Air Force Base, Blytheville, Arkansas, $522,000.

Carswell Air Force Base, Fort Worth, Texas, $100,000.

Castle Air Force Base, Merced, California, $5,703,000.

Davis-Monthan Air Force Base, Tucson, Arizona, $5,662,000.

Ellsworth Air Force Base, Rapid City, South Dakota, $1,445,000.

Fairchild Air Force Base, Spokane, Washington, $104,000.

Grand Forks Air Force Base, Grand Forks, North Dakota, $514,000.

Grissom Air Force Base, Peru, Indiana, $95,000.

K. I. Sawyer Air Force Base, Marquette, Michigan, $839,000.

Loring Air Force Base, Limestone, Maine, $1,980,000.

Malmstrom Air Force Base, Montana, $522,000.

Minot Air Force Base, Minot, North Dakota, $1,564,000.

Offutt Air Force Base, Omaha, Nebraska, $1,295,000.

Pease Air Force Base, Portsmouth, New Hampshire, $8,205,000.

Plattsburgh Air Force Base, Plattsburgh, New York, $285,000.
Westover Air Force Base, Chicopee Falls, Massachusetts, $816,000.
Wurtsmith Air Force Base, Oscoda, Michigan, $440,000.
Various locations, $928,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas, $2,559,000.
Cannon Air Force Base, Clovis, New Mexico, $290,000.
George Air Force Base, Victorville, California, $547,000.
Holloman Air Force Base, Alamogordo, New Mexico, $6,218,000.
Homestead Air Force Base, Homestead, Florida, $1,421,000.
Langley Air Force Base, Hampton, Virginia, $1,968,000.
Little Rock Air Force Base, Little Rock, Arkansas, $150,000.
Luke Air Force Base, Phoenix, Arizona, $3,136,000.
MacDill Air Force Base, Tampa, Florida, $3,268,000.
McConnell Air Force Base, Wichita, Kansas, $232,000.
Mountain Home Air Force Base, Mountain Home, Idaho, $2,060,000.
Myrtle Beach Air Force Base, Myrtle Beach, South Carolina, $446,000.
Nellis Air Force Base, Las Vegas, Nevada, $1,171,000.
Shaw Air Force Base, Sumter, South Carolina, $1,473,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado, $434,000.

POLLUTION ABATEMENT

Various locations, Air Pollution Abatement, $15,220,000.
Various Locations, Water Pollution Abatement, $7,820,000.

OUTSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Naval Station, Keflavik, Iceland, $3,277,000.

PACIFIC AIR FORCES

Philippine Islands, $129,000.
Ryukyu Islands, $818,000.
Korea, $478,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, $350,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, $1,254,000.
United Kingdom, $644,000.
Various Locations, $550,000.

POLLUTION ABATEMENT

Various Locations, Water Pollution Abatement, $985,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $11,985,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000: *Provided*, That the Secretary of the Air Force or his designee shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1972, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this action prior to that date.

SEC. 304. (a) Public Law 88–174, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 301 as follows:

(1) Under the subheading "AIR FORCE SYSTEMS COMMAND" with respect to Sacramento Peak Upper Air Research Site, New Mexico, strike out "$3,167,000" and insert in place thereof $3,410,000".

(b) Public Law 88–174, as amended, is amended by striking out in clause (3) of section 602 "$162,287,000" and "$491,969,000" and inserting in place thereof "$162,530,000" and "$492,212,000", respectively.

SEC. 305. (a) Public Law 90–110, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 301 as follows:

(1) Under the subheading "MILITARY AIRLIFT COMMAND" with respect to Travis Air Force Base, Fairfield, California, strike out "$6,047,000" and insert in place thereof "$6,946,000".

(b) Public Law 90–110, as amended, is amended by striking out in clause (3) of section 802 "314,578,000" and "$400,950,000" and inserting in place thereof "$315,477,000" and "$401,849,000", respectively.

SEC. 306. (a) Public Law 91–511 is amended under the heading "INSIDE THE UNITED STATES", in section 301 as follows:

(1) Under the subheading "STRATEGIC AIR COMMAND" with respect to Minot Air Force Base, Minot, North Dakota, strike out "$134,000" and insert in place thereof "$330,000".

(b) Public Law 91–511 is amended by striking out in clause (3) of section 602 "$191,937,000" and "$256,189,000" and inserting in place thereof "$192,133,000" and "$256,385,000", respectively.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

INSIDE THE UNITED STATES

DEFENSE ATOMIC SUPPORT AGENCY

Sandia Base, Albuquerque, New Mexico, $662,000.

DEFENSE SUPPLY AGENCY

Defense Automatic Addressing System Office, Dayton, Ohio, $143,000.
Defense Construction Supply Center, Columbus, Ohio, $1,569,000.
Defense Depot, Mechanicsburg, Pennsylvania, $1,209,000.
Defense Depot, Memphis, Tennessee, $136,000.
Defense Depot, Ogden, Utah, $1,452,000.
Defense Depot, Tracy Annex, Stockton, California, $100,000.
Defense General Supply Center, Richmond, Virginia, $432,000.
Defense Industrial Supply Center, Philadelphia, Pennsylvania, $541,000.
Defense Personnel Support Center, Philadelphia, Pennsylvania, $134,000.
DSA Subsistence Regional Headquarters, Alameda, California, $268,000.
Various locations, Air Pollution Abatement, $1,317,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $2,638,000.

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $12,500,000: *Provided*, That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

TITLE V—MILITARY FAMILY HOUSING

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and trailer court facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary of the Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family housing units—

(1) The Department of the Army, one thousand four hundred and ninety units, $38,460,000:

Fort Carson, Colorado, two hundred units.
Fort Gordon, Georgia, two hundred units.
United States Army Installations, Oahu, Hawaii, three hundred units.
Fort Bragg, North Carolina, one hundred and fifty units.
Carlisle Barracks, Pennsylvania, sixty units.
Fort Jackson, South Carolina, three hundred units.
Fort Hood, Texas, two hundred eighty units.

(2) The Department of the Navy, four thousand two hundred fifty-four units, $107,146,000:

Naval Complex, East Bay, San Francisco, California, three hundred units.
Naval Complex, Long Beach, California, three hundred units.
Marine Corps Base, Camp Pendleton, California, two hundred units.
Naval Complex, San Diego, California, six hundred units.
Naval Complex, District of Columbia, one hundred fifty units.
Naval Air Station, Jacksonville, Florida, three hundred units.
Naval Training Center, Orlando, Florida, four units.
Naval Air Station, Glynco, Georgia, one hundred thirty units.
United States Naval Installations, Oahu, Hawaii, four hundred units.
Naval Complex, Warminster, Pennsylvania, two hundred units.
Naval Complex, Newport, Rhode Island, two hundred units.
Naval Complex, Charleston, South Carolina, two hundred and eighty units.
Naval Air Station, Memphis, Tennessee, one hundred units.

Naval Complex, Norfolk, Virginia, six hundred and forty units.

Naval Station, Roosevelt Roads, Puerto Rico, two hundred and fifty units.

Naval Complex, Subic Bay, Republic of the Philippines, two hundred units.

(3) The Department of the Air Force, three thousand five hundred and ten units, $84,240,000.

Beale Air Force Base, California, two hundred units.

United States Air Force Academy, Colorado, two hundred units.

Ent-Peterson Air Force Base, Colorado, two hundred and fifty units.

Dover Air Force Base, Delaware, three hundred units.

Bolling Air Force Base, District of Columbia, four hundred units.

Homestead Air Force Base, Florida, one hundred and sixty units.

Andrews Air Force Base, Maryland, four hundred and fifty units.

Offutt Air Force Base, Nebraska, three hundred units.

Cannon Air Force Base, New Mexico, two hundred and fifty units.

Wright-Patterson Air Force Base, Ohio, five hundred units.

Shaw Air Force Base, South Carolina, five hundred units.

(b) Trailers Court Facilities—

(1) The Department of the Navy, one thousand five hundred spaces, $4,500,000.

(2) The Department of the Air Force, eight hundred fifty spaces, $2,780,000.

SEC. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) shall not exceed $24,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the area specified in subsection (a) shall be constructed at a total cost exceeding $42,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) When family housing units are constructed in areas other than that specified in subsection (a) the average cost of all such units shall not exceed $33,500 and in no event shall the cost of any unit exceed $42,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 503. Notwithstanding the limitations contained in prior military construction authorization Acts on cost of construction of family housing, the limitations contained in section 502 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed by date of enactment of this Act.

SEC. 504. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(a) for the Department of the Army, $10,367,000.

(b) for the Department of the Navy, $8,271,000.

(c) for the Department of the Air Force, $13,825,000.

(d) for the Defense Agencies, $205,000.

SEC. 505. The Secretary of Defense, or his designee, is authorized to construct, or otherwise acquire, four family housing units in foreign countries at a total cost not to exceed $106,000. This authority shall include the authority to acquire land and interests in land, and shall be limited to such projects as may be funded by use of excess foreign currencies when so provided in Department of Defense appropriation Acts.

SEC. 506. Section 515 of Public Law 84–161 (69 Stat. 324, 352) as amended, is amended by (1) striking out "1971 and 1972" in the first sentence and inserting in lieu thereof "1972 and 1973", (2) striking out "seven thousand five hundred" in the second sentence and inserting in lieu thereof "ten thousand", and (3) striking out "$190" and "$250" in the third sentence and inserting in lieu thereof "$200" and "$275", respectively.

SEC. 507. Section 507 of Public Law 88–174 (77 Stat. 307, 326) as amended, is amended by (1) striking out "1971 and 1972" and inserting in lieu thereof "1972 and 1973", and (2) striking out "$185" and inserting in lieu thereof "$210".

SEC. 508. (a) Sections 4774(f) and 9774(f) of title 10, United States Code, are amended to read as follows: "(f) If the Secretary of Defense, or his designee, determines, on the basis of a survey of the family housing needs at any installation where the construction of family housing is authorized, that the construction of four-bedroom units or five-bedroom units for enlisted men is required, such units may be constructed with a net floor area of not more than one thousand two hundred fifty square feet, and one thousand four hundred square feet, respectively.".

(b) Section 7574(d) of title 10, United States Code, is amended to read as follows: "(d) If the Secretary of Defense, or his designee, determines, on the basis of a survey of the family housing needs at any installation where the construction of family housing is authorized, that the construction of four-bedroom units or five-bedroom units for enlisted men is required, such units may be constructed with a net floor area of not more than one thousand two hundred fifty square feet, and one thousand four hundred square feet, respectively.".

(c) Sections 4774(g), 7574(e), and 9774(g) of title 10, United States Code, are amended by inserting "or five-bedroom units" after "four-bedroom units".

SEC. 509. (a) Chapter 449 of title 10, United States Code, is amended by repealing section 4775 and by striking out the corresponding item in the analysis.

(b) Chapter 949 of title 10, United States Code, is amended by repealing section 9775 and by striking out the corresponding item in the analysis.

SEC. 510. The Secretary of Defense, or his designee, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the $10,000 limitation prescribed in section 610(a) of Public Law 90–110 (81 Stat. 279, 305), as amended, for the United States Naval Academy, Annapolis, Maryland, five units, $125,000.

SEC. 511. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(a) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of trailer court facilities, and planning, an amount not to exceed $270,919,000, and,

(b) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $633,212,000.

TITLE VI—HOMEOWNERS ASSISTANCE

SEC. 601. In accordance with subsection 1013(1) of Public Law 89–754 (80 Stat. 1255, 1292) there is authorized to be appropriated for use by the Secretary of Defense for the purposes of section 1013 of Public Law 89–754, including acquisition of properties, an amount not to exceed $7,575,000.

TITLE VII

GENERAL PROVISIONS

SEC. 701. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 702. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, V, and VI, shall not exceed—

(1) for title I: Inside the United States, $350,005,000; outside the United States, $43,874,000; or a total of $393,879,000.

(2) for title II: Inside the United States, $274,220,000; outside the United States, $52,230,000; section 202, $3,733,000; or a total of $330,183,000.

(3) for title III: Inside the United States, $239,576,000; outside the United States, $8,485,000; section 302, $11,985,000; or a total of $260,046,000.

(4) for title IV: A total of $23,101,000.

(5) for title V: Military family housing, $904,131,000.

(6) for title VI: Homeowners assistance, $7,575,000.

SEC. 703. Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is $250,000 or more, and

(2) the current working estimate of the

Department of Defense, based on bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

SEC. 704. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected, together with the design, construction, supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress, shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

SEC. 705. (a) As of October 1, 1972, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorization for appropriations therefor, that are contained in titles I, II, III, and IV of the Act of October 26, 1970, Public Law 91–511 (84 Stat. 1204), and all such authorizations contained in Acts approved before October 27, 1970, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisitions, or payments to the North Atlantic Treaty Organization, in whole or in part before October 1, 1972, and authorizations for appropriations therefor;

(3) notwithstanding the repeal provisions of section 605(a) of the Act of October 26, 1970, Public Law 91–511 (84 Stat. 1204, 1223), authorization for the following item which shall remain in effect until October 1, 1973:

(a) utilities in the amount of $2,874,000 at Navy Public Works Center, Newport, Rhode Island, that is contained in title II, section 201 of the Act of July 21, 1968 (82 Stat. 373); and

(4) notwithstanding the repeal provisions of section 605(a) of the Act of October 26, 1970, Public Law 91–511 (84 Stat. 1204, 1223) authorizations for the following items which shall remain in effect until October 1, 1973:

(a) Utilities in the amount of $288,000 at Fort Hancock, New Jersey, that is contained in title I, section 101 of the Act of December 5, 1969 (83 Stat. 293), as amended.

(b) Utilities in the amount of $545,000 at Fort Wadsworth, New York, that is contained in title I, section 101 of the Act of December 5, 1969 (83 Stat. 293), as amended.

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including trailer court facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date; and

(2) authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date.

SEC. 706. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction cost index is 1.0:

(1) $3,200 per man for permanent barracks;

(2) $11,000 per man for bachelor officer quarters;

unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, That notwithstanding the limitations contained in prior military construction authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

SEC. 707. Chapter 159 of title 10, United States Code, is amended as follows:

(1) Section 2674(a) is amended by adding immediately before the period at the end thereof "or for a project which the Secretary of a military department determines will, within three years following completion of the project, result in savings in maintenance and operation costs in excess of the cost of the project".

(2) The catchline and text of section 2672, and the corresponding item in the analysis are amended by striking out "$25,000" wherever it appears and inserting in place thereof "$50,000".

(3) Section 2672 is amended by adding the following new sentence at the end thereof: "The authority to acquire an interest in land under this section includes authority to make surveys and acquire interests in land (including temporary use), by gift, purchase, exchange of land owned by the United States, or otherwise.".

(4) Section 2677(b) is amended by deleting the last sentence thereof.

SEC. 708. (a) The Secretary of the Army, or his designee, is authorized to convey to the State of Texas, subject, to such terms and conditions as the Secretary of the Army, or his designee, may deem to be in the public interest, all right, title, and interest of the United States, except as retained in this section, in and to a certain parcel of land containing 20 acres, more or less, out of and a part of section 2, block 81, township 2, Texas and Pacific Railroad Company Survey, El Paso County, Texas, within the Castner Range area of the Fort Bliss Military Reservation, being more particularly described as follows:

Starting at a United States Government monument, marking the corners common to sections 2, 3, 8 and 9, block 81, township 2, El Paso County, Texas,

thence proceeding north 88 degrees 48 minutes 17 seconds east along the south line of said section 2, a distance of 94.09 feet to a point on the east line of the proposed north-south freeway;

thence north 01 degree 18 minutes 22 seconds west, along the east line of said freeway, and the west line of a 95.0-foot wide easement to the city of El Paso, Texas, a distance of 95.0 feet, to the point of beginning of subject parcel;

thence north 01 degree 18 minutes 22 seconds west along the east right-of-way line of said north-south freeway, and the west line of subject parcel, a distance of 1244.58 feet to a point;

thence north 88 degrees 48 minutes 17 seconds east into said section 2, a distance of 700.0 feet to a point;

thence south 01 degree 18 minutes 22 seconds east, along the east line of subject parcel, a distance of 1244.58 feet to a point on the north line of a 95.0-foot-wide easement to the city of El Paso, Texas;

thence south 88 degrees 48 minutes 17 seconds west along the north line of said easement to the city of El Paso, Texas, and the south line of subject parcel, a distance of 700.0 feet to the point of beginning.

(b) In consideration for the conveyance by the United States of the property described in subsection (a), the State of Texas shall convey to the United States a parcel of land containing 18.3106 acres, more or less, out of and part of section 21, block 81, township 2, El Paso County, Texas, said parcel being a portion of a 24.25-acre parcel of land heretofore conveyed by the United States to the State of Texas for National Guard and military use by deed dated November 4, 1954, pursuant to the Act of August 30, 1954 (68 Stat. 974), said 18.3106-acre parcel being more particularly described as follows:

Beginning at a point on the south line of Hayes Avenue and the west right-of-way line of the proposed north-south freeway;

thence south 30 degrees 26 minutes 35 seconds west along the west line of said freeway, and the east line of subject area, a distance of 570.42 feet to a point;

thence south 34 degrees 26 minutes 10 seconds west, along the west line of said freeway and the east line of subject area, a distance of 260.00 feet to a point;

thence south 27 degrees 15 minutes 37 seconds west, along the west line of said freeway and the east line of subject area, a distance of 218.63 feet to a point on the north line of Truman Avenue;

thence south 86 degrees 32 minutes 40 sec-

onds east, along the north line of Truman Avenue and the south line of subject area, a distance of 635.32 feet to a point on the east line of Pollard Street;

thence north 03 degrees 27 minutes 20 seconds east, along the east line of Pollard Street, and the west line of subject area, a distance of 902.37 feet to a point on the south line of Hayes Avenue;

thence north 88 degrees 01 minute 34 seconds west, along the south line of Hayes Avenue, and the north line of subject area, a distance of 1116.62 feet to the point of beginning.

(c) The legal descriptions in subsections (a) and (b) may be modified, as agreed upon by the Secretary, or his designee, and the State of Texas, consistent with any necessary changes which may be disclosed as the result of an accurate survey.

(d) There shall be reserved to the United States in the conveyance of lands described in subsection (a) hereof the following—

(a) all mineral rights including gas and oil; and

(b) rights of ingress and egress over roads in the described lands serving buildings or other works operated by the United States or its successors or assigns in connection with Fort Bliss, rights-of-way for water lines, sewer lines, telephone and telegraph lines, power lines, and such other utilities which now exist, or which may become necessary to the operation of the said Fort Bliss.

(e) The conveyance of the property authorized by subsection (a) of this section shall be upon the following conditions:

(1) That such property shall be used primarily for training of the National Guard and for other military purposes, and that if the State of Texas shall cease to use the property so conveyed for the purposes intended, then title thereto shall immediately revert to the United States, and in addition, all improvements made by the State of Texas during is occupancy shall vest in the United States without payment of compensation therefor.

(2) That whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency, and upon the determination by the Secretary of Defense that the property conveyed under this Act is useful or necessary for military, air, or naval purposes, or in the interest of national defense, the United States shall have the right, without obligation to make payment of any kind, to reenter upon the property and use the same or any part thereof, including any and all improvements made thereon by the State of Texas, for the duration of such state of war or of such emergency. Upon the termination of such state of war or such emergency plus six months such property shall revert to the State of Texas, together with all appurtenances and utilities belonging or appertaining thereto.

(3) That the State, in accepting the conveyance from the United States authorized in subsection (a) hereof, shall covenant and agree to all responsibility for clearance of ammunition from the area and to hold the United States harmless from liability in connection with any incidents arising therefrom.

(f) In executing the deed of conveyance authorized by this section, the Secretary of the Army shall include specific provisions covering the reservations and conditions contained in subsections (a) and (b) of this section.

(g) All expenses for surveys and the preparation and execution of legal documents necessary or appropriate to carry out the foregoing provisions of this section shall be borne by the State of Texas.

(h) Notwithstanding the provisions of section 3(b) of Public Law 91-202, approved March 4, 1970 (84 Stat. 20), structures and improvements which are to be replaced in kind at the expense of the city of El Paso, Texas, under such section, shall be constructed on land conveyed to the State of Texas under subsection (a) of this section instead of on the site designated in Public Law 91-202, but with all other provisions of that law shall remain in full force and effect.

SEC. 709. Titles I, II, III, IV, V, VI, and VII, of this Act may be cited as the "Military Construction Authorization Act, 1972".

TITLE VIII

RESERVE FORCES FACILITIES

SEC. 801. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(a) Army National Guard of the United States, $25,686,000.

(b) Army Reserve, $30,300,000.

(2) For the Department of the Navy; Naval and Marine Corps Reserves, $10,090,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, $9,000,000.

(b) Air Force Reserve, $5,250,000.

SEC. 802. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774 (d) of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 803. This title may be cited as the Reserve Forces Facilities Authorization Act, 1972."

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SYMINGTON. Mr. President, the bill before the Senate today provides construction and other related authority for the military departments and defense agencies within and outside the United States, including authority for military family housing and the construction of facilities for the Reserve components.

The total new authority granted by this bill is $1,999,241,000, and in addition thereto approval is granted for an increase in prior years' authority of $6,011,000, for a total authorization of $2,005,252,000.

The amount granted is approximately $257.4 million below the amount requested in the bill as submitted to the Congress. It should be pointed out, however, that about $183.6 million of this reduction is for the Safeguard antiballistic missile system which has been stricken from this bill, but will be later considered in connection with the military procurement bill. This then leaves a net reduction of approximately $77 million in line item projects in the new bill.

In new authority the Army is provided $393.9 million; the Navy, $330.2 million; the Air Force, $260 million; defense agencies, $23.1 million; military family housing, $904.1 million; homeowners assistance, $7.6 million; and $80.3 million for the Reserve components.

The projects denied by the committee consisted primarily of those considered to be in the lower priority category that could be safely deferred to another year without detriment to the program of the military departments.

This year special emphasis has been placed on housing for both married and bachelor personnel, pollution abatement, and facilities for the Reserve forces.

Included in the overall amount reserved for all costs of the military family housing program is $229.8 million to permit the construction of 9,254 new units of housing which are very badly needed. A modest increase of $1,000 in the average unit cost was granted for a new average unit cost of $24,000. This the committee deemed necessary to keep pace with the rising cost of construction.

The greatest single segment of the bill, $298.3 million, is for bachelor housing and community facilities, which to considerable extent is in furtherance of the concept of a modern Volunteer Army. For example, $40 million of the Army's program of $126.8 million approved for this purpose is directed toward providing privacy in existing barracks. The lack of privacy is said to be one of the greatest irritants to service in the Army.

In keeping with the increased tempo to improve environmental quality, the Department of Defense has accelerated its program to abate air and water pollution at all military installations. For this the committee has approved $129.3 million. It would eliminate pollution at some 173 installations located within the United States and possessions. This is in keeping with Executive Order No. 11507, which requires all such anticipated projects to be completed or underway by December 31, 1972. We should recognize, however, that future charges and the tightening up of pollution standards will undoubtedly generate additional requirements in future years.

A total of $80.3 million has been provided for the support of the Reserve components. This is directly related to the scheduled reduction in Active Forces and a correlated necessity for increased reliance on the readiness capability of our Reserve Forces.

These factors I have enumerated, along with other more or less fixed charges, such as $20 million for NATO infrastructure, leaves only about $800 million for the upkeep, maintenance, and improvements to the physical plant of the Military Establishment. Therefore, it is believed that the reduction of some $77 million made by the committee is a substantial one since it fell primarily within this category of facilities.

Now I should like to mention the naval training activities on the island of Culebra. While this was not an issue in the bill, attention is focused upon the problem, because of an amendment offered by the distinguished Senator from Alaska, the Honorable MIKE GRAVEL.

Again this year the committee went into this matter in considerable detail. Testimony was heard from all interested parties. Senator GRAVEL personally very ably presented his amendment. Among others who presented their views were the president of Puerto Rican Senate,

the mayor of the island municipality of Culebra, and the Resident Commissioner of Puerto Rico.

As I understand Senator GRAVEL's amendment, it would direct the Secretary of the Navy to construct an artificial island for use by the Navy for their training activities now conducted on the island of Culebra and the adjoining cays. It would authorize $50 million for this purpose and require a report to the Congress by January 1, 1972, as to the action the Secretary has taken toward the construction of the island. Finally, the Secretary of the Navy is instructed to cease all firing activities on Culebra and adjoining cays no later than January 1, 1975.

The amendment was not adopted because there has been no finding that an artificial island would be the best alternative to the Navy's training activities on Culebra. Furthermore, there have been no engineering studies made as to the feasibility or the cost of such an island.

Before authorizing the appropriation of money for such a project, the committee believes it would need detailed studies of the location of the island, its size, its topography, its environmental impact, the condition of the ocean bottom, and all other detailed engineering analysis required to support a military construction authorization request.

Furthermore, the Defense Department study which was ordered by the Congress did not identify an artificial island as the only possibility that the Navy should investigate further. It simply identified an artificial island as one of the possibilities that should be studied in greater detail.

Testimony by Navy witnesses disclosed that the Navy has already made many concessions in an effort to settle the Culebra situation and an agreement was entered into only last January setting forth these concessions.

The agreement was signed by the Governor of Puerto Rico, the President of the Senate of Puerto Rico, the mayor of the Island Municipality of Culebra, and the Secretary of the Navy. The signatories agreed to continue Navy use of the northwestern peninsula and western cays without limitation of time until a feasible alternative to the Culebra targets is found.

On April 1, 1971, Secretary Laird took further steps and announced that he had directed the Navy to initiate immediately a number of other steps which would enhance the safety and well-being of the residents of Culebra. He further stated that he would reappraise the Culebra situation and the alternative options from the point of view of national security and the best interests of the people of Puerto Rico by the end of 1972, in order to make a final decision as to where to relocate the naval training target areas now on Culebra and whether any additional action should be taken.

Mr. President, the committee feels that the Defense Department and the Navy have complied in good faith with the January agreement. I repeat that the agreement was signed by the Governor of Puerto Rico, the President of the Senate of Puerto Rico, the mayor of the Island Municipality of Culebra, and the Secretary of the Navy.

Studies ordered by the Secretary of Defense to enable him to make his promised decision by the end of 1972 are underway. There is of course no question whatsoever but that the Secretary will keep his promise.

In spite of these assurances and the concessions that have been made this matter continues to be an emotional and political issue. For this reason the committee deemed it advisable to adopt a proposal made by the distinguished Senator from Washington (Mr. JACKSON), one of the most knowledgeable Members of the Senate in regard to the Culebra problem, that incorporates into law the stated position of the administration. It is hoped that this will be acceptable to all concerned.

This has been done in section 205 of title II of the bill before you. This provision is in accord with the Secretary's and the administration's position and announced plans for Culebra. Subsection (a) of the amendment directs that as a part of the feasibility study the Secretary shall specifically consider "cost, national security, the operational readiness and proficiency of the Atlantic Fleet, the impact on the environment, and other relevant factors." Subsection (b) provides that the feasibility study shall also "provide a plan for an orderly transfer of activities now conducted in the Culebra complex to another site or sites."

These two provisions will insure that the committee and the Congress will have a full and complete record as a basis for a decision on Culebra early in 1973.

Mr. President, I believe that this is a fair presentation, outlining the salient features of the bill before you. The committee in reporting the bill is confident that the construction needs of the Department of Defense will be adequately provided for during fiscal year 1972, and requests the Senate to pass the bill.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. TOWER. Mr. President, I shall not detain the Senate with lengthy remarks. I associate myself with the remarks of the distinguished chairman of the subcommittee.

I wish to emphasize, however, that in this military construction bill, greater emphasis has been given than in the past, I think, to personnel support projects, that is to say, those types of projects that are aimed at making life somewhat more comfortable and enjoyable for the members of the armed services, in our efforts to move toward the concept of all-volunteer services. We are attempting to update, for example, existing living facilities, and build new ones where old ones are outdated and in a shambles, and we are spending a lot of money on maintenance and that kind of thing.

I might say that the impetus for this has come from the military themselves. They themselves have come forward with the idea that this year's budget should be more people oriented and more oriented toward personnel support facilities.

I think this is a good military construction bill, and I urge the Senate to adopt it.

Mr. SYMINGTON. Mr. President, I thank the able ranking minority member of the subcommittee, and associate myself with his remarks. I respectfully commend him for his cooperation and assistance in the preparation of this measure for submission to the Senate.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendment in the nature of a substitute.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. TOWER. If the committee amendment is agreed to, the committee amendment will be open to amendment, is that not correct?

The ACTING PRESIDENT pro tempore. Not unless the request is made and unanimous consent given that it be considered as original text, with leave to amend. If that request is made and unanimous consent is given, amendments would be in order.

Mr. GURNEY. Mr. President, I have one amendment that I think I may offer, and I do not wish to be foreclosed from that.

Mr. SYMINGTON. Mr. President, if the Senator from Texas wishes to make such a request at this time, we will not object to it.

Mr. TOWER. Then I ask unanimous consent, Mr. President, that the committee amendment in the nature of a substitute be agreed to and the bill as thus amended be considered as original text for the purpose of further amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. HUGHES. Mr. President, a parliamentary inquiry. I did not hear the Senator's request.

The ACTING PRESIDENT pro tempore. The request is that the bill as amended be considered as original text, with leave to amend.

Is there objection? Without objection, it is so ordered.

The bill is open to amendment.

AMENDMENT NO. 378

Mr. CASE. Mr. President, I call up my amendment No. 378, and ask for its consideration.

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

The legislative clerk read as follows:

On page 52, line 23, strike out "$32,791,000." and insert the following: "$34,191,000: *Provided*, That $1,400,000 of that amount shall be utilized for participation by Fort Monmouth, New Jersey, and Camp Charles Wood, New Jersey, in the sanitary sewer system of the Northeast Monmouth County Regional Sewerage Authority."

Mr. CASE. Mr. President, I ask unanimous consent that I may request a very brief quorum call, without losing my right to the floor.

Mr. STENNIS. Mr. President, will the Senator withhold that request for 2 minutes, so that I may ask for 2 minutes on the bill?

Mr. CASE. I am happy to yield to the Senator from Mississippi, with the understanding that I do not lose my right to the floor.

Mr. STENNIS. I thank the Senator.

Mr. President, will the Senator from Missouri yield me 2 minutes, or will the Senator from Texas yield me 2 minutes on the bill?

Mr. TOWER. I yield the Senator 2 minutes.

Mr. STENNIS. Mr. President, I rise for the purpose of highly commending the Senator from Missouri, as chairman of this important subcommittee, and the Senator from Texas, its ranking minority member, and I also include in my commendation the other members of the subcommittee. There is an enormous amount of work involved in the hearings and in the consideration of a great number of installations and thier needs, and this measure also requires consideration and decision on many questions of high policy that go to make up our entire military program. I know it was this subcommittee years ago, for example, that made the first official decision about the missile program. The initiation of our missile program came through military construction. We all are indebted to them. It was a tremendous job, and they are entitled to the credit for it, as is their able staff member, Mr. Nease. I feel very kindly toward them. They have been very fair and have considered these matters on their merits, and have brought in a very credible and worthy bill.

Mr. SYMINGTON. I thank the able chairman of the Committee on Armed Services for his kind remarks. One of the reasons why we worked hard on this bill was that we knew that was what he desired.

I would also like to associate myself with his remarks about Mr. Nease, who is on the floor with me this morning, and who, in my opinion, is one of the most able staff members it has been my privilege to work with in the years I have been in the Senate.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized, on the time on his amendment. The Senator has requested a quorum call.

Mr. CASE. Mr. President, I withdraw that request.

Mr. President, this amendment would add $1.4 million to the bill for the purpose of allowing Fort Monmouth, N.J., and Camp Charles Wood, which is adjacent to it, to join the sanitary sewer system of the Northeast Monmouth Regional Sewerage Authority.

The President, the Executive Order 11507, set forth the policy that—

> The Federal Government in the design, operation, and maintenance of its facilities shall provide leadership in the nationwide effort to protect and enhance the quality of our air and water resources.

This Executive order requires that necessary actions to abate pollution by Federal agencies be completed or under way by December 31, 1972.

Unfortunately, this policy is not being followed by Federal facilities at Fort Monmouth, N.J.

The community surrounding Fort Monmouth has developed the Northeast Monmouth County Regional Sewerage Authority, a $40 million project to combat water pollution. The Regional Sewerage Authority invited Fort Monmouth to join the system, pointing out that the Fort Monmouth system in a few years would be inadequate to handle sewage generated by the base.

The Department of the Army requested that it be authorized to join the system. This request was included in the military construction authorization bill last year and the year before.

In those years, the request was denied by the House on grounds that no pressing need had been shown to justify the expenditure of funds.

But recently I have received two letters from the New Jersey Department of Environmental Protection which state that Fort Monmouth is in violation of the New Jersey State water quality standards. I ask unanimous consent that the texts of these letters be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. CASE. In a letter dated June 7, 1971, Charles M. Pike, Director of the Division of Environmental Quality, said a number of investigations had been conducted of the pollution being caused by the Fort Monmouth facilities.

He said the evidence obtained as a consequence of these investigations has led State officials to the conclusion that—

> New Jersey's Water Quality Standards are being violated due to the discharge of treated sewerage from the Fort Monmouth installations.

Pike went on to say that the New Jersey Department of Environmental Protection considers this " a most urgent situation which should be rectified through the required appropriation to allow for the abandonment of the two Federal treatment plants serving Fort Monmouth."

In a letter dated July 9, 1971, Ernest R. Segesser, Assistant Director for Water Quality, said:

> Our field and laboratory findings confirm the position taken by this Department for the past several years that the waters of the Shrewsbury River and its tributaries can best be restored and protected by Fort Monmouth participating in the Northeast Monmouth County Regional Sewerage Authority project which, as you know, is well underway.
>
> I can assure you that if the sewage discharges from Fort Monmouth were, in fact, originating from a municipality or an industry we would have initiated legal measures to achieve compliance with this State's water pollution control laws.

In other words, the Federal installations are not only failing to provide leadership as required by Executive Order 11507, but they are trailing so badly that only their Federal status is protecting them from legal action.

It is interesting to note that the Eatontown Sewerage Authority was informed by New Jersey State officials that they could not expand their secondary treatment plant or intensify the degree of treatment with discharge into the same stream which the Federal installations use to discharge their effluent.

They were required to abandon their facility and connect to the regional system even though their plant was completed in 1960 and payment on the outstanding bonded indebtedness had not been completed. In contrast, the two military treatment plants at Fort Monmouth are 28 and 30 years old.

Because of the discharges from the Fort Monmouth treatment plants, all shellfishing in the Shrewsbury River has been forbidden and State officials say any possibility of resuming shellfishing is precluded by continued operation of the Fort Monmouth plants.

The military construction authorization bill already provides $61.9 million for abatement of water pollution at 81 installations, including $32,791,000 for this purpose at Army installations.

It is my hope that we will be able to add a small amount, $1.4 million, to the bill to permit Fort Monmouth to join the Northeast Monmouth County Regional Sewerage Authority system so that the Federal installations can at least keep pace with the surrounding community in this one case.

Mr. President, this proposal has been before the Government for some time. Twice it was approved by the Department of the Army, included in the bill that was sent here. Once, the Senate approved it. Twice, the House turned it down, because in those years—last year and the year before—it felt that there was not sufficient justification. Both of these installations had their own sewage disposal plant. Now that plant has been declared by the State inadequate and as not meeting current standards. So we come here.

Unfortunately, the information I received from the State was not received in time to permit its consideration by the committee when it was marking up the bill. So I ask, if I may, that the committee consider taking this amendment to conference, so that it can be thoroughly threshed out there.

EXHIBIT 1

JULY 9, 1971.

Mr. J. P. HOFFMAN,
Special Assistant for Congressional Affairs, U.S. Army Electronics Command, Fort Monmouth, N.J.

DEAR MR. HOFFMAN: I am enclosing a copy of a report on our investigation of the Parkers Creek Estuary with particular reference to the sewage treatment and disposal facilities at Fort Monmouth.

Our field and laboratory findings confirm the position taken by this Department for the past several years that the waters of the Shrewsbury River and its tributaries can best be restored and protected by Fort Monmouth participating in the Northeast Monmouth County Regional Sewerage Authority project which, as you know, is well underway.

I can assure you that if the sewage discharges from Fort Monmouth were, in fact, originating from a municipality or an industry we would have initiated legal measures to achieve compliance with this State's water pollution control laws.

The record of this Department and our Federal counterpart, of the Northeast Monmouth County Regional Sewerage Authority and the municipalities it serves points up the unswerving attitude as to how our water resources in this area can be protected and enhanced.

We have no quarrel with respect to the caliber of operation being provided. It is our firm opinion that no sewage treatment plant should discharge into these critical waterways notwithstanding the type of treatment which is or could be provided.

We would be happy to discuss this matter further with you particularly with respect to the establishment of an abatement sched-

ule leading to connection with the regional authority.

Very truly yours,

ERNEST R. SEGESSER,
Assistant Director for Water Quality.

JUNE 7, 1971.

Hon. CLIFFORD P. CASE,
Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE: This is in response to your recent inquiry concerning the continued operation of the Fort Monmouth and Camp Charles Wood Sewerage Treatment Plants and the effect they are having on water quality in the Shrewsbury River. Personnel of our Bureau of Water Pollution Control have made a number of investigations of Parkers Creek, a tributary to the Shrewsbury River, which is the receiving stream for the effluent from the two military treatment plants cited above. The evidence obtained as a consequence of these investigations had led us to the conclusion that *New Jersey's Water Quality Standards are being violated* due to the discharge of treated sewage effluent from the Fort Monmouth installations. In addition to laboratory data, visual observations have made it quite clear that these waters are being degraded.

There is clear and conclusive evidence that neither Parkers Creek nor the Shrewsbury River provides for proper assimilation or disposal of sewage effluent. The completion of the Northeast Monmouth County Regional Sewerage Authority system which serves twelve municipalities will remove all sewage effluent discharges from the Shrewsbury River and its tributaries with the exception of two Federal treatment plants. The continued presence of the discharges into Parkers Creek precludes any possibility of reopening any portion of the Shrewsbury River for the harvesting of shellfish. We will be required to maintain the present classification of the Shrewsbury River as condemned for the harvesting of shellfish, even after the completion of the 40 million dollar Northeast Regional Project, as long as the two Federal treatment plants remain.

It is interesting to note that the Eatontown Sewerage Authority was informed by the State that they could not expand their secondary treatment plant or intensify the degree of treatment with discharge into Parkers Creek. They were required to abandon their facility and connect to the Northeast system even though their plant was completed in 1960 and payment on the outstanding bonded indebtedness had not been completed. In contrast to the Eatontown situation, the two military treatment plants are 28 and 30 years old.

The commitment of local officials to a comprehensive and complete program of regional pollution abatement in this area has preserved the opportunity for Fort Monmouth to connect to the Northeast system. The County of Monmouth provided loan funds under favorable terms and conditions to cover the incremental cost of enlarging the interceptor sewers to provide the capacity to accommodate future sewage flows from the military installations when their treatment plants are abandoned.

The New Jersey Department of Environmental Protection considers this a most urgent situation which should be rectified through the required appropriation to allow for the abandonment of the two Federal treatment plants serving Fort Monmouth. If there is any further information which I can provide to you or the Committee, do not hesitate to call on me.

I am sending this same letter to Senator Harrison H. Williams and Congressman James Howard because of their continued interest in this problem.

Sincerely,

CHARLES M. PIKE,
Director.

Mr. SYMINGTON. Mr. President, as we understand the facts, Fort Monmouth has two sewage treatment plants which provide secondary treatment plus chlorination of the effluent. The effluents from these plants discharge to Parkers Creek which subsequently discharges into the Shrewsbury River.

The Army presented a project in the fiscal year 1968 MCA program to connect the Fort Monmouth system to the Northeast Monmouth County Regional Sewerage Authority—NMCRSA—treatment system which would provide an effluent discharge to the Atlantic Ocean. The reason for the Army project was the belief that New Jersey water quality standards would require waste discharge into the ocean. Since this requirement did not occur, the Congress did not support the project in fiscal year 1968. A similar submission in fiscal year 1970 did not receive support by the Congress.

Prior to June 30, 1971, the State of New Jersey regulatory authorities and personnel of the Federal Environmental Protection Agency made numerous inspections of the Fort Monmouth treatment plants. As a result of these inspections, no evidence was presented to the Army to indicate any violations of water quality standards. However, by letter dated July 9, 1971, the State of New Jersey Department of Environmental Protection alleged that Fort Monmouth is currently violating surface water quality criteria, adopted on June 30, 1971.

Action has been initiated to conduct an independent investigation of the water quality of the Parkers Creek estuary and the effects of the effluent discharged from the Fort Monmouth system. This investigation is scheduled to be completed in the late August 1971.

If corrective action is determined to be necessary to meet the recently adopted criteria, a study will be made of alternatives available to satisfy the requirements. Connection to the NMCRSA system will be among the alternatives considered. Corrective action, if required, will be recommended for inclusion in the earliest fiscal year construction program.

Mr. President, that was the staff report, the position of the committee, until this morning. Inasmuch as the distinguished senior Senator from New Jersey is much interested in the project, after discussion with the Senator from Texas (Mr. TOWER), we will be glad to take this matter to conference.

Mr. CASE. I thank my colleagues.

The ACTING PRESIDENT pro tempore. Is all time yielded back?

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

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

The ACTING PRESIDENT pro tempore. All time is yielded back. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

AMENDMENT NO. 379

Mr. GURNEY. Mr. President, I call up my amendment No. 379.

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

The assistant legislative clerk read as follows:

On page 84, line 15, insert the following:

"SEC. 504. Within the limitations contained in sections 501 and 502 of this Act, the Department of the Air Force is authorized to construct 250 units of family housing at MacDill Air Force Base, Florida, at a cost of $5,250,000. This authorization shall be funded from previously authorized but unused, appropriations for family housing;".

And renumber subsequent sections accordingly.

Mr. GURNEY. Mr. President, this amendment would provide authorization funds for 250 units of family housing at MacDill Air Force Base, Fla., at the cost set out in the amendment, which would be $5,250,000.

I point out, as the amendment states, that this is not a request for new funds. Actually, appropriations have already been made in previous years and are available to fund this authorization, if the bill would authorize it.

Housing is badly needed in this Tampa Bay area for MacDill Air Force Base. As a matter of fact, there is only a total of 805 family units on the base now, and of these, only 589 are available to enlisted men. This would be housing for enlisted men, 12,000 military personnel and their families are required to live off the base at MacDill, in the Tampa area.

Another thing that I think is very compelling here in showing the need for housing at MacDill is the fact that the average age of the housing units there is 23 years. This is an old World War II air base. In fact, the director of housing at MacDill has estimated that the facilities he has available rank among the lowest 5 percent of all air base housing in terms of conditions. In other words, they are among the worst the Air Force has to offer—certainly a deplorable condition.

The only units that have been constructed in recent years were 20 in 1965, for officer housing, and the last enlisted personnel housing was built back in 1958. Of course, the others were built long before that, shortly after World War II.

Housing everywhere is one of the prime objectives not only of the administration but also of Congress. We are putting an enormous effort into the matter of trying to change the Army and the Air Force and the Navy around to a volunteer system. I think we all agree that is the way we have to proceed. Obviously, we will never get to this unless we pay people wages comparable with those in private industry and unless we furnish them housing which is adequate. So, certainly, this is a move in the right direction.

In the Senate, we have passed measures this year that call for emergency public works construction of this kind, and I cannot think of any better way to spend our money, if we need to provide jobs and build something useful, than for housing for service personnel. So I would hope that the committee would treat this amendment favorably.

I would also like to point out that the amendment has already passed in the House in the military construction bill that came up for consideration there. So it seems to me that we should be able to do a like thing here. I would hope that

the manager of the bill would treat this amendment favorably.

Mr. SYMINGTON. Mr. President, this is a project which is different from the project submitted this morning by the Senator from New Jersey (Mr. CASE). When I first heard about it, that is, Senator CASE's amendment, I had understood it was in the House bill. But it is not in the House bill, and it was not considered by the Senate. Therefore, it will be taken to conference.

While the House added the number of units indicated, they did not add additional funding for this purpose. They are to be paid for out of prior years' savings. As stated before, no testimony was submitted to the Senate committee.

It is commendable that the Air Force has been able to accrue such savings, and we would hope that the other military departments may do the same because we believe that good management should be recognized. We also believe that the addition of bonus houses, as in this instance, might not be the wise method. Such a procedure could upset the orderly, long-range housing program of the Department of Defense. Perhaps the better procedure would be to add additional required housing in subsequent years for which funds would not be requested. If we do otherwise, it would be setting a precedent which might disrupt the fiscal control over the family housing management account established by Congress after much effort.

We, therefore, cannot accept the amendment but can assure the able senior Senator from Florida (Mr. GURNEY) that it will be given careful consideration when the conference committee meets.

Mr. TOWER. Mr. President, I certainly will lend my support to the position of the Senator from Florida in the conference.

Mr. GURNEY. I appreciate that thought and sentiment on the part of the distinguished Senator from Missouri (Mr. SYMINGTON), the manager of the bill, as well as the ranking member on the Republican side, the distinguished senior Senator from Texas (Mr. TOWER).

I would certainly hope that they would be able to accede to the House position when the matter goes to conference.

With this colloquy and those sentiments, Mr. President, I withdraw my amendment.

The ACTING PRESIDENT pro tempore. The amendment is withdrawn.

Mr. SYMINGTON. I thank the able Senator from Florida.

Mr. HUGHES. Mr. President, I send an amendment to the desk and ask that it be stated.

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

The second assistant legislative clerk proceeded to read the amendment.

Mr. HUGHES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the amendment will be printed in the RECORD at this point.

The text of the amendment proposed by Mr. HUGHES, Mr. CRANSTON, Mr. MCGOVERN, Mr. GRAVEL, Mr. MOSS, Mr. HATFIELD, and Mr. JAVITS is as follows:

On page 66, between lines 9 and 10, insert the following:

"SEC. 205. (a) It is hereby declared to be the sense of the Congress that the Navy should continue phasing down weapons training activities in the Culebra Complex of the Atlantic Fleet Weapons Range and should terminate all such activities as soon as practicable after the date of enactment of this section, but in no event later than May 31, 1975."

On page 66, line 10, strike out "SEC. 205. (a) The" and insert in lieu thereof the following:

"(b) To provide for the termination of such training activities at such Complex and to prepare for the orderly transfer of such activities to another location, the".

On page 66, lines 21 and 22, strike out "be done in sufficient detail as to provide a basis for the development of a plan" and insert in lieu thereof "include a plan".

On page 66, line 24, immediately after the word "sites" insert "by not later than May 31, 1975".

Mr. HUGHES. Mr. President, I ask unanimous consent that the provisions of this amendment be considered en bloc.

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

Mr. HUGHES. Mr. President, it is my intention to ask for the yeas and nays on this amendment when enough Senators are in the Chamber to ask for them.

I do not intend to detain the Senate for any great length of time. I assume we are under controlled time?

The ACTING PRESIDENT pro tempore. Yes; 30 minutes on each amendment.

Does the Senator from Iowa wish to request the yeas and nays at this time, now that a sufficient number of Senators are in the Chamber?

Mr. HUGHES. Yes, Mr. President. I ask for the yeas and nays.

The yeas and nays were ordered.

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

Mr. President, the issue involved—eventual termination of all naval bombardment of the inhabited island of Culebra—is a matter that is familiar to Members of the Senate. It has already been discussed by the chairman of the subcommittee (Mr. SYMINGTON).

As you know, Mr. President, Culebra is an island of some 8,000 acres 20 miles to east of Puerto Rico, in the very center of the Navy's Atlantic Fleet Weapons Range.

For more than 30 years, the Navy has used Culebra and the small islands that lie off its east and north coasts as target areas for ship-to-shore gunnery, air-to-ground bombardment and strafing, aerial mining of coastal waters, and a variety of other naval munitions practice.

The residents of the island—now numbering only a few more than 700—have lived and worked in so-called safety zones, which have not always been entirely safe. The record contains instances through the years of explosive rounds going astray, occasionally causing injury and, in at least one instance, death. The citizens of Culebra live in a constant state of anxiety that errant munitions might find a tragic target among their number.

In recent years, as the Navy converted to more modern weaponry and increased the bombardment of the island, the anxiety has become indignation and then outrage.

The mayor of Culebra, Ramon Feliciano, describes what he calls a charged political climate.

The president of the Senate of Puerto Rico, the Honorable Rafael Hernandez Colon, testifying before the Military Construction Subcommittee, warned of the possible consequences of the Navy further delaying its departure from Culebra:

This would be a grave mistake. For the Navy, the greatest risk is that by trying to hold on to Culebra tenaciously, it may so stimulate anti-American feeling that it may eventually compromise its position in far more important bases in Puerto Rico, such as Vieques and Roosevelt Roads.

I would add, Mr. President, that the consequences for this Nation as a whole might include seeing our entire relationship with Puerto Rico compromised.

In the wake of growing controversy, the Secretary of Defense has prevailed upon the Navy to constrict its firing operations, repair its relations and communications with residents of Culebra, and begin preparations for the eventual transfer of weapons range activities to some other—hopefully uninhabited—island.

Last January 11, the Navy undertook an initiative that resulted in an agreement, as the chairman has indicated, with officials of Puerto Rico and Culebra, removing some of the most serious irritants.

I ask unanimous consent that the text of the agreement be printed in the RECORD.

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

AGREEMENT

The dispute over the Navy's use of Culebra and its offshore cays for weapons training has dramatically posed the problem of balancing the need to conduct the training essential for our national defense with the legitimate desires and aspirations of our private citizens. All persons of good will who are interested in the continued close relationship between Puerto Rico and the United States, the security of our nation, and the aspirations of the people of Culebra have hoped that this problem could be amicably resolved. Through the dedicated efforts and good will of all concerned a mutually acceptable balance has finally been found between the training needs of the Navy and the desires of the people of Culebra. We are pleased to announce the terms of that agreement, and to pledge our continuing efforts to assure that it is carried out in good faith.

1. The Navy will not shoot the Walleye missile at Culebrita or at any other target in the Culebra complex, and the Navy will not obtain the easements on the east end of Culebra that were approved by the House and Senate Armed Services Committees.

2. The targets off the east coast of Culebra will be phased out by January 1, 1972, and the lease on North Cay will be terminated on that date. Culebrita and the other target cays in the area will be declared excess as of that date except for several acres on Culebrita near the lighthouse where the Navy intends to establish a small electronics warfare installation (several vans) for use

in training fleet units in the open ocean north of Culebra.

3. In addition to the shoreline already announced for release, the Navy will declare excess to its needs the shoreline on the east coast starting at a point immediately east of the base camp and proceeding around the east end of Culebra to the beginning of the Navy property holdings on the north coast (Swell Bay) (see attached map). The Navy will cooperate in preserving the ecology of excessed areas as requested by the Municipality and by appropriate federal and commonwealth agencies.

4. The Navy will relocate its bulls-eye target on Agua Cay to Cross Cay by January 1, 1972.

5. The north-south line bordering the northwest peninsula safety zone will be reoriented as shown on the attached map. The parcel of land marked "A" on the attached map will therefore no longer be part of the naval gunfire support safety zone.

6. The Navy will initiate and support an amendment to the executive order creating the defensive sea area around Culebra so that the order will cover only the safety zones for the ship-to-shore gunfire and for the west-range air-to-ground targets (see attached map).

7. Governor Ferre, Mayor Feliciano, and Senate President Hernández Colón solemnly pledge to use all regulatory and legal devices available to the Commonwealth and the Municipality of Culebra to assure that no dwellings or other habitable structures are constructed in the northwest safety zone for as long as the Navy uses the northwest peninsula for naval gunfire support training. If landowners in the area complain that their property is being taken without due process of law or if, despite the above-mentioned regulatory and legal devices, individual landowners take steps to construct dwellings or other habitable structures in the safety zone, then the Navy will pay such landowners the fair value of foregoing the right to construct said dwellings or other habitable structures.

8. Since the Navy is giving up a substantial number of targets, its remaining targets will become that much more important. In consideration of this action by the Navy and in recognition of the Navy's need to schedule the use of the remaining targets more tightly, Governor Ferre, Senate President Hernández Colón, and Mayor Feliciano will use their best efforts, including moral suasion, to obtain the cooperation of everyone in keeping the land and sea safety zones for the remaining targets clear of people during scheduled training operations.

9. No training operations around Culebra will be conducted on weekends or holidays except to meet an urgent operational commitment. In the event that this becomes necessary the Admiral commanding the Caribbean Sea Frontier, or in his absence the officer acting in that capacity, will be personally aware of and will have personally approved such operations, and the Mayor of Culebra will be personally notified by an authorized representative of the Commander of the Caribbean Sea Frontier at least twenty-four hours in advance of any such training operations.

10. The Navy solemnly and definitively agrees to abandon its plans to acquire easements or any other interest in land on Culebra and its adjacent cays by eminent domain or other means except as provided by paragraph 7 of this agreement.

11. There will be no time limit on the duration of this agreement, but the Navy promises to continue to investigate both technological and geographical alternatives to the training done around Culebra. The purpose of these investigations will be to find feasible alternatives that will eventually permit the transfer away from Culebra of the training that will be conducted after January 1, 1972.

Dated the 11th day of January 1971.

JOHN H. CHAFEE,
Secretary of the Navy.
LUIS A. FERRE,
Governor of Puerto Rico.
RAMÓN FELICIANO,
Mayor of Culebra.
RAFAEL HERNÁNDEZ COLÓN,
President of the Puerto Rican Senate.

12. It is the position of the Puerto Rican Government, Governor Ferre, Senate President Hernadez Colon and Mayor Feliciano that the Navy should terminate all training operations on Culebra and its neighboring Cays within a reasonable period. It is the hope of the Signatories listed above that the study that the Department of Defense is required by law to undertake will conclude that this is feasible.

Mr. HUGHES. Mr. President, on April 1, the Secretary of Defense submitted, pursuant to legislation enacted last year, a report of the study entitled "Culebra, Overview and Analysis, April 1, 1971."

At the same time, Secretary Laird announced that he had directed the Navy to initiate immediately certain actions which will enhance the safety and well-being of the residents of Culebra. Among the actions to be immediately initiated were:

Those land surveys, training maneuver analyses, and engineering studies required to provide the option of moving by June 1975 to a suitable alternative to the target areas on Culebra.

One other vital passage of the Secretary's announcement merits close attention at this point:

It is my plan to reappraise the Culebra situation and the alernative option(s) from the point of view of National Security and the best interest of the people of Puerto Rico by the end of 1972 in order to make a final decision where to relocate the Naval training target areas . . .

In short, the Secretary has directed the Navy to get ready to move current weapons training to another site by June 1975, and to prepare the options. He has served notice that he intends to make a decision as to "where to relocate" by the end of 1972.

Mr. President, I ask unanimous consent that the text of Secretary Laird's April 1, 1971, letter be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, D.C., April 1, 1971.

Hon. JOHN C. STENNIS,
Chairman, Armed Services Committee,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: I am enclosing three copies of a report on the weapons training now being conducted in the Culebra complex of the Atlantic Fleet Weapons Range. This report is in response to Section 611 of Public Law 91-544. I believe that you will find the report thorough, objective, and balanced.

After reviewing the report, I have directed the Navy to initiate immediately a number of actions which will enhance the safety and well being of the residents of Culebra and reduce the irritants to them resulting from Naval training in the area.

These actions include:

Cessation of explosive bombardment of the Northwest Peninsula of Culebra by January 1, 1972.

Development of non-explosive rounds for Naval gunnery practice.

Opening of all of the Flamenco Beach for public use at all times except during ship firing.

Construction of a road to Brava Beach and a bath house there so that the Culebrans will have unrestricted access to a bathing beach at all times.

Cessation of removal of sand from Culebra's beaches and initiation of legal steps necessary to halt the unauthorized exploitation of ecological resources under Navy stewardship.

Provision of unrestricted sea and air corridors between Culebra and St. Thomas, Vieques and mainland Puerto Rico.

Stationing of a Spanish-Speaking, U.S. Naval officer in Dewey and another in Isabel Segunda on Vieques responsible for Range Safety.

Initiation of those land surveys, training maneuver analyses, and engineering studies required to provide the option of moving by June 1975 to a suitable alternative to the target areas on Culebra.

Improvement of community relations on Culebra and Vieques in particular and Puerto Rico in general.

Enhancement of the economic benefits to Culebra and Vieques of Department of Defense activities in Puerto Rico.

It is my plan to reappraise the Culebra situation and the alternative option(s) from the point of view of National Security and the best interests of the people of Puerto Rico by the end of 1972 in order to make a final decision where to relocate the Naval training target areas and whether any additional actions should be taken.

Sincerely,

MELVIN R. LAIRD.

Mr. HUGHES. Mr. President, further clarifications of the Secretary's announcement are contained in a May 5, 1971, letter from Joseph A. Grimes, Jr., special assistant to the Secretary of the Navy, to the Honorable Roman Feliciano, mayor of Culebra, and in an April 23, 1971, letter from Jerry W. Friedheim, Deputy Assistant Secretary of Defense, to the Honorable Rafael Hernandez Colon, President of the Senate of Puerto Rico. I ask unanimous consent that the contents of these two letters be printed in the RECORD.

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

DEPARTMENT OF THE NAVY,
Washington, D.C., May 5, 1971.

Hon. RAMON FELICIANO,
Mayor of Culebra,
Culebra, Puerto Rico.

DEAR MAYOR FELICIANO: Thank you for your letter to Secretary Chafee concerning alternatives to the use of Culebra for Navy training operations.

The Secretary of Defense's press release of April 1, 1971, announced that, as a result of the report to the Congress and the President on the weapons training now being conducted in the Culebra complex, he had directed the Navy to initiate immediately a number of actions. Among these directed actions was the initiation of land surveys, training maneuver analysis, and engineering studies required to provide the option of moving June 1975 to a suitable alternative to the target areas on Culebra. The possibility of using an artificial island will be studied in this connection.

This announcement by the Secretary of Defense strengthens the agreement of Janu-

ary 11, 1971, and the Navy will continue to work with you and the other signatories to assure that the spirit and letter of each of its sections is fully carried out.

Sincerely yours,

JOSEPH A. GRIMES, Jr.
Special Assistant to the Secretary of the Navy.

APRIL 23, 1971.

DEAR MR. HERNANDEZ: This is in response to your letter of April 21 to the Department about Culebra.

We regret that a recent story by UPI may have resulted in some confusion about the position of the Secretary of Defense.

The Secretary's position has been, and remains, exactly as stated in his press statement of April 1 which read in part:

"The Secretary also stated that he will reappraise the Culebra situation and the alternative option(s) from the point of view of National Security and the best interests of the people of Puerto Rico by the end of 1972 in order to make a final decision where to relocate the Naval training target areas now on Culebra and whether any additional actions should be taken."

We hope the Secretary's statement makes it clear that the Navy operations on Culebra are to be transferred by June 1975 unless a reversal of the situation occurs because of 1) the collective wishes of the Culebrans themselves, 2) action by the Congress, or 3) the President's future assessment of national security demands.

Sincerely,

JERRY W. FRIEDHEIM,
Deputy Assistant Secretary.

Mr. HUGHES. Mr. President, the Military Construction Subcommittee, under the able and dedicated leadership of a very good friend, the distinguished senior Senator from Missouri (Mr. SYMINGTON), heard a great deal of valuable testimony regarding Culebra in 2 days of hearings.

And the junior Senator from Washington (Mr. JACKSON), who took the lead in pursuing a solution as chairman of the same subcommittee in the last Congress, has once again this year brought his knowledge of the situation to bear on the controversy. The Senator and his committee have given this matter very serious consideration. I certainly extend my compliments to them for the in-depth hearings they have had.

After careful consideration, the Committee on Armed Services recommended an amendment to H.R. 9844 that would, as the committee report declares on page 7, "incorporate into law the administration's position." That has also been stated by the chairman this morning. I ask unanimous consent that an excerpt from the committee report be printed at this point in the RECORD.

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

EXTRACT FROM COMMITTEE REPORT ON H.R. 9844

The Committee feels that the Defense Department and the Navy have complied in good faith with the January agreement in which the Puerto Rican signatories agreed to continued Navy use of teh northwest peninsula and western cays without limitation of time until a feasible alternative to the Culebra targets is found.

The studies directed by the Secretary of Defense are now underway, and he has stated that he will make a final decision on this matter by the end of 1972. The Committee has absolutely no doubt, but that this will be done. Nevertheless, in view of the rather intense interest in the matter, it was deemed advisable to incorporate into law the Administration's position.

This has been done in Section 205 of Title II of the Bill. This provision is in accord with the Secretary's and the Administration's position and announced plans for Culebra. Subsection (a) of the amendment directs, however, that as a part of the feasibility study the Secretary shall specifically consider "cost, national security, the operational readiness and proficiency of the Atlantic fleet, the impact on the environment, and other relevant factors." Subsection (b) provides that the feasibility study shall also "provide a plan for the orderly transfer of activities now conducted in the Culebra Complex to another site or sites." These two provisions will insure that the Committee and the Congress will have a full and complete record as a basis for a decision on Culebra early in 1973.

Mr. HUGHES. Unfortunately, Mr. President, the language contained in the committee amendment omits a vital element of the administration position as spelled out by Secretary Laird.

The committee language does call for a detailed feasibility study of "the most advantageous alternative" to the weapons training now being conducted on Culebra.

It does call for the results of the study to be compiled and reported to Congress by December 31, 1972.

But it does not contain the June 1975 target date specified by Secretary Laird in his directive to the Navy on April 1.

The amendment which I offer today would remedy that omission and incorporate all of the vital points of the administration position into law.

It would establish a target date, not in a binding way, which might result in unwittingly impairing national security, but in a highly persuasive way that should convince the Navy that stalling will be futile.

The amendment would declare it to be the sense of the Congress that the bombardment should terminate by not later than May 31, 1975.

It will not do for opponents of the amendment to argue that such a target date is unnecessary because the Secretary of Defense has already set one. Unfortunately, as I have mentioned, Secretaries of Defense come and go, and if I am not mistaken, the present occupant of the office has said that he intends to go soon after the 1972 elections.

Second, the amendment would set a target date toward which the feasibility study would be aimed. Again, it is not the intention of the sponsors of this amendment to order the Navy's departure from Culebra by a date certain. Rather, it is to establish a time frame for planning. Without it, the study would almost certainly be imprecise and unsuitable as a basis for relocating the weapons training to another site or sites.

Finally, the amendment would make a primarily technical change, to insure that the study required by section 205 would result in a specific plan. The present language requires only that the study be done in sufficient detail to provide "a basis for the development of a plan."

There is a world of difference, in my opinion, between a report that includes a plan and one that merely includes a catalog of minute technical details that could form the basis for development of a plan.

The Congress, I believe, will want the study to produce a manageable proposal for accomplishing the transfer, if it is not subsequently deemed to be contrary to the interests of national security.

Mr. President, I support the recommendation of the committee. I want to make that very clear. I am not in difference with the recommendation of the committee. I regard it as a desirable and necessary step forward in the long and difficult trek toward complete termination of all bombardment of Culebra.

But I urge adoption of my amendment to make it clear that the direction we want to go and the destination we want to reach are unmistakably understood by all concerned.

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

Mr. HUGHES. I am glad to yield to the senior Senator from New York.

Mr. JAVITS. Mr. President, I am a cosponsor of the amendment. Representing the State of New York, where there are so many people of Puerto Rican ethnic origin, I can testify to the sympathy and concern which is shared by most people in my State, along with the general population. The Puerto Ricans, it seems, have very deep feelings on this subject.

I have joined with the Senator from Iowa for the reason that the moderate and considerate approach he has taken might commend itself to the manager of the bill and to the Senate.

Mr. HUGHES. Mr. President, I ask unanimous consent, if the name of the Senator from New York is not already shown on the amendment as a cosponsor, that it be added at this time.

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

Mr. SYMINGTON. Mr. President, this item is one that has been given more consideration—in fact, a good deal more consideration—by the committee than any others. For some years it has been a problem of contention.

It has been a problem of contention with people in my State who are interested in real estate development. Several years ago I became interested in the subject.

Mr. President, we took extensive testimony on this problem. We had, as mentioned previously, many people who testified for the Navy and many people from Puerto Rico who testified for and against the Navy's position.

Actually, the record which is on the desk of each Senator this morning contains 61 pages of testimony incident to this problem.

The subcommittee felt, and the full committee agreed, that it could accept the amendment previously referred to from this distinguished Senator from Washington, which prescribed that there shall be a report made by the Secretary of the Navy by the December 31, 1972, as to the best alternative, but that it could not accept the amendment from the distinguished Senator from Iowa. May I say that the Senator from Iowa is one of the Members of the Senate for

whom I have very great respect and with whom I am in full sympathy in connection with his amendment. But, on the other hand, the Secretary of the Navy did sign an agreement in January, as has been mentioned, with the Governor of Puerto Rico, the president of the Puerto Rican Senate and the mayor of Culebra to resolve the controversy that has flared up regarding Navy training around Culebra. In that agreement the Navy, among other things, agreed to investigate alternatives to the training conducted around Culebra. The agreement also provided that there would be no time limit to Navy training in the area and that the parties would not demand a cutoff date until a suitable alternative had been identified and found feasible. Let me repeat that. The agreement also provides that there would be no time limit to Navy training in the area and that the parties would not demand a cutoff date until a suitable alternative had been identified and found feasible.

It was agreed by all the parties to that agreement, in the agreement itself and in the public discussion prior to the signing, that until a feasible alternative is found the Navy requires the Culebra target areas because the training done there is essential for national defense.

On April 1 the Secretary of Defense forwarded to the Congress the study that was required by last year's military construction act. The Secretary has made it clear that Navy operations are to be transferred from Culebra by June 1975 unless a reversal of the situation occurs because of, first, the collective wishes of the Culebrans themselves; second, action by the Congress, or third, the President's future assessment of national security demands. There was no finding in the Defense Department study that a feasible alternative exists to the training done on Culebra. Instead the Secretary of Defense directed the Navy to do additional studies to find such alternatives so that he could make a decision on relocation of these target areas not later than the end of 1972. The date set by the Secretary for transfer, June 1975, is only a target date that is self-imposed and was necessarily qualified because no finding had yet been made that an alternative site in fact exists.

The Defense Department and the Navy have more than lived up to the January agreement which stated that there would be no time limitation on Navy training in the Culebra area, and setting a date in legislation would amount to an amendment of an agreement that was entered into only a few months ago in good faith by all of the parties.

We believe that section 205 as approved by the Armed Services Committee is consistent with the January agreement and with the subsequent action of the Secretary of Defense. We regret to say that, in our opinion, the proposed amendment to section 205 goes beyond the agreement and the Secretary of Defense's subsequent action, and therefore we feel forced to oppose it.

As is true of any case which becomes emotional, there has been much discussion and quite a little publicity about casualties incident to the Navy's operations in Culebra. May I say, with the greatest respect, that whereas the United States received benefits from the activities of our fleet, so do the people who live in that area. In my opinion, the most informed man in the Government on this matter turned out to be Mr. Joseph A. Grimes, Jr., special civilian assistant to the Secretary of the Navy. No one could have listened to his testimony without being impressed by the fact that first, he had studied the matter carefully on the ground and second, that he was objective in his conclusions. In his testimony, he states:

> The Navy began operations on Culebra in 1936 and since that time there have been no claims for civilian injuries or death. There was one allegation made last summer that in 1958 there was a boy who was injured while playing with an explosive toy that was allegedly left by the Navy on Culebra. We looked into that incident and we found that the police had investigated it, that the boy had gone to a hospital, but there was never any mention made that the Navy might have been involved, nor was any report ever made to the Navy. And in any event, the alleged incident did not happen during any Navy training operations.

For these reasons, the Navy has very much modified its activities with respect to this island, especally on the eastern side; so the committee feels it is necessary to oppose this amendment.

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

Mr. SYMINGTON. I am glad to yield to the distinguished Senator from Texas.

Mr. TOWER. Mr. President, I support the position taken by the distinguished chairman of the subcommittee. The committee has been dealing with this problem for some time and has looked into it at greath depth. The committee is convinced, and I think rightly so, that the Navy is in good faith compliance with the agreement of January of this year, an agreement, as has been pointed out by the Senator from Missouri, which was put together and agreed to by the major political leaders of Puerto Rico.

I think as long as they were satisfied with the agreement and as long as the Navy is proceeding in compliance with the agreement we should not agree to this amendment which I think would impose a proscription on the Department of Defense and the Navy.

Mr. HUGHES. Mr. President, it is not my intention to disagree with the committee recommendation, as I have previously stated. It is my intention, and the intention of the additional cosponsors of this amendment, to write into law what we feel the Secretary of Defense indicated was his intention. That is the purpose of the amendment.

It is not my intention to question the study that has been made, the concern of the chairman of the subcommittee and the members of the committee, because I believe they have given this generous amount of time in proportion to the number of persons affected, I certainly compliment them.

But I believe Congress should give assurance to the people of Puerto Rico and Culebra that we are going to set a target date, which is not binding to the extent that national security is involved, but making clear that the Navy should terminate the shelling as soon as practicable but in no event later than May 31, 1975. I believe everything offered by the amendment is in line with the intention.

Mr. President, I make these statements as my closing remarks and I am ready to yield back my time.

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

Mr. HUGHES. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. HUGHES. Mr. President, I yield 2 minutes to the Senator from Alaska.

Mr. GRAVEL. I thank the Senator for yielding. All I can do in 2 minutes is thank the chairman of the subcommittee, the Senator from Missouri (Mr. SYMINGTON), for his graciousness in providing us a hearing. I assure him that we are aware that he put himself out personally because this was done in a very short time. We are grateful. No one can give greater testimony of this than the Senator from Missouri. That we have traversed the distance we have is probably because of his graciousness and his realization of what is going on in Culebra.

I can only add my voice most respectfully to that of the Senator from Iowa, knowing how bureaucracy operates and the importance of proddings of this sort. That is what it will amount to; it will act as a force to push the Navy into coming up with something disciplined in this regard.

In the absence of that personal attention on the part of the Senator from Missouri, the Senator from Iowa, and me, there would be one very easy way that discipline could be achieved, and that would be with the passage of this amendment. That would institutionalize the discipline, requiring that the Navy come up with a concrete proposal showing some alternatives. Obviously, if those alternatives are much less practicable than the present course of action, Congress would still have an opportunity for review, and in any event the bombing would stop by May 31, 1975.

Because of where the burden of proof should lie, and because we are dealing with human beings who are being subjected to unbelievable harassment, I have been concerned with this matter. I have no interest in Culebra. I have never been to Puerto Rico, myself. I had a staff member go there. I find it difficult to believe that Americans are being subjected to this treatment.

In view of the fact that the American Navy has been doing this all these years it is not unrealistic to put the burden of proof on them to achieve the discipline and come up with something concrete at a date certain, and not leave it to the vicissitudes of bureaucracy, which has been the situation for the last 22 years.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SYMINGTON. Mr. President, I say to my colleague from Alaska, who has worked long and hard on this matter, that I cannot agree that there is any unbelievable harassment going on as

a result of what has been done in this regard with respect to this problem. But I do thank him for his kind statements about the work of the subcommittee, as I do the Senator from Iowa for his statements.

Mr. JACKSON. Mr. President, when the Armed Services Committee considered the Military Construction Authorization bill in committee I proposed an amendment to section 205 of the bill. This amendment as adopted by the committee directed the Secretary of Defense to prepare a detailed feasibility study of the most advantageous alternative to the weapons training activities now being conducted on the island of Culebra. The amendment directs that the study be completed by December 31, 1972, and that the Secretary transmit a report together with his recommendations to the Congress by December 31, 1972. Subsection (c) of the amendment authorizes the appropriation of any funds necessary to carry out the study.

The Secretary stated in his letter of April 1, 1971, transmitting the report required by my amendment last year to section 611 of Public Law 91–511 that "a final decision where to relocate the Naval training target areas" would be made by the end of 1972. The Secretary's position was stated in more detail in testimony before the subcommittee by Mr. Joseph A. Grimes, special assistant to the Secretary of the Navy, on July 2, 1971.

The amendment I proposed is in accord with the Secretary's and the administration's position and announced plans for Culebra. Subsection (a) of the amendment directs, however, that as a part of the feasibility study the Secretary shall specifically consider—

Cost, national security, the operational readiness and proficiency of the Atlantic fleet, the impact on the environment, and other relevant factors.

Subsection (b) provides that the feasibility study shall also—

Provide a basis for the development of a plan for the orderly transfer of activities now conducted in the Culebra Complex.

These two provisions, in my judgment, will insure that the committee and the Congress will have a full and complete record as a basis for a decision on the transfer of activities now conducted in Culebra early in 1973.

The amendment offered by the junior Senator from Iowa (Mr. HUGHES) states the sense of the Congress that—

The Navy should—terminate all such—weapons training—activities as soon as practicable after date of enactment of this section, but in no event later than May 31, 1975.

The date specified in the amendment is, as I understand it, a target date toward which the feasibility study must be directed. It is not, however, a directive to the Secretary that the weapons training activities themselves must be removed from Culebra by that date.

A final decision on the actual transfer of activities is reserved to the Congress pending completion of the report and an opportunity for the Congress to assess all the implications of the transfer—cost, national security, operational readiness of the Atlantic fleet, impact on the environment, and other relevant factors—and to review the recommendations of the Secretary and the President.

Mr. President, on this basis I will support the amendment of the junior Senator from Iowa.

Mr. KENNEDY. Mr. President, I rise to support the amendment by Senator HUGHES which has been proposed to the military construction bill and which seeks to place a time limit on the Navy's use of the island of Culebra for air and naval target practice.

For the past 2 years, the residents of the island of Culebra—all citizens of the Commonwealth of Puerto Rico and therefore of the United States—have sought to call an end to the bombing and bombardment of their island and surrounding cays.

The Congress moved in that direction last year by ordering the Defense Department to undertake a study of alternatives to the continued use of the island. The conclusion to that study cited several alternatives including the construction of an artificial island. However, a final decision on further courses of action was delayed until the end of 1972.

Even then we have no assurance that a specific plan for leaving the island by 1975 will have been formulated.

Although the committee, after hearings this year, specified that a feasibility study be prepared and a plan provided for the transfer of activities from Culebra, no time limit for the accomplishment of that activity was incorporated.

I believe that nearly 4 years should be sufficient for the U.S. Navy to accomplish the final transfer of the bombing and bombardment of this island, and to leave the residents of this island in peace.

I urge the Senate to adopt the amendment now before the Senate to finally establish a date which will signal the conclusion of the Defense Department intrusion on this island.

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD a commentary and some editorials bearing on the subject of Culebra.

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

STATEMENT BY THE HONORABLE MIKE GRAVEL, SENATOR FROM ALASKA

During the past year, the little Island of Culebra, Puerto Rico has become well-known in this body and throughout the United States. In fact, throughout the world Culebra and its long-running dispute with the United States Navy became a real life embodiment of the fabled mouse that roared. But the story of Culebra is marked by tragedy, not humor. It has shocked us as an instance of gross injustice and apparently callous disregard for innocent civilian life; but it has also encouraged those who are committed to working within the system, who believe that our democracy is well suited to the righting of a grievance wrong by peaceful means. The fundamental rights of 700 Spanish-speaking United States citizens to live lives that are free of the fear and danger of constant shelling and bombardment have been recognized even against the convenience of the mightiest Navy in the world.

I introduced an Amendment to the Military Construction Authorization Bill to provide the Navy with an alternative, superior training site and to make certain that the Navy desists from shelling and bombing the American citizens residing on Culebra by a date certain. Senators Proxmire and McGovern have joined as co-sponsors of this Amendment. I hope you will support its enactment.

The United States Navy has for 35 years bombed, shelled and strafed tiny Culebra as a training target. Many servicemen have fired on Culebra, never realizing that this isolated outcropping in the Caribbean, barely 3 miles by 7 miles, was the home of fellow Americans.

For a long time the Culebrans accepted the terror, the noise and the danger as a fortuitously cruel cross they had no choice but to bear. Ramon Feliciano, the Mayor of Culebra, who will testify this afternoon, served in the Armed Service of the United States during World War II, only to return from service to discover that the United States Navy had blown up his family's home.

Fortunately, actual loss of life on Culebra has been limited but the ever present danger of living on a bulls-eye constitutes a psychological price that every Culebran continually must pay. And death, injury and maiming as a consequence of training operations on Culebra, are sufficiently well known to make this price a significant one for every resident of Culebra.

Assistant Secretary of the Navy Frank Sanders confessed in Hearings before the House last year that "Nine Navy men were killed and one injured in 1946 when an aircraft mistakenly dropped bombs on a Navy Observation Post."

The *Armed Forces Journal* of June 20, 1970 discusses other accidents and incidents of shells landing outside prescribed safety zones. The Navy confirmed some of these; the Culebrans apparently remember them all.

In 1914 Isaac Espinosa lost a right arm as a result of an exploding grenade. In 1935 Alberto Pina Garcia, a 15-year old school boy was killed when he banged a grenade. Incidentally, the Navy apparently takes some solace from the fact that grenades may be attributable to Marine training no longer taking place on Culebra. But the Culebrans are not sophisticated military experts. It appears that the timing devices for ship-to-shore shells which apparently tick and contain explosive charges may have been the "grenades" responsible for these last two incidents.

In 1935 Vincento Ramero lost his right arm in another accident.

In 1958 Sixto Colon Robinson suffered partial loss of vision in his right eye when a group of children set fire to gun powder they found on the beach.

In April 1968 a Jersey calf, owned by Feliciano Rosario, was killed by rocks kicked up by the landing of two non-explosive star shells during night illuminating exercises.

On June 14, 1968 a Navy pilot was killed when his A–4B on a firing run over Agua Cay crashed into waters south of Yorba Cay.

In 1968 a fishing vessel was hit by a shell.

On December 1, 1969 a bomb landed in Dewey Harbor as a result of a release mechanism malfunction aboard a Marine aircraft returning from a target run on Agua Cay.

In 1970 the San Juan yacht La Vagabunga, owned by Carlos Vasquez had smokepots dropped athwartships during 5 passes by an aircraft on a clear day while the vessel cruised amidst a flotilla of 14 others.

On April 19, 1970, mortar rounds were fired at Flamingo Beach when Culebran children were bathing there. Again, on May 22, 1970, mortar rounds were fired without warning and contrary to information contained on published firing schedules nearly missing children bathing at Flamingo Beach and the boat on which the Governor of Puerto Rico was traveling nearby.

Congressman Córdova testified before the House regarding these two incidents as follows:

"Shortly after the announcement of the

Navy proposal, Mayor Feliciano, of Culebra, visited Washington to express his objections. He showed me a sworn statement made by citizens of Culebra who claimed that on April 19, 1970, a Sunday when no firing was scheduled, mortar shells were dropped near the spot on Flamingo Beach where they were bathing. They felt the shelling was for the deliberate purpose of driving them from the beach. They lost no time in leaving.

"Meantime, on May 22, 1970, a day when the Governor of Puerto Rico, as well as two attorneys from Washington, were visiting Culebra to see for themselves something of what was going on, and to talk to the citizens about their complaints, six mortar shells were again dropped without warning on Flamingo Beach, where children were bathing at the time. The man in command of the mortar crew has signed a statement stating, among other things, that "Three were fired long and three short into Flamingo Beach. The red flag was not raised. Bathers were on the beach earlier but when we fired the mortar rounds we did not look at the beach. We did see a blue fishing boat about a mile to the north of the bay.'

"I cannot help but wonder whether these shells would have been fired if the children on the beach had been the children of Naval officers. I cannot help but wonder whether these shells would have been fired if the mortar crew had known that the Governor of Puerto Rico was aboard the fishing boat they thought they saw about a mile away."

The *Armed Forces Journal* article also reports that six incidents of misfires or wild shots since October 1965 were reported to the Commander of the Caribbean Sea Frontier in response to his directive:

On October 13, 1965, two five-inch projectiles impacted on the northeast face of Luis Pena Cay fired by the *U.S.S. Charles F. Adams.* On the same day two more shells from the same ship fell outside the safety zone.

On October 19, 1965, four five-inch projectiles impacted on the north face of Luis Pena Cay because of system difficulties. These were fired by the *H.M.A.S. Perth,* an Australian destroyer purchased from the United States.

On November 5, 1965, two five-inch projectiles impacted south of Agua Cay from the *U.S.S. Stickle.*

On March 24, 1969, the *U.S.S. Fort Snelling* fired two rapid-salvo three-inch round shells which landed on Luis Pena Cay, as a result of human error.

On June 18, 1969, a strafing incident on the Island's eastern end did occur. People in the area picked up a 20-millimeter training round.

In addition to these incidents, the *Armed Forces Journal,* May 23, 1970, also refers to the time the battleship *New Jersey* late in the 40's or early in the 50's lobbed shells on a cistern between the town of Dewey and the impact area, and when the ship *Missouri,* about the same time, scored on the safety zone instead of the impact area.

Mayor Feliciano recalls one incident when a shell landed in the cistern immediately adjacent to his office in the Municipal Building which is located in the very center of Culebra's only town.

Mr. Edward Joe Shoupe, a former Navy officer who supervised firing operations at Culebra during World War II has written in a sworn affidavit that, based upon the inaccuracies of firing and the mistakes he observed, "in his opinion, it is a miracle that natives have not been killed prior to this time." Mr. Shoupe has traveled at his own expense from Cleveland to testify this afternoon in support of my Amendment. I commend him for this selfless and patriotic service.

A document prepared by the Navy entitled "Culebra Utilization Data," which was submitted to the House Armed Services Subcommittee last year, reveals that in 1969 the average daily use of Culebra and the surrounding cays for target practice was 9½ hours, Monday through Saturday, and 3½ hours on Sunday. During Springboard exercises (January through April) the use is substantially greater than this daily average.

The *Armed Forces Journal* reports in May of last year that "the Navy told the *Journal* that the bombardment operations would climb from about 5,000 sorties in FY 69 to over 9,000 sorties this year."

The effect of the night and day bombings on the lives of the Culebrans was vividly described by Rear Admiral Alfred R. Matter in a letter he sent on December 5, 1969.

"Culebra Island is a keystone in the Atlantic Fleet weapons range. . . . This large complex is expanding and operations are becoming increasingly intensive, frequently being conducted through seven days a week. As such use increases, inhabitants of nearby areas such as your property will be subjected to the noise of supersonic booms, gunfire, rocket fire, and heavy air traffic."

Carmelo Feliciano, who has been a school teacher at Escuela Nueva (New School) in Culebra for thirteen years, testified as follows in the recent Culebran hearings:

"When bombs and shells are exploding the school buildings tremble with every explosion. You can see fear in the children's eyes. They sit in school in a peculiar way as if ready to run at a moment's notice. During the periods of heavy night bombing, students fall asleep in class. They look sleepless and the teachers there know why this is so. Bombing is carried out far past midnight every day and these kids are kept awake by the noise and the tremor caused by the bombs until early morning hours. . . .

"Due to all this notice caused by Navy aircraft and boats bombing and shelling, and also because they live in constant fear of losing their lives, the students' work at school is very poor. There has not been an honors graduate in Culebra in more than three years. Intelligence tests show a far below normal IQ for Culebran students. I have observed that many of these students have moved out and attend school in the main island of Puerto Rico and their graduates are considerably higher at these other schools. The ones that return to Culebra fall back way below in their school work."

The people of Culebra are not the only ones who suffer. As long as firing operations continue at Culebra, the United States Navy and this entire nation will also pay an inordinate price. Because Culebra is both tiny and inhabited, the Navy's training mission there has always been significantly limited. Ship-to-shore firing can be accomplished only at relatively slow speeds and short distances from shore. Furthermore, because of the restrictions that must be imposed to avert even greater danger to the inhabitants of Culebra, the approach angles in these training exercises cannot be varied to the extent that would be desirable to avoid what is commonly known in the Navy as a "canned response." Even last year when the Navy was seeking to obtain easements on the east end of Culebra to permit the firing of Walleye missiles at nearby Culebrita, it was clear that more modern follow-on missiles such as the Condor and Standard Arm could never be safely fired at this target. Mr. Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of the Navy, so testified before the House Armed Services Committee.

When the Secretary of the Navy signed the Agreement of January 11, 1971 on the Island of Culebra, the Navy's mission on Culebra became even more qualified and restricted. That which remains of the Culebra target is simply inadequate to permit the training our Navy needs and must have.

The solution is not to continue unsatisfactory training which endangers the lives of the Culebrans. The solution must be the development of an alternative site for the Navy where realistic training with the most modern weapons in our arsenal can be conducted safely and without restrictions. The creation of an artificial island would make such training possible and would enhance our national security. At the same time, it would make national security meaningful for the United States citizens residing in Culebra.

National security and indeed the Navy's parochial interests cannot be viewed too narrowly. Long-range Navy plans must at least consider the contingency of Caribbean operations without Guantanamo Bay in Cuba. Should that ever come to pass, Roosevelt Roads Naval Reservation in Puerto Rico could become *the* strategically significant focus of the Navy presence in the Caribbean. Surely it makes little sense to risk this very presence in Puerto Rico by continued bombing and shelling of Culebra. The limited value of this inhabited target is simply not worth the risk that an errant shell landing amidst school children might mark the end of United States Navy presence in Puerto Rico.

Certainly the bad press which the Navy has received and undoubtedly will continue to receive so long as it fires upon innocent United States civilians runs directly counter to the enlightened steps taken by Admiral Elmo Zumwalt to enhance the image of today's Navy. Will the best young men wish to enlist in a Service that requires them to fire upon their fellow Americans?

As we have so painfully learned over the past few years, national security can be threatened from within as well as from without. No nation can be secure so long as it is in a constant state of domestic turmoil. Naval firing on Culebra has been an abrasive element in otherwise cordial relations between Mainland United States and the Commonwealth of Puerto Rico. Many Puerto Rican citizens of the United States residing throughout our country see in the treatment accorded their fellow Puerto Ricans on Culebra a basis for questioning the concept of equal justice under the law as applied to Puerto Ricans. One can only wonder how long it would take this body to put an end to the shelling and bombing of Manhattan Island by the United States Navy.

Finally, Latin America and the rest of the world will judge us on how we treat our Spanish-speaking citizens and other minority groups. Our national security cannot be enhanced by the image of United States Navy guns aimed at tiny Culebra.

Senator Rafael Hernandez Colon, President of the Puerto Rican Senate, personally brought the case of Culebra to my attention last year. He persuaded me that the Culebrans deserve a cease-fire and that the United States Navy, itself, would benefit and our national security would be enhanced by the termination of all firing operations at Culebra and the transfer of these training exercises to an uninhabited site.

We in the United States Senate took affirmative action last year to prevent the further expansion of Navy firing operations at Culebra. We also directed the Secretary of Defense to study all possible alternatives at Culebra. While this study was under way, Secretary of the Navy Chaffee, Mayor Feliciano, President of the Puerto Rican Senate Hernandez Colon, and Governor Ferre entered into an Agreement in which the Navy promised to eliminate some of the bombing and strafing taking place at Culebra and, perhaps most significantly, promise: "to continue to investigate both technological and geographical alternatives to the training done around Culebra. The purpose of these investigations will be to find feasible alternatives that will eventually permit the transfer away from Culebra of the training that will be conducted after January 1, 1972."

In a final paragraph added by the three Puerto Rican signatories to the Agreement,

it was made perfectly clear that the unified position of all Puerto Rico was that "the Navy should terminate all training operations on Culebra and its neighboring cays within a reasonable period." It is also fair to say that Puerto Rico was relying upon the good faith of Secretary Chaffee and his commitment to transfer at least all firing operations away from Culebra as soon as a "feasible alternative" could be discovered.

Assistant Secretary of the Navy for Installations and Logistics, Mr. Frank Sanders, testified before the House Armed Services Subcommittee that the type of training done at Culebra "cannot be conducted elsewhere in the Atlantic." He added, "There have been several studies to determine if there were alternatives to this range, and therefore to Culebra. The answer in each case was 'no'."

Senator Symington and many other senators found this unpersuasive. So did the Defense Department. Its Report, "Culebra, Overview and Analysis, April 1, 1971," prepared as required by the Military Construction Authorization Act of 1970 and submitted in accordance therewith to President Nixon and to the Chairmen of the Senate and House Armed Services Committees, concluded that "Culebra can be 'replaced' for at most $50 million . . . ." The $50 million figure referred to the cost of constructing an artificial island approximately 3½ miles east of Vieques.

In fact, according to the Defense Department study, this artificial island not only would constitute a feasible alternative but actually would make possible "an improvement over operations on Culebra as they would otherwise be on January 2, 1972" so far as safety considerations are concerned. It seems obvious to me that the artificial island would also constitute a considerable improvement from a training proficiency standpoint because it would permit greater variation in approach angles, the employment of more modern weapons and tactical maneuvers and would not present such a symbolically inviting target for the range fouling activities of various protest groups.

I understand that substantial backup material was developed for the Defense Department study at a cost to the United States taxpayers of more than $100,000 for work done by outside consultants alone. I urge this Committee to request that this backup material be submitted for the record by the Defense Department. Clearly enough time and money have been devoted to this problem to render it ripe for solution; any further study at this time might justifiably be characterized as evidence of bad faith.

The Defense Department has found the feasible alternative sought by the Navy and to which the Navy is bound both by solemn undertaking and common sense to transfer all firing operations now conducted at Culebra. The Navy has not, however, submitted a line item budget request for the funds required to keep its promise. It is for this reason that I introduced Amendment No. 121 and I hope that the Navy will appear today to support this Amendment.

The honor of the United States Senate as well as that of the Navy is at stake here. We have expressed our concern for the Culebrans and now I hope that we will conclusively vindicate their rights and enhance our national security by providing the Navy with the improved training site it needs and mandating the termination of all firing activity at Culebra by a date certain.

It would be no small victory for democracy if we bring peace to this one small Island.

CULEBRA

(Commentary by press and political leaders in Puerto Rico and the United States)

INTRODUCTION

According to Puerto Rico's non-voting member of Congress, Resident Commissioner Jorge Cordova Diaz, and the influential San Juan Spanish-language newspaper, *El Mundo*, "the case of Culebra has achieved something very rare in Puerto Rico—it has united the entire people and the entire leadership of this Island for one cause."[1] The dispute between the United States citizens who call the tiny island municipality of Culebra "home" and the United States Navy has indeed become a *cause celebre* in the Commonwealth of Puerto Rico, raising the most fundamental questions with respect to the lasting relationship between the United States and Puerto Rico; as Juan M. Garcia Passalacqua, columnist for *The San Juan Star*, put it: "Culebra thus became the symbolic catalyst of our own feelings about Americanization . . . It is a crisis of commonwealth. . . ."[2]

The grave danger in this situation is that Washington may underestimate the support which exists for the vast majority of the people of Culebra who want the Navy to cease using their island as a target. The purpose of this report is to make available to the decisionmakers in the United States the views of leading Puerto Rican newspapers, columnists and public figures on Culebra and its significance, in order to avoid a misunderstanding which could have lasting adverse effects on the future relationship between our peoples.

Fortunately, there is growing awareness of the issue here in the United States and, with that awareness, growing support for the Culebrans. The focus of that awareness has been the United States Senate, where to date 23 Senators of both parties who span the political spectrum have taken public positions ranging from expressions of concern to unequivocal demands that the Navy cease using Culebra as a target. The most recent statement, by Senator Smith of Illinois, a Navy veteran who commanded a gunboat in World War II, is one of the strongest in support of the Culebrans:

". . . Reports from too many independent sources to be unreliable prove that this bombing is both dangerous and unnecessary—dangerous to the physical health and commercial well-being of the inhabitants and unnecessary to the requirements of a modern navy in the nuclear age. . . .

"This stupid policy must cease."[3]

The Goodell-Cranston Amendment, which would terminate the naval bombardment of Culebra, has already attracted a total of 12 sponsors. Originally introduced as an amendment to the military procurement authorization bill, the amendment was withdrawn and simultaneously reintroduced as an amendment to H.R. 17604, the military construction authorization bill[4] in order to permit Senator Jackson and his Subcommittee on Military Construction to persuade the Navy to reach a satisfactory solution. However, Senator Goodell has announced his intention to bring the amendment to a vote, if that becomes necessary, when the Military Construction Bill reaches the floor. In addition, Senator Kennedy has indicated that he will seek action by Congress to study making Culebra a national park possibly to be administered by the Commonwealth. This report summarizes the public positions taken to date by the various Senators.

Finally, this report includes examples of editorial opinion in the United States' press on the issue of Culebra and its significance.

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[1] *El Mundo*, editorial, Aug. 7, 1970 (translated from Spanish). *See also*, Congressman Cordova's statement before the Real Estate Subcommittee of the House Armed Services Committee, June 11, 1970 (stenographic transcript, p. 239).

[2] *The San Juan Star*, June 26, 1970.

[3] CONGRESSIONAL RECORD, vol. 116, pt. 23, p. 30974.

[4] *See* CONGRESSIONAL RECORD, vol. 116, pt. 23, pp. 30660, 30661.

I. PUERTO RICO: PRESS COMMENTARY ON CULEBRA

[El Mundo (San Juan), Editorial]

"Demonstrating the Unity of the People"

"Governor Ferre did well in inviting former Governor Munoz Marin to La Fortaleza in order to discuss the serious problem of Culebra.

"This dramatizes the fact that the case of Culebra transcends party lines . . . the case of Culebra has achieved something very rare in Puerto Rico—it has united the entire people and the entire leadership of this Island for one cause.

"We hope that there will emerge from this visit a direct and clear strategy for convincing the Government of the United States that the Navy must cease using Culebra as a target for shelling and bombing immediately. We believe that the Government [of Puerto Rico] must carry the case directly to President Nixon. We are confident that the President will reach the conclusion that, although the Navy insists that Culebra is essential for its training, the situation has become so disputed that the United States has nothing to gain, and much to lose, if it does not change its position.

"The joint action of Messrs. Ferre and Munoz will thus clearly demonstrate to the President that this is not a 'political subject,' but rather it has already become an apolitical subject."—August 7, 1970 (Translated from Spanish)

[El Mundo (San Juan), Editorial]

"Munoz and Ferre to Washington"

"It is extremely lamentable that the [House] Subcommittee did not accept the testimony of the political leadership of Puerto Rico, representing all sectors—statehood, independence and commonwealth—that insisted that the Navy must discontinue the bombardment of Culebra."

"The subcommittee should have taken into account the fact that the Culebra question has deep emotional force in the people of this Island [of Puerto Rico]. It is not sufficient to say that better security measures must be taken to protect the citizens who live in Culebra. What the people of Puerto Rico want is that the bombardment cease so that these citizens may live in peace.

"And we want now to reiterate our conviction that Governor Ferre must take this question directly to President Nixon as soon as possible . . . Only the President, we believe, can now order the Navy to terminate its operations in Culebra.

"Former Governor Luis Munoz Marin has just offered Governor Ferre his cooperation in carrying the case of Culebra to the President and to the Congress. Mr. Ferre must take advantage of this offer. Mr. Munoz Marin has enjoyed great prestige in the United States for many years.

"A personal visit by Messrs. Munoz Marin and Ferre to the White House could put an end to what has already been converted into one of the most dangerous controversies between Puerto Rico and the United States."—August 6, 1970 (Translated from Spanish)

[San Juan Star, Editorial]

"Culebra Pot Boils

"The Culebra pot continues to boil. It is a reminder that the complex Culebra controversy will be with us for some time, and that it isn't losing a battle that really counts; it is winning the war. The latest development was Tuesday's approval by the House Armed Services Committee of a Navy appropriations request to acquire an additional one-third of Culebra to provide a safety zone around its live firing range."

"Puerto Rico has thus lost a battle of sorts, but not necessarily the war . . . Yet, Gov. Ferre must make it clear that public opinion in Puerto Rico runs very strongly and deeply against the Navy's use of Culebra—to say nothing of responsible opposition by major

congressmen and influential newspapers on the mainland. In short, the Navy has a credibility problem. Too many people believe, and rightly so, that the Navy simply has not come up with the best alternative site studies that it is capable of. It could be asking too much for us to believe that the mighty U.S. Navy stands or falls on whether or not it can use Culebra as part of an Atlantic weapons practice range. The credibility gap grows."—August 5, 1970.

[El Mundo (San Juan), Editorial]

". . . We do not understand why the Navy has permitted the subject of Culebra to do so much damage to its image and to give so much ammunition to the enemies of the United States, both those abroad as well as those within. . . .

"We have believed that the Navy and the people of Culebra, both acting in good faith, could have found an arrangement whereby both could coexist in Culebra.

The Navy has insisted that it is a matter of national defense; and we all have to give serious consideration to an argument of this nature.

"But we have now arrived at the conclusion that the only solution is that the Navy search for another site to carry out its target practice. To insist in remaining in Culebra before the political and emotional realities, as much in Puerto Rico as in the United States, would be the gravest error for the Navy. Not only would it cause more damage to the Navy's image, but also it would create a serious problem in the relations between the Federal Government and Puerto Rico—a problem which all of us who believe in our permanent union must try to avoid."—July 17, 1970 (Translated from Spanish)

San Juan Star, Column

"The mouse has roared again. Culebra is back once more to haunt the politicians. The U.S. Navy won the first round last week when it got the House Armed Services Committee to decide that target practice against the island is 'irreplaceable and definitely required for national defense.' Adding insult to injury, the report proposed that Culebrans be transferred to Vieques, as if they were just cattle. No one seems to be working more earnestly for the polarization of our society than the U.S. Navy."

". . . The present state of our island is just plain *colonialism by consent*, and it will be unless something is done pretty soon. The more the Culebra issue lasts, the more people realize this truth. Culebra feeds anti-colonialism in our people. May it last forever, until the issue is resolved."—Juan M. Garcia Passalacqua, August 11, 1970.

El Mundo (San Juan), Column

"The situation of Culebra continues to be of great importance for Puerto Rico and the United States. There are reports that various radical groups in the United States are planning an anti-American campaign based on the situation in Culebra. The campaign itself, of course, will favor the independence of Puerto Rico."

". . . The Secretary [of Defense, Melvin Laird,] and the Navy are certain that they have taken the correct position, but they have acted as if the feelings of the people of Puerto Rico were of no importance to them. . . ."

"Nothing better for the radicals of Puerto Rico or the United States. The picture of the United States 'mistreating' Puerto Rico, which the anti-Americans have been unable to paint before responsible public opinion, now is being painted by the United States Government itself."

"But it is inconceivable that the Navy will continue to assume an inflexible position. They are mistaken if they believe that this is merely 'an emotional subject' that will pass with time. What will happen is that Culebra will convert itself more and more into a perfect instrument for making propaganda against the United States. Culebra must not be anyone's instrument.

"The best advice to the President, from someone who believes profoundly in the permanent union of Puerto Rico and the United States, and who recognizes the generosity of the United States toward the Island [of Puerto Rico], is that he order the withdrawal of the Navy from Culebra as soon as possible."—A. W. Maldonado, August 4, 1970 (Translated from Spanish)

[El Mundo (San Juan), Column]

"If I were a member of the Pro-Independence Movement, I would do the unspeakable to see that the Navy continue using Culebra as an area for its maneuvers. The situation of Culebra, is as simple as that . . . .

"The total political leadership of Puerto Rico, as Resident Commissioner Cordova Diaz pointed out in the Hearings, is united in favoring the withdrawal of the Navy. The Navy has achieved, Cordova said, what has never before been achieved in Puerto Rico—unanimity of opinion . . . .

"What all this demonstrates is what has been evident for some time now. The case of Culebra has arrived at such a point in Puerto Rico and in the United States that the Navy simply has to yield. It must withdraw from Culebra."—A. W. Maldonado, July 17, 1970 (Translated from Spanish).

[San Juan Star, Column]

"Culebra was all over the place last week. Politicians of all shades went together to Washington to plead the case of its people against the U.S. Navy. . . . The Culebra conundrum is going to get worse before it gets better. Much worse.

"We are moving towards a confrontation with a for long secretive and delicate task: The definition of that status of the U.S. Armed Forces in Puerto Rico. That's the real issue.

"Culebra thus became the symbolic catalyst of our own feelings about Americanization. That is why it united most of the parties in a closely knit determination to fight the Navy to the end."

"It is a crisis of commonwealth."—Juan M. Garcia Passalacqua, June 26, 1970.

[San Juan Star, Column]

"Throughout, the Navy has made no effort to conceal its insolence. On the very day the Governor visited Culebra, less than an hour after his departure by yacht and without posting the required red warning flag, the Navy fired six mortar rounds into a bay on Flamingo Beach which fell within 200 yards of a group of bathers. Indications are that the carelessness persists. Last Thursday, three Culebrans told separately of having been caught in a bombing spree while fishing, stressing that they had checked the bulletin board where Navy exercises were scheduled. With the Navy pushing the limits of patience like that, it is small wonder the Culebrans are talking of violence."—Gloria Ortiz, June 17, 1970.

II. PUERTO RICO: POLITICAL LEADERS' COMMENTARY ON CULEBRA

Ramon Feliciano, Mayor of Culebra

". . . The constant shelling and the occurrence of accidents which the Navy has denied instilled fear and desperation in the citizens to the extent of fearing for their lives and demanding that the Navy abandon Culebra and leave the Culebrans to live in peace.

"We are not anti-Americans. Our town sent men to defend the Nation in all of the conflicts to defend the Democracy which is the most precious heritage of our forefathers. This beautiful patrimony has been ignored and abused in Culebra by the United States Navy in that for so many years they have not given us the opportunity to enjoy the free movement which belongs to every community of American citizens. Contrary to the rights of a town and its people they have converted us into a target for target shooting day after day consecutively up to the point of destroying our health and our spirit. The Navy must leave Culebra in peace."—[Testimony before the Real Estate Subcommittee, House Armed Services Committee, June 10, 1970 (stenographic transcript, pp. 14, 15).]

Luis A. Ferre, Governor of Puerto Rico

Governor Ferre stated "on island-wide TV Thursday [August 20, 1970] night, that, in his opinion, 'Culebra is not essential' to national defense, and that the Navy should stop its target practice there as soon as possible."—[Reported in *The San Juan Star*, editorial, August 21, 1970.]

Jorge L. Cordova, Resident Commissioner of the Commonwealth of Puerto Rico

". . . the Navy has of late assumed a position of utter and arrogant intransigence, and it is my opinion that passage of [the Goodell] amendment is necessary.

"In Puerto Rico opposition to the Navy's use of Culebra as a target has been unanimously expressed by all political parties. I hope that your amendment will also receive the necessary bipartisan support to ensure its passage."—[Letter to Senator Goodell, August 10, 1970; reprinted Cong. Rec., S. 14837, Sept. 1, 1970 (daily ed.)]

Rafael Hernandez Colon, President of the Senate, Commonwealth of Puerto Rico

"On behalf of the Senate of Puerto Rico, I urge and request your support of [the Goodell amendment] to stop further naval shelling and bombing of the inhabited island of Culebra.

"The shelling has produced a human and political problem of the utmost gravity in Culebra and Puerto Rico. Puerto Ricans are unanimous in believing that the shelling should stop, in the interest of the Culebrans and of continued warm relations with the United States. Moreover, there is considerable evidence that superior alternative sites which are uninhabited are available for such shelling which would obviate such a serious human and political problem."—[August 11, 1970, telegram to Senator Fulbright; reprinted Cong. Rec., S. 13378, August 13, 1970 (daily ed.)]

Justo A. Mendez, Minority Leader, Puerto Rico Senate

"In the year 1899, a census was taken and the population of Culebra was 704 inhabitants. Strange it is, that after 71 years, when every corner of the world has increased substantially in population the island of Culebra seems to stand still, as if time has stopped since the island was handed to the United States as a trophy of war at the end of the hostilities of the Spanish American War. . . .

"I am here to bring to your attentiton, the plight of a humble community of American citizens who for the first time since they were dispossessed of their island have taken the determination that they are no longer to be submitted to the humiliation of having their patrimony used as a target for gunnery and bombing operation . . . The Navy has done nothing to alleviate the needs of Culebra. They never seem to have regarded this community as a part of the American Nation and they have been blind and deaf to the bare needs and to the welfare of these people.

". . . Culebra is part of the patrimony of Puerto Rico. It is as much a part of our Commonwealth as is our capital San Juan, or our sophisticated Ponce, or my historic hometown of Lares.

"Culebra is part of our identity. It is part of a common bondage of origin, language, culture, tradition and history . . .

". . . It is unacceptable to our dignity and to our belief in the values of human understanding that have rooted loyalties to our nation, that a community of fellow citizens

be subjected to the affront of being the target for the practices of war.

"Our attention should be focused on the real problem, which is the use of an inhabited community as a target. I feel this use should cease immediately and other targets should be found by the Navy."—[Testimony before the Real Estate Subcommittee, House Armed Services Committee, June 10, 1970 (stenographic transcript,) pp. 131, 132, 133, 134 and 135.]

Dr. Hernan Padilla, Majority Leader, Puerto Rico House of Representatives

". . . For more than thirty years the people of Culebra have borne more than their share of the burden of national defense . . . It is time that their sacrifices be rewarded and that they be allowed to enjoy the fulness of their rights as American citizens.

". . . The ill will encouraged throughout Latin America, whose citizens view Puerto Rico as the primary example of United States behavior toward Latin nations, should be of primary concern to this Committee.

"Above and beyond the immediate need to protect the lives and safety of Culebrans, I believe the Navy's presence has served to throttle the economic develcpment of the island. . . .

"I do submit, however, that the human values at stake in this issue far outweigh the cost of transferring the Navy's use of Culebra to some other area. For even if there were to be no accidents, something that is impossible to predict in view of the fact that accidents have already occurred, the mere fact of having to live in the expectancy and fear of injury and even death is enough to prejudice the basic rights of these citizens, and justify them in their demand that the Navy refrain from its bombing and shelling activities. Who will history hold responsible if an unfortunate accident should occur?

". . . The position which I, and the great majority of the United States citizens of Puerto Rico now support, is that the Navy should immediately and forever terminate its activities in Culebra."—[Testimony before the Real Estate Subcommittee, House Armed Service Committee, June 10, 1970 (stenographic transcript, pp. 104, 108, 109, 110).]

Carlos Romero Barcelo, Mayor of San Juan

"The issue of the Navy's use of Culebra as a weapons firing range has transcended Culebra and become a Puerto Rican issue; it is rapidly becoming a national issue and if not solved, will soon become an international issue. . . .

"We must oppose the use of Culebra as a firing range, not because of 'militarism,' or 'pentagonism,' or the grave danger of the expansion of the 'military complex,' No—these are not the reasons—we must oppose the use of Culebra as a firing range not because we oppose something else, but because we favor, uphold, cherish and defend our constitutional rights to ". . . life, liberty, and the pursuit of happiness." We must oppose the Navy's present use of Culebra because the right of the U.S. citizens of Culebra to live peacefully and happily without fear is being infringed upon by the U.S. Navy.

". . . Therefore, the issue before us is economic versus human. In such an issue, we can take only one side, the human side. No matter what the cost, it is immoral, improper, unfair, unjust, abusive and a few other names or adjectives, to make life miserable and hazardous for Culebrans in order to save money for the Navy . . .

". . . I am sure that if Puerto Rico were a State with two Senators and six or seven Congressmen, the Navy would not be using Culebra as a target today. Can any of you imagine what would happen if the Navy tried to use Shelter Island, off Long Island, or Martha's Vineyard, off Massachusetts, for a firing range? Can you visualize the furor the noise, the outrage of the Senators and Congressmen?

"Well, we have none to represent us. Therefore, we ask you to intervene in our behalf—on behalf of Puerto Rico, on behalf of your fellow citizens of Culebra. We are not asking the Navy to cease using Culebra as a firing range—we are demanding that they cease forever desist."—[Testimony before Real Estate Subcommittee, House Armed Services Committee, June 10, 1970 (stenographic transcript, pp. 95, 96, 98, 100).]

Santiago Soler Ravale, Administrative Aide to Governor Ferre and former Secretary of Justice

"From the beginning the Navy has told the administration that having the entire island of Culebra was indispensable for national defense.

"Where is that original argument now that they are ready to settle for just a part of it?"—[Reported in the *San Juan Star*, June 6, 1970, p. 3.] The *Star* also reported:

"In answer to a question Soler Favale admitted that he feels 'as strongly' as Resident Commissioner Jorge Luis Cordova Diaz about the Navy's position on Culebra. Cordova Diaz has said he believes the Navy should quit Culebra entirely."

Luis Munoz-Marin, former Governor of Puerto Rico

"I'm convinced that the security of the United States does not require the use of Culebra as a target range."—[Quoted in *The San Juan Star*, August 8, 1970, pp. 1, 16.]

Ruben Berrios Martinez, President of the Puerto Rican Independence Party

". . . We support the just demands of our people in Culebra. Like in the past, we will continue to provide moral and political assistance to the island's inhabitants in the pursuit of their goals, including our unalterable intention to make life unbearable for the Navy in Culebra through all the means at our disposal within the context of our philosophy of civil disobedience, non-cooperation and pacific militancy. Let no one be mistaken: our struggle for the rights of the Puerto Ricans in Culebra will be carried to its ultimate consequences.

". . . We demand the complete withdrawal of the U.S. Navy from Culebra and its return to its rightful owners, the people of Puerto Rico."—[Testimony before the Real Estate Subcommittee, House Armed Services Committee, June 10, 1970, (stenographic transcript, pp. 151, 1952).]

III. UNITED STATES SENATE: COMMENTARY ON CULEBRA

Senator Baker of Tennessee

". . . I commend my colleague from New York [Senator Goodell] for his thorough, careful, and painstaking analysis of a difficult and emotional subject in connection with Puerto Rico.

"I have some personal knowledge of the situation in Culebra. I know of the difficulty that the residents of that island and that area of the Commonwealth have had with this problem. I know of the deep concern that the Governor of Puerto Rico, the distinguished Luis Ferre, has had over this situation.

"I know of the efforts he has made to try to find an alternative to the use of Culebra for these purposes. I commend our colleague from New York for his thorough appraisal of the situation, and join with him in urging that there be an early favorable disposition of this problem, and to support Governor Ferre in his efforts to bring it to a satisfactory conclusion."—Cong. Rec. S. 13377, August 13, 1970 (daily ed.)

Senator Bayh of Indiana

". . . I have been troubled in the last few months by a situation that demands correction [involving] a small island to the east of Puerto Rico named Culebra. . . .

". . . Because of the bombing and constant noise from jet aircraft, the Culebran economy has remained dormant, while generation after generation of Culebran children have left the island to seek their fortune in more hospitable areas of the Commonwealth of Puerto Rico. The naval bombardment has reached such a dangerous level that the people of Culebra have, within the last 9 months, begun to demand the removal of the Navy from their island.

"After careful consideration and study of the facts relative to the situation in Culebra, I have come to the conclusion that the Navy must move. First, the Navy's activities represent a high degree of danger to the U.S. citizens living on Culebra. Second, these activities violate the constitutional right of every U.S. citizen to be safe and protected from unnecessary hazards. Third, alternative sites and solutions are available to the Navy that would not endanger the lives or limit the chance for betterment of U.S. citizens.

"I, therefore, support the efforts to stop all funds going to any military department for the shelling or bombardment of Culebra or any of the adjacent islands. I further urge the passage of the joint resolution introduced by the Senator from Massachusetts (Mr. Kennedy) which would establish a commission to study making Culebra a national park administered by the Commonwealth of Puerto Rico."—Cong. Rec., S. 14806, Sept. 1, 1970 (daily ed.)

Senator Case of New Jersey

". . . I am glad to join the Senator from New York (Mr. Goodell) in co-sponsoring the amendment . . . which would end the naval bombardment of Culebra Island. I urge the adoption of the amendment.

"Although this island is tiny and its inhabitants few in number, the Culebrans are American citizens and entitled to protection and rights which are not abridged by distance or size population.

"Since Culebra is a part of the Atlantic Fleet's principal gunnery range, it can only be a matter of time before an inaccurate shell adds to the four serious injuries which have been reported on Culebra. Just this year the authoritative Armed Forces Journal documented instances of bombs dropping as close as 400 yards to a dwelling, and in May three mortar shells were reported landing within 200 yards of children playing on the beach.

"I strongly urge that the Senate Committee on Armed Services . . . uphold the rights of its residents and act to end the jeopardy in which they live."—Cong. Rec., S. 13598, August 18, 1970 (daily ed.)

Senator Cook of Kentucky

Co-sponsor of Goodell amendment—see Cong. Rec., S. 14060, Aug. 24, 1970 (daily ed.)

Senator Cranston of California

"Why must lives be threatened, endangered and disrupted by such dangerous operations when other islands in the area are available? The inhabitants of this tiny island have continued to suffer these many years from the Navy's presence. It is time to alleviate this suffering and terminate the Navy's operations there.

"Alternative, uninhabited islands in the vicinity exist. They should be utilized.

"I am pleased to join my colleague, the Senator from New York (Mr. Goodell), in co-sponsoring the amendment . . . which would terminate the bombardment of Culebra and allow the citizens to live in peace."—Cong. Rec., S. 13378, August 13, 1970 (daily ed.)

Senator Eagleton of Missouri

Co-sponsor of Goodell amendment.—See Cong. Rec., S. 13735, August 19, 1970 (daily ed.)

Senator Fulbright of Arkansas

"I intend to support [the Goodell] amendment."—Cong. Rec., S. 13377, August 13, 1970 (daily ed.)

"I believe that all parties would benefit if the island of Culebra was no longer used as a target."—Cong. Rec., S. 11361, July 15, 1970 (daily ed.)

Senator Goodell of New York

"The will of the people of Culebra and of Puerto Rico has been clearly expressed, and it is about time that the Navy began to heed it. It is time for the Navy to withdraw from Culebra totally, and for the Administration to protect Culebrenses as it would all other American citizens."

"Accordingly, after several months of attempts to get the Navy to recede from its position in Culebra, I have concluded that the time has come for the Senate and the people of this country to take action to stop the bombardment of the Culebrenses."—Cong. Rec., S. 10897, S. 10900, S. 10901, July 9, 1970 (daily ed.)

Senator Gravel of Alaska

Co-sponsor of Goodell amendment—see Cong. Rec., S. 14060, August 24, 1970 (daily ed.)

Senator Hart of Michigan

Co-sponsor of Goodell amendment—see Cong. Rec., S. 13597, August 18, 1970 (daily ed.)

Senator Hughes of Iowa

Co-sponsor of Goodell amendment—see Cong. Rec., S. 13377, August 13, 1970 (daily ed.)

Senator Inouye of Hawaii

". . . I share the concern of the people of the island of Culebra, P.R., about the recently announced plans to acquire additional land on their island to expand training facilities.

"With my small voice, I wish to assure the people of Culebra that their plea for help has been heard by many of us and that we will do our best to bring about a rational solution to their problem."—Cong. Rec., S. 13136, Aug. 11, 1970.

Senator Jackson of Washington

". . . we have delayed too long coming to grips with the problem of Culebra. As a result of the Senate's concern, reflected by Senator Goodell's amendment and my investigation, there is some hope that the Navy is beginning to realize that the situation there is serious: that what is at stake is something more than the Navy's use of a training facility. In fact, what is at stake is the quality of life on Culebra and the Navy's right to decide how far it can go in affecting the lives and well-being of the people who live there."—Cong. Rec., S. 14381, August 27, 1970 (daily ed.)

Senator Javits of New York

". . . I have little doubt that, if this kind of Navy target practice took place in close proximity to inhabited portions of a State represented in this Senate, the Senator from that State would insist—and rightly so—that if there were any alternative, the practice be terminated and that the Navy find an uninhabited place to test its weapons.

"But Puerto Rico has no Senator, and yet it has the whole Senate, whose responsibility it is to protect the rights, tranquility, the safety of every American citizen."—Cong. Rec., S. 12858, August 5, 1970 (daily ed.)

"Senator Goodell does not believe [these citizens really have to take the punishment they are taking], and I do not believe they do."—Cong. Rec., S. 13366, August 13, 1970 (daily ed.)

Senator Kennedy of Massachusetts

". . . I strongly support the amendment submitted by the Senator for New York (Mr. Goodell).

"The use of Culebra as a target area has subjected the more than 700 residents of that island to constant noise pollution, and constant fear of injury. This alone should convince the Navy to seek an alternative site. But the Navy policy has an impact far beyond Culebra itself. In Puerto Rico, where relations with the United States are a vital and sensitive issue, the Navy's actions have been criticized by every political force. Continued disregard to Puerto Rican views on Culebra could lead to hostility against all U.S. bases in the Commonwealth, including the $300 million installation at Roosevelt Roads.

"I believe, therefore, that Congress must act now. Indeed, I think we should consider going beyond the proposed amendment and study the possibility to establishing a national park on Culebra to preserve the natural condition and beauty of the island."—Cong. Rec., S. 13378, August 13, 1970 (daily ed.)

Senator Metcalf of Montana

Co-sponsor of Goodell amendment—see Cong. Rec., S. 14060, August 24, 1970 (daily ed.)

Senator Muskie of Maine

"These articles [from the Wall Street Journal, the Washington Post, and the Armed Forces Journal] describe the kind of life Culebrans must live under the constant threat of Navy bombardment of their small island.

". . . I cannot imagine a less questionable manner for the Armed Forces to show its respect for the people of an American territory."—Cong. Rec., S. 11228, July 14, 1970 (daily ed.)

Senator Packwood of Oregon

"I fear that the Navy has been basically insensitive to the increasing opposition of the U.S. citizens occupying Culebra. . . . I hope [Senator Jackson's] efforts to find an equitable solution will be successful. If not, I am prepared, unless the Navy position is substantially stronger than I believe it to be, to support the amendment offered by the distinguished Senator from New York (Mr. Goodell) to block the Navy from continued shelling of Culebra. I understand that this one issue has united all political groups in Puerto Rico. It has given the independent party—those wishing to see Puerto Rico completely independent from the United States—fuel for their cause."—Cong. Rec., S. 14151, August 25, 1970 (daily ed.)

Senator Proxmire of Wisconsin

"I, too, commend the Senator from New York for what he has done [in offering the Culebra amendment]. . . .

"It is shocking and scandalous that any human beings, certainly not only American citizens but any human beings, should be endangered and their lives lost by practice firing from our Navy."—Cong. Rec., S. 13377, Aug. 13, 1970 (daily ed.)

Senator Scott of Pennsylvania

". . . Although I am not wed to the specifics of Dr. Kilmarx's analysis [of the Culebra controversy], I do support its main thrust of discontinuance of the use of Culebra as a target.

"The citizens who live on the tiny island municipality of Culebra have requested the U.S. Navy to terminate its target practice training using Culebra as a target for live shells, bombs, and machinegun bullets.

"It appears that the ultimate resolution of this matter will be the end of naval use of Culebra as a target for shelling and bombardment.

"The time schedule for this discontinuance will have to be worked out between the island and the Navy with consideration given to the problems and difficulties of both parties, in addition to the humanistic consideration for the American citizens making their homes on Culebra."—Cong. Rec., S. 14498, S. 14499, Aug. 28, 1970 (daily ed.)

Statement by Senator Smith of Illinois

"I rise today to state very briefly but very strongly my views on the bombing by the United States Navy of the Caribbean Island of Culebra. This tiny island is the home of some 700 United States citizens. It is also the target for World War II bombing and target practice by our naval forces. Reports from too many independent sources to be unreliable prove that this bombing is both dangerous and unnecessary—dangerous to the physical health and commercial well-being of the inhabitants and unnecessary to the requirements of a modern navy in the nuclear age.

"As a United States Navy veteran myself, and as one who commanded a gunboat during WW II, I am well aware of the need to keep both ships and crew in fighting readiness, but it is neither necessary nor desirable to practice with outmoded weapons on United States citizens to keep in battle trim.

"Mr. President, I believe in calling a spade a spade: The Navy's continued insistance on using Culebra as a target for bombs and shells in the face of the rafts of clear and convincing evidence that it is dangerous and unnecessary is not only an affront to reason: It is a total disregard for the welfare of hundreds of American citizens whose home this island has always been.

"This stupid policy must cease."—Cong. Rec., S. 15027, Sept. 9, 1970 (daily ed.)

Senator Symington of Missouri

"On March 13, 1970, the citizens of Culebra voted in a town meeting to ask the Navy to withdraw from their island, and later the same month the Puerto Rican Senate passed unanimously a resolution requesting President Nixon to re-examine the Navy's activities in Culebra.

"Numerous press reports have since spread the plight of the Culebrans; but of particular interest have been a series of articles appearing in the Journal of the Armed Forces [sic]—usually a promilitary publication—taking a strong stand against the Navy and in favor of the people of Culebra.

"After studying this matter, it is difficult for me to understand why the Navy cannot find an uninhabited island to use as a target range; therefore, I plan to support the [Goodell] amendment . . . which would prohibit the naval shelling or air bombardment of the island of Culebra and its adjacent keys and waters."—Cong. Rec., S. 13470, August 14, 1970 (daily ed.)

Senator Young of Ohio

Co-sponsor of Goodell amendment—see Cong. Rec., S. 13597, August 18, 1970 (daily ed.)

IV. UNITED STATES: PRESS COMMENTARY ON CULEBRA

[From the New York Times, July 10, 1970]

CULEBRA AND GOLIATH

Can anyone really believe that the only suitable target area in the entire Atlantic Ocean for testing a new generation of guided missiles and glide bombs is a 7,000-acre island off Puerto Rico which 726 American citizens call home? So say the United States Navy, which already owns a third of the island of Culebra and now intends to lease and eventually buy another third.

What the Navy has really wanted to do for fifteen years is to buy all of Culebra and resettle the island's residents elsewhere. But Culebra is a municipality of Puerto Rico and can be dissolved under the Commonwealth's Constitution only by vote of its residents. A survey indicates that 95 per cent of the Culebrans oppose the Navy's current expansion plan and at least 75 per cent want the Navy to pull out altogether.

Under existing conditions, Culebrans must

cope with a nerve-wracking, noise-pollution problem from shelling, bombing and low-flying Navy jets. Culebrans find their freedom of movement curtailed by Navy maneuvers and security requirements, their economy and development menaced by the Navy's expansion plan.

As part of what the Navy calls the "inner range portion" of the Atlantic Fleet Weapons Range complex, Culebra unquestionably offers substantial advantages for the development of new systems. What is equally obvious is that the Navy for a long time remained insensitive to the rising resentment of the Culebrans and dragged its feet on examining possible alternativess to the use of this inhabited island.

It would be a salutary example of what one likes to think the United States is still all about if the mightiest Navy in the world now decided on its own to weigh anchor and go elsewhere to explode its new arsenal, leaving 726 poor islanders in peace and quiet.

[From the Washington Post, July 14, 1970]

WHY BOMB AN INHABITED ISLAND?

It is time that high-level attention be paid to the controversy over Culebra. The Navy, which already owns about one third of this 7,000-acre island in the Commonwealth of Puerto Rico, is trying to obtain another third of it so as to expand its training operations there, with the installation of a Walleye missile target on the immediately adjacent small island of Culebrita. The move is bitterly resisted by most of the 726 inhabitants and many other Puerto Ricans on the ground that the use of the island as a target has already made life there almost intolerable.

The Puerto Rican Civil Rights Commission has described the military training operations on Culebra as "excessively intense, continuous, irregular and dangerous." The cattle business on the island is said to have been virtually ruined. Fishing has been gravely impaired, and since these two industries have been the chief source of income for the families living on the island, the economic impact of the shelling and bombardment has been severe. Equally troublesome is the effect on education. One teacher reports that the school buildings "tremble with every explosion" and that the children are too frightened, distracted by noise and plagued by loss of sleep (from the night bombing) to give serious attention to their studies.

Repercussions from this use of an inhabited island as a target have spread far beyond Culebra itself. Many Puerto Ricans see in it evidence of a general lack of sensitivity in Washington to commonwealth problems. Tensions on the island have risen notably since the shelling and bombing on Culebra have been stepped up. A columnist for the San Juan Star recently suggested that if Congress should grant the Navy's request to take over more of the island it "could swing popular sentiment toward independence or at least away from statehood more effectively than anything else."

Aside from the injustice of inflicting conditions akin to warfare on the people of Culebra, therefore the Navy's policy threatens to complicate the relations between the United States and the commonwealth. Just now those relations are in a delicate state. Sentiment in favor of independence has been growing along with sentiment for statehood, although a substantial percentage of the people still seem to favor the existing commonwealth status. It would be most unfortunate if the government in Washington should unduly influence the outcome of the debate now going on in regard to Puerto Rico's future by continuing a shortsighted and inhumane policy in Culebra.

The need for good relations between Puerto Rico and the United States will remain an imperative of the future whether the commonwealth is retained or statehood is requested. For one thing, the Roosevelt Roads Naval Base is the second most important naval installation in the Caribbean. For another, the relations between Washington and San Juan are enormously influential in our dealings with the rest of Latin America. Even though the Navy finds Culebra a convenient area for its training operations, we simply cannot afford as a nation to get into the posture of putting bombs ahead of people.

[From the Miami Herald, July 21, 1970]

THE U.S. NAVY VS. CULEBRA

Tiny Culebra Island, just off the eastern edge of Puerto Rico, in a way symbolizes the conflicts that increasingly occur between the United States and Latin America.

Culebra, of course, as part of Puerto Rico is also part of the United States. It has sandy white beaches, waving palms, a small fishing industry, and 900 inhabitants on its 10 square miles.

The U.S. Navy, which owns one-third of the island, including all the shoreline, considers Culebra the ideal place for target practice with its most sophisticated weapons.

Occasionally the United States has allowed the navies of other countries to practice on Culebra, too.

To say the least, this strafing and bombardment disturbs the fishing, discourages development of tourism, and affects almost anything else Culebrans wish to do.

But the U.S. Navy believes it is in the best interests of the United States to continue this target practice and to increase it. For awhile, the Navy wanted to buy the whole island and move the Culebrans elsewhere.

At a town meeting the Culebrans demanded the Navy get out, or at least slow down. Puerto Rico Gov. Luis Ferre has intervened on behalf of Culebrans. The Puerto Rico Civil Rights Commission has tried to defend the Culebrans.

And now, with increasing public attention being drawn to the problem, the U.S. Congress has taken up the issue.

For Congress, this is the question: Is the Navy activity so essential that it overrides the right of Culebrans to live in peace?

Tiny, Spanish-speaking Culebra does not feel the same U.S. identification as a mainland community. It does not see those ships as part of "our" Navy in the way that Floridians, for example, might.

The Navy has legality on its side, but it is fighting an emotional, nationalistic issue. It could win its fight for U.S. military interests, and set off a cause celebre that might haunt the United States for many years to come.

[From the St. Louis Post Dispatch, Aug. 26, 1970]

THE NAVY'S TARGET

The 750 or so residents of Culebra, a tiny piece of land in the Caribbean used as a target range by the Navy, may find some comfort in the announcement by a Senate committee that it intends to study the plight of the islanders, all of whom are American citizens. The Culebrans understandably are more than a little weary by now of being shot at, bombed and rocketed. Far from stopping the shooting, the Navy, much to the distress of Culebrans, would like to use more of the island for a firing range and a House subcommittee, inexplicably, has endorsed the proposal. This stirring display of humanitarian concern was prompted, we gather, by the Navy's contention that blowing up the beaches of Culebra was somehow essential for the training of the Atlantic fleet. We presume the Senate group will not be taken in so easily and will do what it can to provide the Culebrans with relief.

[From the Washington Post, Aug. 29, 1970]

TARGET PRACTICE ON CULEBRA

New light on the Culebra problem is supplied in a report by Dr. Robert A. Kilmarx for Puerto Rico's governor, Louis A. Ferre. The findings are especially significant because Dr. Kilmarx examines the use of this Puerto Rican island for naval target practice from the viewpoint of our national security and makes his recommendations with careful regard for the essentials of national defense. When these considerations have been carefully weighed, however, he stresses the humanitarian need for phasing out the firing of air-to-ground missiles on an inhabited island.

Dr. Kilmarx believes that the Atlantic Fleet Weapons Range, of which Culebra is a part, is of great importance to the combat readiness of the Navy. Even though the Navy is now under some restrictions in practice firing of the Walleye missile at Culebra, the report contends that use of the range cannot be abandoned on short notice. It finds, however, that "some of the small unit and individual bombing and strafing activities" could best be shifted to "different keys and small islands in the range area."

Development of the island has been sharply curtailed by the target activity. Its fishing and cattle-raising industries do not appear to offer much future for its 726 inhabitants. The area's greatest potential, Dr. Kilmarx concluded, lies in tourism, but travel there has been sharply restricted by the Navy's activities.

The report recommends that the Navy be given a "temporary, non-habitation easement" for a 2,350-acre safety area on the eastern side of the island for firing of the Walleye missile for "approximately one year." This would allow time to make other arrangements for target practice operations. It is further recommended that the Defense Department terminate "all naval firing activities on Culebra and the nearby islands and keys" within five years. Along with this goes a suggestion that the best solution may lie in the construction and operation of artificial islands for target practice at a proper distance from human habitations.

The report sustains demands that have been coming from many other sources for phasing out the use of Culebra as a target. The fact that this policy threatens to influence the delicate relations between Washington and the Commonwealth of Puerto Rico at a time when the future status of the commonwealth is being debated suggests that it should not be left solely to the discretion of the Navy. A high-level solution is in order—a solution that goes beyond strictly military considerations to include political and humanitarian imperatives.

[From the Evening Star, Aug. 31, 1970]

ISLAND AND THE GUN

In a time of national re-examination of the vastly expanded role of the military establishment in American life, it is good that Puerto Rico, of all unlikely places, is striking back vigorously at Navy efforts to increase its target area on the Puerto Rican island of Culebra.

Through the good offices of five senators, the Commonwealth has got introduced legislation which would not only block such expansion but throw the Navy out of those waters entirely, as far as gunnery practice is concerned.

The Navy has had some control of the island since 1901 and has used it for heavy target practice since World War II. Since attempts to dissolve the already transplanted town failed a decade ago, the Navy has stepped up its shelling schedule to over nine hours a day on weekdays, over three on Sundays, perhaps out of necessity, but perhaps also in the hope of driving the natives away.

That needs investigation, but what needs investigation even more is the possibility of the Navy's using other islands, including man-made ones, or obsolete vessels, for its targets.

The Navy, not surprisingly, claims routinely that no other target is quite as suitable for all its purposes as Culebra. But the island is inhabited by 726 American citizens and their rights to a little peace and quite in the place their families inhabited before there was a United States Navy are entitled to at least equal consideration.

On the face of it, most reasonable people would say the Navy should find another place to fire its guns and rockets, the more so since the Commonwealth has offered the use of two uninhabited islands off its shores. The Navy may well have a strong case, but it has not yet bothered to make it public.

One of this country's most urgent tasks is the re-establishing of the military in its traditional position of subordinance to civil purposes. The task might well begin at Culebra.

Mr. BUCKLEY. I have been assured by the Department of Defense that it will be able to comply with the amendment of H.R. 9844, the military construction authorization bill which requires that the Secretary of Defense to select the "most advantageous alternative" to the use of the Culebra complex of the Atlantic Fleet Weapons Range, and to complete a detailed feasibility study of that alternative by December 31, 1972. Secretary of Defense Laird has stated that use of the Culebra complex bombing and gunnery range would terminate in June 1975.

Specifying a date for would not advance the cause of locating and preparing an alternative training range for naval bombing and gunnery training, because such preparation is already under intensive study by the Department of Defense. We should not prejudice the results of the study by specifying a date by legislation for termination of the use of the Culebra complex until the Congress can make an informed judgment based upon the results of that study.

I will support legislative action which would terminate use of the Culebra complex as soon as the study of the location and the preparation of a suitable alternative becomes available to the Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment. 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 Oklahoma (Mr. HARRIS), the Senator from Louisiana (Mr. LONG), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFITH. I announce that the Senator from Illinois (Mr. PERCY) is absent on official business, and if present and voting, would vote "yea."

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

The Senator from Vermont (Mr. PROUTY) is detained on official business.

The Senator from Kansas (Mr. PEARSON) is necessarily absent.

The result was announced—yeas 32, nays 58, as follows:

[No. 194 Leg.]

YEAS—32

Anderson	Gravel	Metcalf
Baker	Hart	Mondale
Bayh	Hatfield	Montoya
Boggs	Hughes	Moss
Brooke	Humphrey	Muskie
Burdick	Inouye	Nelson
Case	Jackson	Packwood
Cooper	Javits	Proxmire
Cranston	Kennedy	Schweiker
Eagleton	Mansfield	Stevens
Fulbright	McGovern	

NAYS—58

Aiken	Eastland	Pastore
Allen	Ellender	Pell
Allott	Ervin	Randolph
Beall	Fannin	Roth
Bellmon	Fong	Saxbe
Bennett	Gambrell	Scott
Bentsen	Goldwater	Smith
Bible	Griffin	Sparkman
Brock	Gurney	Spong
Buckley	Hansen	Stennis
Byrd, Va.	Hollings	Symington
Byrd, W. Va.	Hruska	Taft
Cannon	Jordan, N.C.	Talmadge
Chiles	Jordan, Idaho	Thurmond
Church	Magnuson	Tower
Cook	Mathias	Tunney
Cotton	McClellan	Weicker
Curtis	McGee	Young
Dole	McIntyre	
Dominick	Miller	

NOT VOTING—10

Harris	Pearson	Stevenson
Hartke	Percy	Williams
Long	Prouty	
Mundt	Ribicoff	

So Mr. HUGHES' amendment was rejected.

Mr. SYMINGTON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 368—USE OF RECYCLED MATERIAL

Mr. JAVITS. Mr. President, I call up my amendment No. 368.

The PRESIDING OFFICER. The amendment will be stated.

The second legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 102, between lines 11 and 12, insert the following:

SEC. 710. (a) The Secretary of Defense shall require that all materials or other products (1) purchased by the government in carrying out the provisions of this Act, or (2) purchased in whole or in part, by the Government or otherwise, with funds appropriated pursuant to this Act, or (3) purchased by any person contracting with the Government for the performance of any function authorized by this Act, shall be, or be composed of, recycled materials in such percentages as is required by order of, or under regulations prescribed by, the Administrator of the Environmental Protection Agency for the purposes of this section and the Solid Waste Disposal Act. The Secretary shall require that any contract, invitation for bids, or purchase order issued or executed for the procurement or production of such materials or products shall provide for such percentages of recycled materials as are required by the appropriate determination of the Administrator pursuant to subsection (b) or (c) of this section.

(b) Before expending or contracting for the expenditure of any funds authorized to be appropriated by this Act for the purchase or production of materials or products, the Secretary shall (1) submit to the Administrator of the Environmental Protection Agency, an estimate of the nature and quantity of each such product or material to be purchased or produced, and (2) request the Administrator to issue an order determining the percentage of each such product or material which could feasibly and economically be required to consist of or be composed of recycled material.

(c) The Administrator of the Environmental Protection Agency may, in lieu of the proceedings provided in subsection (b) of this section, provide by regulation for a particular per centum of recycled material to be included in the procurement or production of a particular product or material.

(d) For the purpose of this section, the term "recycled material" means any material, including but not limited to paper, rubber, steel, or any other metal, or glass, which has previously been used in the production of goods for commerce, and such term includes both consumer scrap originating from objects previously sold to the consuming public, and production scrap originating from the production of goods sold or to be sold to the consuming public. However, such term does not include home scrap or residue generated in the production of the basic material used in the production of such goods.

Mr. JAVITS. Mr. President, this amendment is proposed on behalf of 16 Senators, including myself. The amendment provides that the Secretary of Defense shall require that all materials or other products purchased by the Government in carrying out the construction and other procurement which is referred to by this bill shall be composed, insofar as feasible and economical, of recycled materials. Recycled materials would include such things as steel, paper, rubber, glass, and so forth. The amendment also provides that prior to concluding the contract, the Secretary of Defense shall submit the contract, the invitation to bid, or the purchase order to the Environmental Protection Agency in order to get its determination of how much of the material going into the performance should be recycled material.

Mr. President, this is essentially a basic ecological amendment; and if Senators will give me their attention, it is very important that we begin to be oriented to this situation.

Mr. TOWER. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. This is one of a series of amendments which I am proposing to authorization bills. I might say that in this particular case, $2 billion worth of

materials would be involved, so that it is one of the largest of them, though the total authorization bills which could be affected by these recycling amendments provide for approximately $31 billion in procurement.

This is a critically important way in which the Government can help itself to deal with the waste problem through the recycling of materials which are capable of recycling, to the extent that it is practicable.

The Environmental Protection Administration has responded to a letter which I wrote them on this subject in order to get their views, and I ask unanimous consent that the letter of the Director, Mr. Ruckelshaus, be printed in the RECORD, together with my reply.

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

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., June 29, 1971.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in response to the request for our comments on your draft amendment which would provide authority to use Federal purchasing power to encourage the use of recycled materials.

The proposed amendment requires that materials purchased by the Government or purchased by any person contracting with the Government contain a percentage of recycled materials. The Administrator of the Environmental Protection Agency would prescribe the percentage of recycled materials which the material must contain.

Since the demand for products containing recycled materials is limited, the new Federal procurement requirements are intended to provide some incentive for private industry to develop the technology and invest resources to reuse materials which have heretofore gone to waste.

The Resource Recovery Act of 1970, Public Law 91–512, approved October 23, 1970, requires the Administrator to conduct an investigation and study to determine, among other matters, "the use of Federal procurement to develop market demand for recovered resources." This study is now underway and the results will, as required by law, be reported to the President and Congress. In addition, this Agency and the Council on Environmental Quality are jointly chairing an interagency task force which will examine and assess a number of Federal actions that could influence recycling efforts. This study will also explore the use of Federal procurement and other Federal activities to encourage the use of recycled materials.

The recycling of materials to reduce problems of solid waste and improve the environment is of great interest to the Administration. The President, in his February 8, 1971, message to the Congress, recognized the need to reverse the decline of the reprocessing of paper, which accounts for about half of all municipal waste. As noted by the President, the General Services Administration has in fact already changed many of the specifications to require recycled content in paper purchases. As a result of this immediate effort, more than half of GSA's paper will contain reclaimed fiber. GSA is also examining its other purchasing requirements to determine if products with recycled materials can be obtained. This is accomplishing—under existing law—much of what is proposed by the draft amendment.

Thus, while we support the objectives of the draft amendment, we recommend against enactment in view of the following:

(1) The legislation appears premature since the executive branch has not yet completed its investigation in this area required by the Congress.

(2) The objectives can be achieved under existing authority and steps are already being taken to carry out the Administration's commitment for use of recycled materials.

(3) The proposed language was apparently developed for use piecemeal as part of various annual authorization bills and bills amending existing Acts. We do not consider these to be appropriate vehicles for enactment of this type of substantive legislation, which is intended to apply uniformly to procurement by all Government agencies.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report from the Administration's standpoint.

Sincerely yours,

WILLIAM D. RUCKELSHAUS,
Administrator.

JULY 13, 1971.

Hon. WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR MR. RUCKELSHAUS: I have and thank you for your letter of June 29, 1971, concerning the measures I recently introduced to require the use of recycled materials in Government procurement and construction.

I am delighted to learn that you "support the objectives of the draft amendment" which I sent you, but of course am disappointed that you recommend against its enactment. I do have a few questions, however, concerning the three bases for your opposition:

(1) You state that the legislation "appears premature since the Executive branch has not yet completed its investigation in this area required by the Congress." Your reference here is to the Resource Recovery Act of 1970, Public Law 91–512, and specifically to Section 205(a) of that Act, which requires the Secretary to study seven topics (one of which is the use of Federal procurement to develop market demand for recovered resources) and to report "from time to time, but not less frequently than annually, the results of such investigation and study to the President and the Congress." As this requirement is an annual and continuing one, without a fixed date for a final report on any one of the seven subjects, can you tell me whether a report with recommendations on the recycling topic can be expected by the end of this year?

(2) You state that the objectives can be achieved under existing authority and that steps are already being taken in this direction. Can you tell me what steps, other than use of recycled paper by GSA and a study of the balance of the problem, are being taken? Specifically, can you tell me whether any procurement in the defense sector (the largest sector of government procurement) now requires the use of recycled materials in any percentage?

(3) You state a preference for substantive legislation "intended to apply uniformly to procurement of all Government agencies" instead of my amendment, which, though uniform, would attach to separate authorization bills. Of course, I share your preference as an ideal, though I thought the chance of progress would be more immediate, though less sweeping, by use of this device. Am I correct in assuming that you are considering legislation of general application along these lines?

Finally, I note that your letter makes no objection whatever on the substance of my amendment, only to its timing and the techniques of its introduction. I hope very much, therefore, that you will consider it as a model for an executive order, or for recommendations under the study provisions of the Resource Recovery Act.

With best wishes,

Sincerely,

JACOB K. JAVITS.

Mr. JAVITS. For practical purposes, what Mr. Ruckelshaus says is that the Government could do this, if it chose, by Executive order. Indeed, the direction has already gone out to the GSA to examine its purchasing requirements, with a view toward using recycled paper.

Also, I have conferred with Senator SYMINGTON and Senator TOWER, and I understand that they have a memorandum from the Department of Defense which points out some technical difficulties which the Department sees with the amendment.

Mr. President, I am not going to press this matter to a vote, but I am going to ask the managers of the bill if they will give me some assurance of a hearing before the Armed Services Committee on this subject. My reasons are as follows:

I do not consider this an adversary proposition at all. I consider it a major problem for our society, both in terms of ecology and in terms of waste, because recycling is something which deals with well advanced and developed societies which do not wish to waste. I believe that, collaboratively with the executive department, a policy and a technique for administering that policy can be worked out. Knowing the executive department as I do—and as the managers of the bill and every other Senator knows—we will have to stay on their backs if something really is going to get done.

So, in proposing these amendments, I have not proposed them—and I do not propose this one—in any adversary sense. I know that the managers of the bill are as friendly to this proposition as I am. Really, what we are trying to do is collaboratively to find out the best way and then to accelerate the time when it may be put into effect.

I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, under this amendment, prior to the expenditure of funds appropriated pursuant to this bill, the Secretary of Defense would submit to the Administrator of the Environmental Protection Agency an estimate of the quantity of each product to be purchased and request the Administrator to issue an order determining the percentages of each product which could feasibly and economically be required to be composed of recycled material. Alternatively, the Administrator by regulation could establish percentages of recycled materials to be included in the procurement of a particular product or material.

While I am in wholehearted support with the proponents of this amendment that recycled materials be utilized to the extent practicable, I have serious reservations as to its desirability at this time.

The Congress has previously recognized the possible utilization of recycled materials to alleviate the solid waste problem in the Resource Recovery Act of 1970, Public Law 91–512. That act requires the Administrator of the Environmental Protection Agency to make necessary

studies for determining means of recovering materials and energy from solid wastes. Included in these studies will be the possibility of using the Federal procurement process to develop market demand for recovered resources. I have also been advised that the Council on Environmental Quality is currently conducting a comprehensive study of recycling of wastes. I believe these steps are in the right direction and should result in a rational nationwide approach to the recycling of wastes. In view of these ongoing studies, the proposed amendment would appear to be premature.

The construction work covered by this bill is most complex and involves hundreds of major construction projects as well as thousands of small maintenance and repair type work on family housing both in the United States and in overseas areas. The requirement for the Department of Defense to provide the Administrator of the Environmental Protection Agency with a takeoff of materials entering into all the required projects and await determinations as to the percentage of recycled materials to be included will pose a major administrative burden and must result in delays in program execution. Also, the necessity to establish controls of the materials furnished by the thousands of contractors and subcontractors to assure compliance with the percentages provided by the Administrator would be most troublesome. These problems would not be alleviated by the Administrator establishing by regulation the amount of recycled materials which should be utilized in the defense projects and could result in compromising the quality of products procured.

In view of these overriding considerations, I do not favor adoption of this amendment. I believe it would be more prudent to await the results of the comprehensive studies being conducted under the Resource Recovery Act prior to enacting legislation which is applicable to only a small segment of the over-all problem.

Now, Mr. President, I ask unanimous consent to have printed in the RECORD the position paper of the Department of Defense incident to this matter.

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

DOD POSITION PAPER ON AMENDMENT NO. 222 TO S. 1531

The subject amendment would add a new Section 709 to the General Provisions of S. 1531, which would essentially require the use of a percentage of recycled materials, as determined by the Administrator of the Environmental Protection Agency (EPA), in the procurement or production of materials or products by the Government or its contractors with funds appropriated pursuant to H.R. 9844. The amendment provides the following two procedures for establishing the percentage of recycled materials to be required.

a. Prior to expending funds appropriated pursuant to H.R. 9844 for the purchase or production of materials or products, the DoD would submit to the Administrator of EPA an estimate of the nature and quantity of each such product or material and request the Administrator to issue an order determining the percentage of each product or material which could feasibly and economically be required to consist of recycled material.

b. Alternatively, the Administrator of EPA may provide by regulation for a particular percentage of recycled material to be included in the procurement or production of a particular product or material.

While the DoD supports the use of recycled materials where feasible, and would encourage its use in Defense equipment, the establishment of mandatory percentages in accordance with the provisions of the amendment is neither practical or desirable.

The basic objective of greater utilization of recycled materials to help alleviate the solid waste problem and to conserve resources has been addressed in the Resource Recovery Act of 1970, P.L. 91–512. The Act requires the Administrator of EPA to carry out comprehensive investigations and studies to determine means of recovering materials and energy from solid wastes, including a specific requirement to determine, among other items, "the use of Federal procurement to develop market demand for recovered resources."

In addition to the investigations to be performed under the Resource Recovery Act, the Council on Environmental Quality, by means of an Interagency Task Force which has DoD representation, is currently conducting a comprehensive study on recycling of materials. This study was initiated as a follow-on to the President's Environmental Message of February 10, 1970, which, among other items, discussed the recycling of wastes.

These actions on recycling of wastes provide a rational and comprehensive approach to the nationwide problem of utilizing these wastes. In the view of the Department of Defense, the approach taken by this proposed amendment is premature, would not prove effective and would seriously hamper the orderly procurement of construction services and other procurements with funds, authorized by H.R. 9844.

The requirement to submit to the Administrator of EPA, the overall quantities of the various products entering into each construction project, as would apparently be required under the proposed Section 709(b), would in our view create serious administrative problems. It should be recognized that Defense construction projects involve the purchase of a conglomeration of hundreds of materials in various forms which are used in the construction of facilities. To require advance notification of EPA as to the estimate of the various materials used in numerous construction projects and await the determination of percentages of recycled materials to be included in the procurement is not only completely infeasible, but would seriously delay execution of the projects.

Similarly, any attempt to establish the controls necessary to assure that all prime contractors and the thousands of subcontractors involved in the procurement of construction materials are in compliance with the percentages established by EPA would create major administrative problems.

The alternative method of establishing percentages of recycled materials through regulations by the Administrator of EPA, as specified in Section 709(c) of this amendment, would also be undesirable since the end use of the basic materials would in many instances not be known at the time of the determinations. This procedure would still require the burdensome detailed determination of materials involved in construction projects and would necessitate the establishment of the required controls by contractors and subcontractors to assure compliance with EPA regulations. In the view of DOD, the administrative procedures which would be necessitated by this approach would be so cumbersome as to delay the accomplishment of the important projects authorized under H.R. 9844.

In addition to the administrative burden and delays that would be occasioned by the subject amendment, as discussed above, there is the problem of assuring the quality of materials where recycled products are used. At the present time recycled materials are being used in the manufacture of certain basic materials such as steel, copper, aluminum, and paper. However, in other areas the possible use of recycled materials is still in the development stage and the properties of materials utilizing recycled products are not known to the extent that would be required for use in many construction projects. Technical decisions involving the use of certain materials in Defense construction should be made by those engineers who are familiar with and can relate the basic material requirement to the construction design.

In view of the above, this Department is strongly opposed to the enactment of the proposed amendment to H.R. 9844. It is believed that the studies currently underway both by EPA in accordance with the requirements of P.L. 91–512 and by the Council on Environmental Quality should result in a rational nationwide approach to the use of recycled materials and that consideration of legislation such as the proposed amendment should await the results of these studies.

Mr. SYMINGTON. Mr. President, let me assure the distinguished senior Senator from New York that the distinguished Senator from Texas (Mr. TOWER) and I have discussed this matter and we will be glad to hold hearings on the matter later on.

Mr. JAVITS. I thank my colleague. That is what I hoped to elicit as a result of presenting the amendment. Before I withdraw it, I would briefly like to state that the representations made by the department were also made to us by Mr. Ruckelshaus, and they were dealt with by my reply to him, dealing with the substantive question to which I hope the Committee on Armed Services will direct itself even before the hearing. He also invoked the Resource Recovery Act of 1970 in which they are directed to make a study.

The fact is, the study relates not to one item but to seven different items, of which this is one. The act requires reports from time to time, but not less frequently than annually, concerning the results of such investigations and study. That requirement is an annual and continuing one. It does not fix a date, or anything else, for a final report on this one subject.

Considering the ecological and economic problems of the country, we feel that in order to get a firm recommendation out of the affected Government agencies, we will have to keep the heat on, as this is an urgent matter. As we all know, in the executive departments we will not get celerity of action or any precision of action unless there is some strong congressional demand for it.

I am very grateful to the managers of the bill for their assurance of a hearing. I also express the hope, in view of this showing, and our feeling about the matter and the admission that this matter is substantive—which is correct—that this will give the Senate time to require the administration to provide precise compliance with the need for recommendations and action on this subject, as we seek from the Senator from Missouri

(Mr. SYMINGTON) and the Senator from Mississippi (Mr. STENNIS) the earliest possible hearing date.

Mr. TOWER. I associate myself with the remarks of the distinguished Senator from Missouri (Mr. SYMINGTON) and can pledge to the senior Senator from New York my cooperation in trying to bring this matter to an early hearing.

Mr. JAVITS. I thank the Senator very much. Even if such an amendment could be carried in an adversary way, I would not seek it at this point, but I do not believe we should be penalized by delays in the normal bureaucratic runthroughs, because of the sense of responsibility which I and the 16 associated Senators sponsoring this measure have.

Mr. President, I ask unanimous consent that a list of the sponsors of the amendment be printed in the RECORD, together with the original text of the amendment.

There being no objection, the list of sponsors and the amendment were ordered to be printed in the RECORD, as follows:

Mr. JAVITS (for himself, Mr. BAYH, Mr. HATFIELD, Mr. HUMPHREY, Mr. KENNEDY, Mr. MATHIAS, Mr. MCGOVERN, Mr. MOSS, Mr. PEARSON, Mr. PERCY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. TAFT, Mr. TOWER, Mr. TUNNEY, Mr. SCHWEIKER, and Mr. WEICKER)

On page 102, between lines and 11 and 12, insert the following:

"SEC. 710. (a) The Secretary of Defense shall require that all materials or other products (1) purchased by the Government in carrying out the provisions of this Act, or (2) purchased in whole or in part, by the Government or otherwise, with funds appropriated pursuant to this Act, or (3) purchased by any person contracting with the Government for the performance of any function authorized by this Act, shall be, or be composed of, recycled materials in such percentages as is required by order of, or under regulations prescribed by, the Administrator of the Environmental Protection Agency for the purposes of this section and the Solid Waste Disposal Act. The Secretary shall require that any contract, invitation for bids, or purchase order issued or executed for the procurement or production of such materials or products shall provide for such percentages of recycled materials as are required by the appropriate determination of the Administrator pursuant to subsection (b) or (c) of this section.

"(b) Before expending or contracting for the expenditure of any funds authorized to be appropriated by this Act for the purchase or production of materials or products, the Secretary shall (1) submit to the Administrator of the Environmental Protection Agency, an estimate of the nature and quantity of each such product or material to be purchased or produced, and (2) request the Administrator to issue an order determining the percentage of each such product or material which could feasibly and economically be required to consist of or be composed of recycled material.

"(c) The Administrator of the Environmental Protection Agency may, in lieu of the proceedings provided in subsection (b) of this section, provide by regulation for a particular per centum of recycled material to be included in the procurement or production of a particular product or material.

"(d) For the purpose of this section, the term 'recycled material' means any material, including but not limited to paper, rubber, steel, or any other metal, or glass, which has previously been used in the production of goods for commerce, and such term includes both consumer scrap originating from objects previously sold to the consuming public, and production scrap originating from the production of goods sold or to be sold to the consuming public. However, such term does not include home scrap or residue generated in the production of the basic material used in the production of such goods."

Mr. JAVITS. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, the amendment is withdrawn.

Mr. BYRD of Virginia. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

On page 102, between lines 8 and 9, insert a new section as follows:

"SEC. 709. Notwithstanding any other provision of law, none of the lands constituting Camp Pendleton, California, may be sold, leased, transferred, or otherwise disposed of by the Department of Defense unless hereafter authorized by law."

On page 102, line 9, strike out "Sec. 709" and insert in lieu thereof "Sec. 710".

Mr. BYRD of Virginia. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. CHILES). The Senator from Virginia is recognized for 5 minutes.

Mr. BYRD of Virginia. Mr. President, this amendment is identical to a provision placed in the bill as passed by the House of Representatives. Stated another way, the bill passed by the House of Representatives contains the language which I am proposing to add today to the Senate bill.

Adoption of the amendment by the Senate would cause the Senate bill to conform to the House bill in this regard.

Now, Mr. President, in debating the bill on the floor of the House of Representatives, the gentleman from Louisiana (Mr. HÉBERT), Chairman of the House Committee on Armed Services, rather succinctly summed up the need for this provision as follows:

In January 1970, the President established the Federal Property Review Board. This Board directed the Department of Defense to declare excess certain portions of the land now comprising the Marine Corps base at Camp Pendleton, Calif.

The Marine Corps objected, the Navy objected, the Office of the Secretary of Defense objected, but they were forced to forward to our committee a declaration of excess which included 6½ miles of beach frontage and approximately 3,400 acres inland. The inland acreage is now used as a buffer zone between the city of San Clemente and the firing ranges and training areas of Camp Pendleton. Also, there are located thereon water wells, sewage facilities, and helicopter pads. After extensive hearings our—

Our, meaning the House Armed Services Committee—

Real Estate Subcommittee recommended that the proposal be disapproved.

Since the present law does not give the Congress any veto power over such transactions, the committee felt it was wise to put a provision in the bill before you—section 708—prohibiting the disposal of any portion of Camp Pendleton unless specifically authorized by law.

Mr. President, I do not, at this time, either approve or oppose the transfer of Government land at Camp Pendleton. I do not have the facts on which to base a judgment. I submit, neither does Congress.

My position is simply this: If any portion of Camp Pendleton is to be disposed of, it should be done by an act of Congress after appropriate hearings. Millions of dollars of tax funds are involved. Very valuable Government property is involved.

So, Mr. President, I hope that the distinguished managers of the bill will be willing to accept this amendment.

Mr. SYMINGTON. Mr. President, I have discussed this matter with the distinguished senior Senator from Texas (Mr. TOWER) and we agree to accept the amendment of the senior Senator from Virginia (Mr. BYRD).

Mr. President, I yield back my time.

Mr. BYRD of Virginia. Mr. President, I yield back my time.

The PRESIDING OFFICER (Mr. CHILES). All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Virginia (Mr. BYRD).

The amendment was agreed to.

Mr. NELSON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. NELSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and I will explain it.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

H.R. 9844, an Act to authorize certain construction at military installations, and for other purposes.

On page 102 between lines 8 and 9 insert a new section as follows:

SEC. 709. Notwithstanding any other provision of this Act, no funds appropriated pursuant to this Act may be obligated or expended for construction in connection with any of the following projects until after final environmental impact statements have been made with respect to such projects pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and reviewed by the President's Council on Environmental Quality:

1. Land acquisition for construction of new facilities, Naval Station, Norfolk, Virginia,

2. Land acquisition for sewage disposal facility, Naval Air Station, Lemoore, California,

3. Land acquisition for ammunition storage, Naval Submarine Base, New London, Connecticut,

4. Land acquisition for buffer zone at electronics facility, Naval Security Group Activity, Homestead, Florida,

5. Relocation to White Oak, Maryland, Harry Diamond Laboratory,

6. Construction of new facilities, Walter Reed Army Medical Center, Washington, D.C.,

7. Construction of hangars and other facilities, Campbell Army Airfield, Kentucky,

8. Construction of Western Medical Institute of Research, Presidio, San Francisco, California, and

9. Construction of headquarters building and other facilites, Bolling Air Force Base, Washington, D.C.

On page 102, line 9, strike out "Sec. 709" and insert in lieu thereof "Sec. 710".

Mr. NELSON. Mr. President, last Saturday, I offered an amendment which was identical in principle with the amendment I am offering at this time.

The amendment provides that notwithstanding any other provision of this act, no funds appropriated pursuant to this act may be obligated or expended for construction in connection with any of the following projects until after final environmental impact statements have been made with respect to such projects pursuant to section 102(2)(c) of the National Environmental Protection Act of 1969 and reviewed by the President's Council on Environmental Quality.

Of the nine projects listed in this amendment, draft environmental impact statements have been drawn up for seven, but not final statements. For two of the projects, the Norfolk Naval Station construction and the Campbell Army Airfield construction. Not even draft impact statements have been formally issued.

Mr. President, I stated last Saturday that the Congress was not requiring all agencies of the Federal Government to comply with the National Environmental Protection Act which we passed in Congress and that I intended on every single appropriation and authorization bill in which an environmental impact statement was required by the law to offer an amendment to provide that moneys may not be spent on such projects until such time as impact statements are filed in compliance with the law. I intend to request a rollcall vote every time an authorization or appropriation bill requiring an environmental impact statement comes to the floor of the Senate which is not in compliance with the law.

Mr. President, I only received 17 votes in support of the law on last Saturday. I probably will not get any more votes today. However, I figure that after the Senate has gone on record 20, 30, or 40 times, if necessary, on rollcall votes in which a majority of the Senators have voted against enforcing the requirements of the law that Members finally take notice and read the law. Then the policy around here might change. That might take a year or two. However, as long as I am here, I am going to insist on rollcall votes every time a bill comes here authorizing or appropriating money for projects on which impact statements have not been filed as required by the Environmental Policy Act.

I would like to point out, too, that this authorization bill containing authorizations for these nine projects are not even in compliance with the rules and guidelines adopted by the Defense Department itself, by the Department of the Army, or by the Department of the Navy.

Let me read from a document of September 11, 1970, from the Department of the Army:

Section 102(2)(c) of the National Environmental Policy Act requires among other things that there be included with every recommendation or report on proposals for legislation and other major Federal action which may affect the quality of the natural environment, a detailed 5 point statement of the environmental impact of the intended action.

Mr. President, that is the Department of the Army guideline.

The Department of the Navy guidelines adopted in October 1970, read:

Deputy Secretary of Defense memorandum of 8 August 1970 states that the National Environmental Policy Act of 1969 requires among other things that there be included with every recommendation or report on proposals for legislation and other major Federal actions which may affect the quality of the natural environment a detailed 5-point statement on the environmental impact of the intended action.

Then the communication from the Department of Defense, and this is dated August 8, 1970, reads:

Memorandum for Secretaries of the Military Departments, chairman of the Joint Chiefs of Staff, Director of Research and Engineering, Assistant Secretaries of Defense, Assistants to the Secretary of Defense, Director of Defense Agencies.

Subject: Interim guidelines on environmental statements.

On page 68, process of legislative action "pending definitive guidance from the Office of Management and Budget, the present methods for accomplishing and coordinating actions on proposed legislation shall be continued. Necessary comments indicating the impact on the environment shall be included in DOD legislative proposals . . .

Get this:

. . . shall be included in DOD legislative proposals . . .

And that is what this authorization is, a legislative proposal.

I emphasize, it reads:

Necessary comments indicating the impact on the environment shall be included in DOD legislative proposals and comments prepared by DOD in legislation prepared by other federal agencies or introduced by Members of Congress of primary concern to the DOD.

So, we are in a situation here in which the committee has reported an authorization bill that does not comply with the law which requires that the impact statements be filed. The guidelines of the Navy, the Army, and the Department of Defense are not even being complied with. The Department of Defense, the Department of the Army, and the Department of the Navy are in violation of their own guidelines which require that they file an impact statement with each legislative proposal. And that is what is here before the Senate, a legislative proposal.

This amendment simply provides that there may not be any money obligated or spent on these nine projects until such time as the final environmental impact statements are filed and reviewed by the President's Council on Environmental Quality.

In all instances, these nine military construction projects fall short of complying with the requirements of the Environmental Policy Act, and the need of Congress and the public for full environmental review of Federal actions before they are approved.

Last March, in a letter to Congress, the Department of Defense itself had determined that nine projects in the military construction bill posed significant environmental consequences and thus required the environmental impact statements spelled out in section 102(2)(c) of the Environmental Policy Act.

Yet not one of the section 102(2)(c) statements has been completed, though Congress is now being asked in this bill to authorize funds for the projects.

If we are not to make a mockery of the Environmental Policy Act, Congress must clearly establish now the principle that projects proposed by Federal agencies must have completed the full environmental review required by the Environmental Policy Act before, not after, Congress authorizes or appropriates funds for them.

With this objective in mind, I introduced a similar amendment last Saturday to the public works appropriations bill to require Corps of Engineers and Tennessee Valley Authority compliance with the National Environmental Policy Act on four projects in the bill before we appropriated funds for construction on them.

And it is my intention to introduce such an amendment to every measure that comes to the Senate floor containing environmentally significant projects which have not been fully reviewed under the requirements of the Environmental Policy Act.

The nine projects in the military construction bill with which my amendment today is concerned are:

Land acquisition for construction of new facilities at the Naval Base at Norfolk, Va.; land acquisition for expansion of a sewage treatment facility at the Naval Air Station at Lemoore, Calif.; land acquisition for safety zone for ammunition storage at the Naval Submarine Base at New London, Conn.; land acquisition for a buffer zone for a National Security Group Activity electronics facility at Homestead, Fla.; construction of new facilities for the relocation in White Oak, Md., of a Navy research unit, Harry Diamond Laboratories; construction of new facilities for Walter Reed Army Medical Center in Washington, D.C.; construction of hangars and other facilities at the Campbell Army Airfield in Fort Campbell, Ky.; construction of the new Western Medical Institute of Research, an Army research and development facility in San Francisco, Calif.; and the construction of new headquarters and related facilities at Bolling Air Force Base in Washington, D.C.

For seven of the projects, draft environmental impact statements were drawn up on dates ranging from December 14, 1970, to May 6, 1971, and my office has obtained these preliminary copies. For two of the projects, the Norfolk Naval Station construction and the Campbell Army Airfield construction, not even the draft environmental impact statements have been formally issued.

Thus Congress is being asked to approve these projects with only preliminary information from a single agency about their environmental effects, without the comments of other Federal agencies with environmental responsibilities, and without any final review by the President's Council on Environmental Quality, which is charged with administering the National Environmental Policy Act.

Yet the requirements of the act are clear, and I will cite the key provisions in section 102(2)(c):

The Congress authorizes and directs that, to the fullest extent possible . . . all agencies of the Federal government shall include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on the environmental impact of the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, alternatives to the proposed action, the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Further, the section states that—

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public.

To assure compliance with these important provisions of the environmental policy act, my amendment would simply stipulate that no funds in this military construction authorization bill could be expended for construction on any of the nine projects until after final environmental impact statements have been made and have received final review by President's Council on Environmental Quality.

In conversations with the President's Council officials just yesterday, my office has confirmed that it is the clear intention of the act and the Council's guidelines as they interpret them that Federal agencies must have final environmental impact statements on their projects filed with the Council and publicly available in any event before House or Senate floor action.

It is important to note that I am not opposing or singling out these nine projects in this bill: My point simply is that since final environmental impact statements have not been filed on them yet, Congress should not allow the expenditure of construction moneys to carry them out.

Further, compliance with the act should cause little if any delay in any of these projects. On seven of them, draft statements were filed anywhere from 3 to 8 months ago, and I am informed that the great bulk of environmental impact statements by agencies within the Federal Government are being completed within 60 days of the filing of the draft statement. During this period, comments of other agencies are obtained and taken into account in revisions in the draft statement. The final statement, with the other agencies; comments attached, is then forwarded to the President's Council—the draft statement is also filed with the Council.

Regarding this bill, I would also raise the question why only nine projects were selected as needing environmental impact statements, when the bill contains, by the subcommittee's estimate, 600 to 700 line items for projects at 260 to 270 military bases. Eleven projects were originally selected for impact statements, but funds for one project are not contained in this bill, and the Navy concluded that another project did not need a statement.

In conclusion, I would like to cite an article in the August 2 issue of Air and Water News, a McGraw-Hill publication, in which the growing concern of Federal courts with noncompliance with the environmental policy act is reported.

Most recently, a Federal appeals court in Washington ruled that the Atomic Energy Commission's treatment of environmental policy issues is making a mockery of the National Environmental Policy Act and ruled against the AEC in a case involving a nuclear power plant on Chesapeake Bay.

The Air and Water News article concluded that—

Implicit in the court's comments is this warning: if Federal agenices don't meet the spirit and the words of the National Environmental Policy Act, they will probably face law suits by environmentalist—and support from the courts.

It is time we acted to make Federal agencies comply with this historic environmental law: Enforcement of this act will be one of the most effective tools we have in stopping Federal or federally aided destruction of the environment.

I ask unanimous consent that the next of my amendment be printed at the end of these remarks and that the article from Air and Water News also be printed.

Mr. President, I conclude by saying that I think it is unfortunate that the Members of the Senate are not prepared to read the Army guidelines, the Navy guidelines, and the DOD guidelines as well as the statute which requires the filing of these reports and insist that the law and guidelines be enforced.

I think that it is time that we pass this amendment and require that no money be obligated until the law is complied with.

I do not, as I have said previously, expect that that will happen today. However, I think that after the Members of the Senate have discovered for the 10th, the 15th, or the 20th time that they are voting wrong on this issue, we will some day get a majority who will require compliance with the law.

Mr. MANSFIELD. Mr. President, will the Senator yield me 1 minute?

Mr. SYMINGTON. Mr. President, I yield 1 minute to the distinguished majority leader.

AUTHORITY FOR COMMITTEES TO FILE REPORTS ON AUGUST 9 AND SEPTEMBER 7, 1971

Mr. MANSFIELD. Mr. President, out of order, I ask unanimous consent that committees be authorized to file reports on August 9, 1971, and September 7, 1971, during the adjournment of the Senate.

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

AUTHORITY FOR SECRETARY OF SENATE TO RECEIVE MESSAGES FROM HOUSE AND FOR THE VICE PRESIDENT, PRESIDENT PRO TEMPORE OR ACTING PRESIDENT PRO TEMPORE TO SIGN ENROLLED BILLS DURING THE ADJOURNMENT OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives during the adjournment of the Senate from August 6, 1971, through August 10, 1971.

I also ask unanimous consent that the Vice President, the President pro tempore or the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions during the adjournment of the Senate from August 6, 1971, to September 8, 1971.

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

AUTHORITY FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE PRESIDENT DURING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the President of the United States during the adjournment of the Senate.

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

MILITARY CONSTRUCTION AUTHORIZATION ACT, 1972

The Senate continued with the consideration of the bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes.

Mr. SYMINGTON. Mr. President, first let me say I am in full sympathy with the thinking behind the suggested amendment by the distinguished Senator from Wisconsin. But this amendment would seriously interfere with current programs and present construction. Although we would like to give it the fullest consideration we cannot accept it.

The procedures for preparation and processing of environmental statements on military construction projects have been laid down. Those procedures are as follows:

A determination is made by the Military Departments as to whether an environmental statement is required under the provisions of P.L. 91-190 as implemented by the Council on Environmental Quality (CEQ) Guidelines (latest issue April 23, 1971) (36 Fed Reg. 79, 7725 (1971)).

If required, a draft environmental impact statement is prepared for the project by the Military Department.

After any necessary internal OSD clearances, the draft statement accompanies the project through the various review procedures. It is then distributed for comment to other Federal Agencies and to the public with copies to CEQ and EPA (Environ-

mental Protection Agency). Normally this step is undertaken after the legislation and the draft environmental statements have been forwarded to the Congress.

Comments from the Federal Agencies and the public are received by the Military Department which prepared the statement. These comments are reviewed and any additional material considered necessary is included by the Military Department in the final environmental statement.

The final statement is then distributed to CEQ and to the appropriate Congressional Committees of the Senate and House of Representatives. Also copies of the final statement are made available to the public.

Following the distribution of the draft environmental statement, except in unusual circumstances, it is necessary to wait a minimum of 90 days prior to undertaking the action covered by the environmental statement. Also, following the distribution of the final environmental statement, it is necessary to wait a period of 30 days prior to undertaking the proposed action. In the event that the final environmental statement is filed within 90 days after the draft statement has been circulated for comment and furnished to the CEQ, the 30 days period and the 90 day period may run concurrently to the extent that they overlap.

In the event that unusual circumstances preclude compliance with the time requirements indicated above, Federal Agencies are required to consult with the CEQ about alternative arrangements.

In accordance with the above requirements, except in unusual circumstances for which CEQ clearances would be required, the Department of Defense must wait at least 90 days after the filing of a draft environmental statement (or 30 days after the final statement) prior to taking the proposed action. In view of this administrative policy, it is not considered that an amendment to the Military Construction Authorization Bill which would require that military construction projects may not proceed until a final environmental statement has been prepared is necessary.

Mr. President, the proposed amendment of the distinguished Senator from Wisconsin gives us some additional problems and I will read them:

Notwithstanding any other provision of this Act, no funds appropriated pursuant to this Act may be obligated or expended for construction in connection with any of the following projects until after final environmental impact statements have been made with respect to such projects pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and reviewed by the President's Council on Environmental Quality:

Then, the following projects are listed:

1. Land acquisition for construction of new facilities, Naval Station Norfolk, Virginia.

All that amounts to is money to buy a piece of land.

2. Land acquisition for sewage disposal facility, Naval Air Station, Lemoore, California.

3. Land acquisition for ammunition storage, Naval Submarine Base, New London, Connecticut,

4. Land acquisition for buffer zone at electronics facility, Naval Security Group Activity, Homestead, Florida,

5. Relocation to White Oak, Maryland, Harry Diamond Laboratory,

This is under construction. This is the second increment for construction at this particular base.

6. Construction of New Facilities, Walter Reed Army Medical Hospital, Washington, D.C.

This is also under construction. It would stop building at that hospital.

7. Construction of hangars and other facilities, Campbell Army Airfield, Kentucky,

8. Construction of Western Medical Institute of Research, Presidio, San Francisco, California, and

That also is already under construction. This is the second increment.

9. Construction of headquarters building and other facilities, Bolling Air Force Base, Washington, D.C.

Mr. President, we have not had a chance to look at this amendment or discuss it, let alone have hearings on it. Again, although we are in sympathy with the theory of the amendment we cannot accept it. Therefore, I must oppose the amendment.

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

Mr. SYMINGTON. I yield to the distinguished Senator from Texas.

Mr. TOWER. Mr. President, I wish to commend the distinguished chairman of the subcommittee for his remarks and I associate myself with those remarks.

I see no reason for unnecessary delay in these projects, or stopping some of them while they are currently underway.

I am hopeful that the Senate will reject the amendment.

Mr. NELSON. Mr. President, I point out again that these nine projects were selected by the Department of Defense, not by me and not by Congress; they were selected by the Department of Defense as projects which require environmental impact statements under their interpretation of the Environmental Policy Act. I have been only pointing out that their failure to file final reports is not in compliance with the Environmental Policy Act and it is in violation of the guidelines of the Department of Defense, the Department of the Army, and the Department of the Navy.

Now, the distinguished Senator from Missouri says that this will delay the projects. Well, the projects should not go ahead at all if they do not comply with their own guidelines, and if they do not comply with the law. As I pointed out earlier preliminary reports have been filed on seven of the nine projects. There are no reports at all on two of the nine projects. So this amendment simply provides that money may not be obligated or expended on these projects until such time as the environmental impact statements are filed and reviewed by the Council on the Environment.

I do not know when the appropriation bill will be acted upon, but it will be after the coming August adjournment. I would suggest to the Senate that the Department of Defense can get the final environmental impact statements to us before it is necessary to vote on the appropriation bill. If the Department does not submit them, we ought to vote the project down. Once we do that, we will get some of the arrogant bureaucracies, like the Corps of Engineers and the Department of the Army, to comply with the law. That is all we are asking for. Yet this legislative body retreats like a little band of children every time one of the big powerful bureaucracies fails or refuses to comply with the law.

Mr. President, I ask for the yeas and nays on the amendment. Let us find out who supports the law around here.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. NELSON. Mr. President, I call attention to the absence of a quorum.

Mr. TOWER. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the time for the quorum call being charged to either side.

The PRESIDING OFFICER. Is there objection to the request for a quorum call without the time being charged to either side? The Chair hears none, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMINGTON. 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. NELSON. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, I am prepared to yield back the remainder of my time if the distinguished Senator from Missouri is agreeable to yielding back the rest of his time.

Mr. SYMINGTON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Wisconsin. 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 Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. METCALF), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

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

Mr. GRIFFIN. I announce that the Senator from Kansas (Mr. PEARSON) is necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

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

The Senator from Kansas (Mr. DOLE) and the Senator from Vermont (Mr. PROUTY) are detained on official business.

If present and voting, the Senator from Kansas (Mr. DOLE), and the Senator from Illinois (Mr. PERCY) would each vote "nay."

The result was announced—yeas 31, nays 59, as follows:

[No. 195 Leg.]

YEAS—31

Bayh	Burdick	Eagleton
Brock	Case	Fulbright
Brooke	Chiles	Gravel
Buckley	Cranston	Griffin

Hart	Mondale	Ribicoff
Hughes	Moss	Roth
Humphrey	Muskie	Schweiker
Javits	Nelson	Spong
Kennedy	Packwood	Stevens
McGovern	Pell	
McIntyre	Proxmire	

NAYS—59

Aiken	Eastland	McClellan
Allen	Ellender	McGee
Allott	Ervin	Miller
Anderson	Fannin	Montoya
Baker	Fong	Pastore
Beall	Gambrell	Randolph
Bellmon	Goldwater	Saxbe
Bennett	Gurney	Scott
Bentsen	Hansen	Smith
Bible	Hatfield	Sparkman
Boggs	Hollings	Stennis
Byrd, Va.	Hruska	Symington
Byrd, W. Va.	Inouye	Taft
Cannon	Jackson	Talmadge
Church	Jordan, N.C.	Thurmond
Cook	Jordan, Idaho	Tower
Cooper	Long	Tunney
Cotton	Magnuson	Weicker
Curtis	Mansfield	Young
Dominick	Mathias	

NOT VOTING—10

Dole	Mundt	Stevenson
Harris	Pearson	Williams
Hartke	Percy	
Metcalf	Prouty	

So Mr. NELSON's amendment was rejected.

Mr. SYMINGTON. Mr. President, if there are no further amendments, I ask for third reading of the bill.

Mr. GRAVEL. Mr. President, I send an amendment to the desk. I ask unanimous consent that the rules be waived for this amendment, because the amendment cannot be considered without unanimous consent. It addresses itself to a figure that has already been changed by an amendment of the Senator from New Jersey. I would be happy to explain it under a reservation, if the Senator from Missouri would like to make a reservation.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. SYMINGTON. Mr. President, I did not hear the request.

Mr. GRAVEL. I will restate it.

In order to entertain this amendment, the rules would have to be waived, because it addresses itself to the $32 million figure on page 52, which has been treated by the amendment of the Senator from New Jersey. I cannot now address myself to that figure with an amendment, without unanimous consent.

If the Senator from Missouri would choose to make a reservation, I would explain the amendment, under the reservation; or, if he chooses not to object, we could consider the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. SYMINGTON. Mr. President, with all due respect to the Senator from Alaska, I am not yet clear as to what he wants to do. Perhaps we had better have the amendment read.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

On page 52, line 23, strike out "$34,191,000." and insert the following: "$36,191,000: *Provided*, That $2,000,000 of that amount shall be utilized for participation by Fort Wainwright, Alaska, in the sanitary sewer system of Fairbanks, Alaska."

Mr. SYMINGTON. We do not know about it.

Mr. GRAVEL. May I explain it?

Mr. SYMINGTON. I cannot hear the Senator.

Mr. President, I reserve the right to object.

Mr. GRAVEL. Under the right to object, may I explain the amendment at this time?

The PRESIDING OFFICER. Who yields time?

Mr. SYMINGTON. How long does the Senator want?

Mr. GRAVEL. Only 2 minutes.

Mr. SYMINGTON. I yield 2 minutes to the Senator.

Mr. GRAVEL. The military and the city of Fairbanks have been negotiating for some time and have arrived at an agreement to tie in the sewage facilities of the city of Fairbanks with the military base at Fort Wainwright. The city recently approved a bond issue of $4.2 million. I am led to believe by the mayor of Fairbanks, who came to my office yesterday on this matter, that an understanding has been reached with the military.

I bring the matter up at this late date, because I had no knowledge of it prior to this, and I am embarrassed to bring it up at the 11th hour. Fairbanks has an unemployment rate of 18 percent. We have the pipeline in abeyance. No relief is in sight under any Federal program or any activity. We are talking about a $2 million increase. Fairbanks is willing to bind itself to $4.2 million so that this project can get underway now to alleviate the economic situation and not to delay it until a later date when we hope the pipeline will be active, which would not be the best time to begin the construction of the sewer system.

In going over the report, I note that the committee has done yeoman service with respect to pollution and sewage treatment plants around the country. I can only say with respect to Fairbanks—which is in an area of extreme permafrost—that probably no area in the world has more of a sewage problem than does this community.

I hope the chairman will consider it and accept the amendment and take it to conference. If we later learn that the military has not agreed, he could then reject it.

Mr. SYMINGTON. Mr. President, we would like to do anything that would be of service to the Senator from Alaska, but we do not know anything about it, so we cannot accept it.

Mr. GRAVEL. I have just informed the chairman what it is about.

Mr. SYMINGTON. If the Senator feels this strongly about it, I would be glad to take it to conference.

Mr. GRAVEL. As I understand it, we will not have another crack at this until next year. If it is correct that the military has made an agreement——

Mr. SYMINGTON. The Senator never spoke to me about it, he never spoke to the staff about it, and he never spoke to the ranking minority member of the committee about it. I do not think we ought to put these things into a bill on the floor this way.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. GRAVEL. I apologize for not bringing it up earlier, because I had no knowledge of it earlier, myself.

Mr. SYMINGTON. We will take it to conference.

Mr. GRAVEL. That is satisfactory to me.

Mr. CASE. Mr. President, reserving the right to object, I assume that this will not knock out the language of the proviso in regard to Fort Monmouth that already has been inserted, and that this would be a further proviso after the figure.

Mr. GRAVEL. That is right. It would be an addition to it.

If the chairman is willing to take it to conference and he chooses to knock it out in conference——

Mr. SYMINGTON. May I suggest that, with that proviso, the Senator from Alaska take it up with the staff of the committee, so that we will know what we are talking about when we take it to conference.

Mr. GRAVEL. Very good. Then it can be taken to conference. I thank the Senator.

The PRESIDING OFFICER. Is there objection to taking up the amendment of the Senator from Alaska? The Chair hears none, and the Senator may offer his amendment. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 52, line 23, strike out "$34,191,000" and insert the following: "$36,191,000: *Provided further*, That $2,000,000 of that amount shall be utilized for participation by Fort Wainwright, Alaska, in the sanitary sewer system of Fairbanks, Alaska."

Mr. GRAVEL. Mr. President, I yield back the remainder of my time.

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

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield 3 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I want to find out whether anybody has yet received a reply from the Defense Department or anyone else on the five-bedroom houses they are going to try to build within 1,400 square feet. As I said in the process of the committee hearings and in executive session, it sounds to me as though they are going to pack them in like sardines; and I wonder whether we should enlarge the size of the house. I am in favor of doing this project, but I think 1,400 square feet is an unreasonable requirement.

Has the manager of the bill or the ranking minority member received any answer on that? I have not received an answer, and I have asked three times.

Mr. SYMINGTON. Mr. President, the Senator from Colorado brought up this

matter in the subcommittee and I believe in the full committee, and we asked for the position of the Defense Department on it. The position of the Defense Department is that specified in title 10, U.S.C., where the following space limitations are prescribed:

	Square feet
General officer	2100
Colonel	1670
Major/lieutenant colonel	1400
Officers below major	1250
Enlisted members	1080

These limitations may be increased by 10 percent for quarters outside the United States and for the quarters of commanding officers.

Heretofore, four-bedroom units for enlisted men could be constructed with a net floor space of 1,250 square feet and 1,400 square feet for officers under the grade of major.

This year's bill approved four- and five-bedroom houses for enlisted men and junior officers not to exceed 1,400 square feet.

That is the best answer I can give to the able Senator from Colorado.

Mr. DOMINICK. Mr. President, I appreciate that much of an answer. If I may say so, that is a lot more than I have gotten so far.

If I may also say so, I doubt whether any architect who has ever looked at those specifications would know how he would put the people—maybe straight up the wall. Maybe that is what they are planning on.

Mr. SYMINGTON. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I yield back my time.

Mr. SYMINGTON. Mr. President, I yield back my time.

The PRESIDING OFFICER (Mr. CHILES). The question is on the engrossment of the amendment as amended and third reading of the bill.

The amendment as amended was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 9844), was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and 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 Oklahoma (Mr. HARRIS) and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) and the Senator from Oklahoma (Mr. HARRIS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kansas (Mr. PEARSON) is necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

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

The Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Vermont (Mr. PROUTY), and the Senator from Ohio (Mr. TAFT) are detained on official business.

If present and voting, the Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 88, nays 1, as follows:

[No. 196 Leg.]

YEAS—88

Aiken	Ellender	Metcalf
Allen	Ervin	Miller
Allott	Fannin	Mondale
Anderson	Fong	Montoya
Baker	Fulbright	Moss
Bayh	Gambrell	Muskie
Beall	Gravel	Packwood
Bellmon	Griffin	Pastore
Bennett	Gurney	Pell
Bentsen	Hansen	Proxmire
Bible	Hart	Randolph
Boggs	Hatfield	Ribicoff
Brooke	Hollings	Roth
Buckley	Hruska	Saxbe
Burdick	Hughes	Schweiker
Byrd, Va.	Humphrey	Scott
Byrd, W. Va.	Inouye	Smith
Cannon	Jackson	Sparkman
Case	Javits	Spong
Chiles	Jordan, N.C.	Stennis
Church	Jordan, Idaho	Stevens
Cook	Kennedy	Symington
Cooper	Long	Talmadge
Cotton	Magnuson	Thurmond
Cranston	Mansfield	Tower
Curtis	Mathias	Tunney
Dole	McClellan	Weicker
Dominick	McGee	Young
Eagleton	McGovern	
Eastland	McIntyre	

NAYS—1

Nelson

NOT VOTING—11

Brock	Mundt	Stevenson
Goldwater	Pearson	Taft
Harris	Percy	Williams
Hartke	Prouty	

So the bill (H.R. 9844) was passed.

Mr. SYMINGTON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia and Mr. CANNON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SYMINGTON. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives on the disagreeing votes thereon and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the presiding officer (Mr. BENTSEN) appointed Mr. STENNIS, Mr. SYMINGTON, Mr. JACKSON, Mr. ERVIN, Mr. CANNON, Mr. BYRD of Virginia, Mr. THURMOND, Mr. TOWER, and Mr. DOMINICK, conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, with the final passage of the Military Construction Authorization Act, a note of thanks is to be extended to the senior Senator from Missouri (Mr. SYMINGTON). His detailed knowledge of the innumerable projects covered by this bill is of great help to the speedy deliberation. His willingness to discuss the various aspects of this bill has improved the spirit of cooperation that this body needs to function properly.

Senator TOWER, representing the minority members of the committee, contributed greatly to the overall understanding of this bill. When Senators take time from their hectic schedules to become experts in various areas and are willing to share their expertise with the Senate, we owe them many thanks. This certainly holds true for both Senator SYMINGTON and Senator TOWER.

The Senator from Iowa (Mr. HUGHES) raised an important issue with his amendment. The floor discussion on this matter contributed to the better understanding of various regional problems.

The amendments offered by Senator NELSON, Senator GRAVEL, and Senator GURNEY again raised regional and national problems that are affected by this legislation. The Senate owes them each a note of thanks.

Senator DOMINICK's inquiries about space allocation in construction of new military buildings were most helpful. Again the Senate owes individual Senators who have studied these problems and are willing to discuss their aspects, a note of thanks.

The expeditious and judicious action taken by this subcommittee is most helpful in fulfilling the Senate's responsibilities to the American people.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, August 5, 1971, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 485. An act to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate radio stations in the United States and to hold licenses for their stations;

S. 751. An act to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile;

S. 752. An act to authorize the disposal of vegetable tannin extracts from the national stockpile;

S. 753. An act to authorize the disposal of thorium from the supplemental stockpile;

S. 755. An act to authorize the disposal of shellac from the national stockpile;

S. 756. An act to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile;

S. 757. An act to authorize the disposal of iridium from the national stockpile;

S. 758. An act to authorize the disposal of mica from the national stockpile and the supplemental stockpile;

S. 759. An act to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile;

S. 760. An act to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile;

S. 761. An act to authorize the disposal of diamond tools from the national stockpile;

S. 762. An act to authorize the disposal of chromium from the national stockpile and the supplemental stockpile;

S. 763. An act to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile;

S. 765. An act to authorize the disposal of antimony from the national stockpile and the supplemental stockpile;

S. 767. An act to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile;

S. 768. An act to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile;

S. 769. An act to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile;

S. 770. An act to authorize the disposal of columbium from the national stockpile and the supplemental stockpile;

S. 771. An act to authorize the disposal of selenium from the national stockpile and the supplemental stockpile;

S. 772. An act to authorize the disposal of celestite from the national stockpile and the supplemental stockpile;

S. 774. An act to authorize the disposal of vanadium from the national stockpile;

S. 775. An act to authorize the disposal of magnesium from the national stockpile;

S. 776. An act to authorize the disposal of abaca from the national stockpile;

S. 777. An act to authorize the disposal of sisal from the national stockpile;

S. 778. An act to authorize the disposal of kyanite-mullite from the national stockpile; and

S.J. Res. 105. Joint resolution authorizing the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups".

COAST GUARD AUTHORIZATIONS—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT (H. REPT. No. 92-451)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, 6, and 7, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: $41,574,000.

And the Senate agree to the same.

WARREN G. MAGNUSON,
RUSSELL B. LONG,
ERNEST F. HOLLINGS,
ROBERT P. GRIFFIN,
MARK O. HATFIELD,
Managers on the Part of the Senate.

EDWARD A. GARMATZ,
LEONOR K. SULLIVAN,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.

Mr. MAGNUSON. Mr. President, the bill is similar in all respects to the bill passed by the Senate on July 22, with one exception. The Senate conferees agreed to the restoration of the authorization of one administrative aircraft, and authorized $3.25 million for that purpose.

I move that the conference report be agreed to.

The motion was agreed to.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The PRESIDING OFFICER (Mr. BENTSEN). Under the previous order the Chair lays before the Senate S. 382, which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 223 (S. 382), a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 308, as amended.

Mr. PASTORE. Mr. President, I yield 2 minutes to the assistant majority leader on the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, after consulting with the distinguished manager of the bill and the distinguished Senator from Oregon (Mr. PACKWOOD), I make the following unanimous-consent request: That the eight amendments which are to be offered by the Senator from Oregon (Mr. PACKWOOD), namely, amendments Nos. 371, 375, 370, 374, 373, 353, 355, and 372 be considered in that order and that on each amendment the time be limited to 10 minutes, the time to be equally divided between the mover of the amendment and the manager of the bill;

Ordered further that after the rollcall vote which will occur on the first of the eight amendments, namely amendment No. 371, the time on each rollcall vote be limited to 10 minutes, rather than the usual 20 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, I yield whatever time the Senator from Massachusetts needs.

Mr. KENNEDY. Will the Senator yield 7 minutes?

Mr. PASTORE. I yield 7 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, about a week ago when this legislation came before the Senate I offered an amendment to S. 382 called the universal voter registration amendment.

Even though this legislation concerns itself primarily with the financing of campaigns, one of the essential elements in election reform is eliminating the many barriers that have been placed in the way of qualified Americans to participate in the electoral process. One of the most significant barriers is the complex of registration laws which exist in the several States. They impede the right to vote in practically every community and State. There has been significant progress in broadening the franchise in other respects in recent years—such as through the reapportionment decisions of the Supreme Court and the voting rights acts passed by Congress. Now, registration remains as one of the principal hindrances against participation in the democratic process.

Therefore, I submitted an amendment to the bill to provide for universal registration and to simplify the process of registering to vote in Federal elections. The amendment would establish an independent agency within the Census Bureau. By using a simple post card mailed to the Census Bureau, any individual would be able to register to vote in Federal elections. Using its computers, the Census Bureau would compile voter registration lists and provide this to the States and local precincts.

This reform could be a significant and useful step in eliminating the barriers imposed by registration against the right to vote.

Mr. President, in the RECORD of July 26, 1971, I outlined the constitutional authority for this amendment. In light of the recent decisions by the Supreme Court, and article I, section 4 of the Constitution, I believe that Congress has ample authority to act by statute in this area.

All the studies that have been addressed to this subject have tried to find ways to increase participation in our elections. All the studies that the morass of registration laws in the various States serve as a major hindrance.

I had intended to offer this proposal as an amendment to the pending legislation. I know that in this area, the Senator from Minnesota (Mr. HUMPHREY) has a proposal which is similar in approach, but which utilizes the Internal Revenue Service as a means for providing additional registration. The Senator from New Mexico (Mr. MONTOYA) has also been extremely interested in this subject, as has the Senator from Hawaii (Mr. INOUYE). The Senator from Missouri (Mr. EAGLETON) was the sponsor of an amendment in this area to the draft bill, which was accepted by the Senate.

So there are a number of different proposals that have come before us. Yet, we have not had action on this type of program.

I have taken the opportunity to talk with the chairman of the Post Office and Civil Service Committee, the Senator from Wyoming (Mr. McGEE), and he has indicated a strong interest in this proposal, as well as the others sponsored by my colleagues. He has indicated that in September he would hold hearings on these measures.

Therefore, given that indication by the Senator from Wyoming (Mr. McGEE), and having consulted with the manager of the bill, I do not intend to call up my amendment to this act. But I would certainly hope that the manager of the bill, who has spent such an enormous amount of time on the entire process of electoral reform, would give this measure his independent study and judgment. Hopefully, when the matter comes to the floor, as I hope it will, he will be able to support such a measure.

Mr. GRAVEL. Mr. President, I call up my amendment No. 362.

Mr. PASTORE. Mr. President, may I ask the Senator to repeat the number of that amendment?

Mr. GRAVEL. No. 362.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment (No. 362) as follows:

TITLE V—PRESIDENTIAL ELECTION CAMPAIGNS

SEC. 501. The Presidential Election Campaign Fund Act of 1966 is amended to read as follows:

"TITLE III—FINANCING OF PROFESSIONAL ELECTIONS CAMPAIGNS

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Presidential Election Campaign Fund Act of 1966'.

"DEFINITIONS

"SEC. 302. For the purposes of this title—

"(1) The term 'authorized committee' means, with respect to the eligible candidates of a political party, any political committee which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the commission. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"(2) The term 'candidate' means, with respect to any presidential election, an individual who (A) has been nominated for elections to the office of President of the United States or the office of Vice President of the United States by a major party, or (B) has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to either such office in ten or more States. For purposes of paragraphs (6) and (7) of this section and purposes of sections 304(a) (1) and (2), the term 'candidate' means, with respect to any preceding presidential election, an individual who received popular votes for the office of President in such election.

"(3) The term 'Commission' means the Federal Elections Commission.

"(4) The term 'eligible candidates' means the candidates of a political party for President and Vice President of the United States who have met all applicable conditions for eligibility to receive payments under this title set forth in section 303.

"(5) The term 'fund' means the Presidential Election Campaign Fund established by section 306(a).

"(6) The term 'major party' means, with with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 25 per centum or more of the total number of popular votes received by all candidates for such office.

"(7) The term 'minor party' means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 10 per centum or more but less than 25 per centum of the total number of popular votes received by all candidates for such office.

"(8) The term 'political committee' means any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal, State, or local elective public office.

"(9) The term 'presidential election' means the election of presidential and vice-presidential electors.

"(10) The term 'qualified campaign expense' means an expense—

"(A) incurred (i) by the candidate of a political party for the office of President to further his election to such office or to further the election of the candidate of such political party for the office of Vice President, or both, (ii) by the candidate of a political party for the office of Vice President to further his election to such office or to further the election of the candidate of such political party for the office of President, or both, or (iii) by an authorized committee of the candidates of a political party for the offices of President and Vice President to further the election of either or both of such candidates to such offices,

"(B) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of the eligible candidates of a political party also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such eligible candidates in such proportion as the Commission prescribes by rules or regulations.

"(11) The term 'Secretary' means the Secretary of the Treasury.

"CONDITIONS FOR ELIGIBILITY FOR PAYMENTS

"SEC. 303. In order to be eligible to receive any payments under section 306, the candidates of a political party in a presidential election shall, in writing—

"(1) agree to obtain and furnish to the Commission such evidence as it may request of the qualified campaign expenses with respect to which payment is sought,

"(2) agree to keep and furnish to the Commission such records, books, and other information as it may request,

"(3) agree to permit an audit and examination by the Commission under section 307 and to pay any amounts required to be paid under such section, and

"(4) agree to furnish to the Commission statements of qualified campaign expenses and proposed qualified campaign expenses required under section 308.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

"SEC. 304. (a) Subject to the provisions of this title—

"(1) The eligible candidates of a major party in a presidential election shall be entitled to payments under section 306 equal in the aggregate to 10 cents multiplied by the total number of popular votes received by all candidates of a major party for the office of President in the preceding presidential election.

"(2) The eligible candidates of a minor party in a presidential election shall be entitled to payments under section 306 equal in the aggregate to 20 cents multiplied by the number of popular votes received by the candidate for President of such party, as such candidate, in the preceding presidential election.

"(3) The eligible candidates of a political party (other than a major or minor party) in a presidential election whose candidate for President in such election receives, as such candidate, 10 per centum or more of the total number of popular votes cast for the office of President in such election shall be entitled to payments under section 306 equal in the aggregate to 20 cents multiplied by the number of popular votes received by such candidate, as such candidate in such election.

"(4) In addition to any amounts payable to a candidate under the provisions of paragraph (1) or (2) of this subsection, there shall be payable an additional amount to any such candidate if, in the election in which he is a candidate receiving money under the provisions of such paragraph (referred to hereafter in this subsection as 'this election'), there are cast for all such candidates (in the case of a candidate to whom paragraph (1) is applicable), or for such candidate (in the case of a candidate to whom paragraph (2) is applicable) more votes than were cast in the preceding election on which the determination of the amount so payable was based. Such additional amount shall be 10 cents multiplied by the excess of the number of votes cast for all such candidates (in the case of a candidate to whom paragraph (1) is applicable), and 20 cents multiplied by the excess of the number of votes cast for such candidate (in the case of a candidate to whom paragraph (2) is applicable) in this election over the number of votes so cast in the preceding election upon which the determination of the amount payable was based.

"(b) The aggregate payments to which the eligible candidates of a political party shall be entitled under subsections (a) (2) and (3) with respect to a presidential election shall not exceed an amount equal to the aggregate payments to which the eligible candidates of a major party are entitled under subsection (a)(1).

"(c) The eligible candidates of a political party shall be entitled to payments under subsection (a) only—

"(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

"CERTIFICATION BY COMMISSION

"SEC. 305. (a) On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 307, the Commission shall certify from time to time to the Secretary for payment to such candidates under section 306 the payments to which such candidates are entitled under section 304.

"(b) Certifications by the Commission under subsection (a), and all determinations made by him in making such certifications, shall, except as provided in section 307, be final and conclusive, and shall not be subject to review in any court.

"PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 306. (a) There is hereby established on the books of the Treasury of the United States a special fund to be known as the 'Presidential Election Campaign Fund'. There are hereby authorized to be appropriated to the fund, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary to make payments under subsection (b).

"(b) Upon receipt of a certification from the Commission under section 305 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the fund the amount certified by the Commission.

"(c) If, after a presidential election and after all eligible candidates have been paid the amounts to which they are entitled under section 304, there are moneys remaining in the fund, the Secretary shall transfer the moneys so remaining to the general fund of the Treasury.

"EXAMINATIONS AND AUDITS; REPAYMENTS

"SEC. 307. (a) After each presidential election, the Commission shall conduct a thorough examination and audit of the qualified campaign expenses of the eligible candidates of each political party.

"(b)(1) If the Commission determines that any portion of the payments made to any candidate of a political party under section 306 was in excess of the aggregate payments to which such candidate was entitled under section 304, he shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to such portion.

"(2) If the Commission determines that any amount of any payment made to any candidate of a political party under section 306 was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses,

it shall notify such candidate of the amount so used, and such candidate shall pay to the Secretary an amount equal to such amount.

"(3) No payment shall be required from any candidate of a political party under this subsection to the extent that such payment, when added to other payments required from such candidate under this subsection, exceeds the amount of payments received by such candidate under section 306.

"(c) No notification shall be made by the Commission under subsection (b) with respect to a presidential election more than three years after the date of such election.

"(d) All payments received by the Secretary under subsection (b) shall be deposited by him in the Treasury to the credit of the fund.

"INFORMATION ON PROPOSED EXPENSES

"SEC. 308. (a) The eligible candidates of a political party in a presidential election shall, from time to time as the Commission may require, furnish to the Commission a detailed statement, in such form as it may prescribe, of—

"(1) the qualified campaign expenses incurred by them and their authorized committees prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 305), and

"(2) the qualified campaign expenses which they and their authorized committees propose to incur on or after the date of such statement.

The Commission shall require a statement under this subsection from the eligible candidates of each political party at least once each week during the second, third, and fourth weeks preceding the day of the presidential election and at least twice during the week preceding such day.

"(b) The Commission shall, as soon as possible after it receives each statement under subsection (a), prepare a summary of such statement and publish such summary, together with any other data or information which it deems advisable, in the Federal Register.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 309. (a) The Commission shall, as soon as practicable after each presidential election, but not later than the first day of December of the year in which such election was held, submit a full report to the Congress setting forth—

"(1) the amounts certified by it under section 305 for payment to the eligible candidates of each political party;

"(2) the qualified campaign expenses (shown in such detail as the Commission determines necessary) incurred by such candidates and their authorized committees; and

"(3) the amount of payments, if any, required from such candidates under section 307, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations, to conduct such examinations and audits (in addition to the examinations and audits required by section 307(a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"CRIMINAL PENALTIES

"SEC. 310. (a)(1) It shall be unlawful for any person who receives any payment under section 306, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(b)(1) It shall be unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by it under this title; or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(c)(1) It shall be unlawful for any person knowingly and willfully to give or accept any rebate or any illegal payment in connection with any qualified campaign expense.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any rebate or illegal payment in connection with any qualified campaign expense shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 per centum of the rebate or payment received.

"(d)(1) It shall be unlawful for any political committee which is not an authorized committee with respect to an eligible candidate of a political party in a presidential election knowingly and willfully to incur expenditures to further the election of such candidate which would constitute qualified campaign expenses if incurred by an authorized committee of such candidate, or to make contributions to such candidate or any of his authorized committees to be used, directly or indirectly, to defray qualified campaign expenses, in an aggregate amount exceeding $100, unless such committee makes public, in a manner appropriate to its campaign activities under regulations prescribed by the Commission, that it has not been authorized by such candidate, and that such candidate cannot be held to assume any responsibility whatever for the activities of the committee.

"(2) Any political committee which violates paragraph (1) shall be fined not more than $5,000, and any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"EFFECTIVE DATE

"SEC. 311. This title shall take effect on January 1, 1972, except that section 309(b), and so much of any other section as authorizes or directs the Commission to prescribe rules and regulations, shall take effect on the date of the enactment of this Act."

ELIMINATION OF DESIGNATION OF INCOME TAX PAYMENTS TO PRESIDENTIAL ELECTION CAMPAIGN FUND

SEC. 502. (a) Subchapter A of chapter 61 of the Internal Revenue Code of 1954 is amended—

(1) by striking out part VIII (relating to designation of income tax payments to the Presidential Election Campaign Fund); and

(2) by striking out the item relating to such part VIII in the table of parts of such subchapter.

(b) The amendments made by subsection (a) shall apply with respect to income tax liability for taxable years beginning after December 31, 1966.

COMPLIANCE WITH GUIDELINE REQUIREMENT

SEC. 503. The amendment of the Presidential Election Campaign Fund Act of 1966 made by section 101 of this Act is intended to comply with section 5 of the Act entitled "An Act to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property," approved June 13, 1967 (Public Law 90–26), and to provide guidelines governing the distribution of funds which become available under the Presidential Election Campaign Fund Act of 1966.

TITLE VI—CONGRESSIONAL ELECTION CAMPAIGNS

SEC. 601. This title may be cited as the "Congressional Election Campaign Fund Act of 1971".

DEFINITIONS

SEC. 602. For purposes of this title—

(1) The term "authorized committee" means, with respect to the eligible candidates of a political party, any political committee which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the Commission. Any with-

drawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

(2) The term "candidate" means, with respect to any congressional election, an individual who (A) has been nominated for election to an office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States by a major party, or (B) has qualified under the laws of a State to have his name on the election ballot as the candidate of a political party for election to such office. For purposes of paragraphs (6) and (7) of this section and purposes of sections 604(a)(1) and (2), the term "candidate" means, with respect to any preceding congressional election, an individual who received votes for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States in such election.

(3) The term "Commission" means the Federal Elections Commission.

(4) The term "eligible candidate" means the candidate of a political party for Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States who has met all the applicable conditions for eligibility to receive payments under this subtitle set forth in section 623.

(5) The term "fund" means the Congressional Election Campaign Fund established by section 606(a).

(6) The term "major party" means, with respect to any congressional election, a political party whose candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States in the preceding congressional election received, as the candidate of such party, 25 per centum or more of the total number of votes received by all candidates for such office.

(7) The term "minor party" means, with respect to any congressional election, a political party whose candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States in the preceding congressional election received, as the candidate of such party, 10 per centum or more but less than 25 per centum of the total number of votes received by all candidates for such office.

(8) The term "political committee" means any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal, State, or local elective public office.

(9) The term "congressional election" means an election for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

(10) The term "qualified campaign expense" means an expense—

(A) incurred (i) by the candidate of a political party for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States to further his election to such office, or (ii) by an authorized committee of the candidate of a political party for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States to further the election of such candidate to such office.

(B) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of the eligible candidates of a political party also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such eligible candidates in such proportion as the Commission prescribes by rules or regulations.

(11) The term "Secretary" means the Secretary of the Treasury.

CONDITIONS FOR ELIGIBILITY FOR PAYMENTS

SEC. 603. In order to be eligible to receive any payments under section 606, the candidates of a political party in a congressional election shall, in writing—

(1) agree to obtain and furnish to the Commission such evidence as he may request of the qualified campaign expenses with respect to which payment is sought,

(2) agree to keep and furnish to the Commission such records, books, and other information as it may request,

(3) agree to permit an audit and examination by the Commission under section 607 and to pay any amounts required to be paid under such section, and

(4) agree to furnish to the Commission statements of qualified campaign expenses and proposed qualified campaign expenses required under section 608.

ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

SEC. 604. (a) Subject to the provisions of this title—

(1) An eligible candidate of a major party in a congressional election shall be entitled to payments under section 606 equal in the aggregate to 10 cents multiplied by the total number of votes received by all candidates of a major party for the office which such candidate seeks in the next preceding election for such office.

(2) An eligible candidate of a minor party in a congressional election shall be entitled to payments under section 606 equal in the aggregate to 20 cents multiplied by the number of votes received by the candidate of such party for the same office in the next preceding congressional election.

(3) An eligible candidate of a political party (other than a major or minor party) in a congressional election who receives, as such candidate, 10 per centum or more of the total number of votes cast for the office sought by such candidate in such election shall be entitled to payments under section 606 equal in the aggregate to 20 cents multiplied by the number of votes received by such candidate in such election.

(4) In addition to any amounts payable to a candidate under the provisions of paragraph (1) or (2) of this subsection, there shall be payable an additional amount to any such candidate if, in the election in which he is a candidate receiving money under the provisions of such paragraph (referred to hereafter in this section as "this election"), there are cast for all such candidates (in the case of a candidate to whom paragraph (1) is applicable), or for such candidate (in the case of a candidate to whom paragraph (2) is applicable), more votes than were cast in the preceding election on which the determination of the amount so payable was based. Such additional amount shall be 10 cents multiplied by the excess of the number of votes cast for all such candidates (in the case of a candidate to whom paragraph (1) is applicable), and 20 cents multiplied by the excess of a number of votes cast for such candidate (in the case of a candidate to whom paragraph (2) is applicable) in this election over the number of votes so cast in the preceding election upon which the determination of the amount payable was based.

(b) The aggregate payments to which the eligible candidates of a political party shall be entitled under subsections (a)(2) and (3) with respect to a congressional election shall not exceed an amount equal to the aggregate payments to which the eligible candidates of a major party are entitled under subsection (a)(1).

(c) The eligible candidates of a political party shall be entitled to payments under subsection (a) only—

(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees, or

(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

CERTIFICATION BY COMMISSION

SEC. 605. (a) On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 607, the Commission shall certify from time to time to the Secretary for payment to such candidates under section 606, the payments to which such candidates are entitled under section 604.

(b) Certifications by the Commission under subsection (a), and all determinations made by it in making such certifications, shall, except as provided in section 607, be final and conclusive, and shall not be subject to review in any court.

PAYMENT TO ELIGIBLE CANDIDATES

SEC. 606. (a)(1) There is hereby established on the books of the Treasury of the United States a special fund to be known as the "Congressional Election Campaign Fund". There are hereby authorized to be appropriated to the fund, out of any money in the Treasury not otherwise appropirated, such sums as may be necessary to enable the Secretary to make payments under subsection (b).

(2) If, after a congressional election and after all eligible candidates have been paid the amounts to which they are entitled under section 204, there are moneys remaining in the fund, the Secretary shall transfer the moneys so remaining to the general fund of the Treasury.

(b) Upon receipt of a certification from the Commission under section 605 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the fund the amount certified by the Commission.

EXAMINATIONS AND AUDITS; REPAYMENTS

SEC. 607. (a) After each congressional election, the Commission shall conduct a thorough examination and audit of the qualified campaign expenses of the eligible candidates of each political party.

(b)(1) If the Commission determines that any portion of the payments made to any eligible candidate of a political party under section 606 was in excess of the aggregate payments to which such candidate was entitled under section 604, it shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to such portion.

(2) If the Commission determines that any amount of any payment made to any eligible candidates of a political party under section 606 was used for any purpose other than—

(A) to defray the qualified campaign expenses with respect to which such payment was made, or

(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses,

it shall notify such candidate of the amount

so used, and such candidate shall pay to the Secretary an amount equal to such amount.

(3) No payment shall be required from any eligible candidate of a political party under this subsection to the extent that such payment, when added to other payments required from such candidate under this subsection, exceeds the amount of payments received by such candidate under section 606.

(c) No notification shall be made by the Commission under subsection (b) with respect to a congressional election more than three years after the date of such election.

(d) All payments received by the Secretary under subsection (b) shall be deposited by him in the Treasury to the credit of the fund.

INFORMATION ON PROPOSED EXPENSES

SEC. 608. (a) The eligible candidates of a political party in a congressional election shall, from time to time as the Commission may require, furnish to it a detailed statement, in such form as he may prescribe, of—

(1) the qualified campaign expenses incurred by them and their authorized committees prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 605), and

(2) the qualified campaign expenses which they and their authorized committees propose to incur on or after the date of such statement.

The Commission shall require a statement under this subsection from the eligible candidates of each political party at least once each week during the second, third, and fourth weeks preceding the day of the congressional election and at least twice during the week preceding such day.

(b) The Commission shall, as soon as possible after it receives each statement under subsection (a), (1) prepare a summary of such statement and (2) publish such summary, together with any other data or information which it deems advisable, in the Federal Register.

REPORTS TO CONGRESS; REGULATIONS

SEC. 209. (a) The Commission shall, as soon as practicable after each congressional election, submit a full report to the Congress setting forth—

(1) the amounts certified by it under section 605 for payment to the eligible candidates of each political party;

(2) the qualified campaign expenses (shown in such detail as the Commission determines necessary) incurred by such candidates and their authorized committees; and

(3) the amount of payments, if any, required from such candidates under section 207, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

(b) The Commission is authorized to prescribe such rules and regulations, to conduct such examinations and audits (in addition to the examinations and audits required by section 207(a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

CRIMINAL PENALTIES

SEC. 210. (a) (1) It shall be unlawful for any person who receives any payment under section 206, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

(A) to defray the qualified campaign expenses with respect to which such payment was made, or

(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray qualified campaign expenses.

(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(b) (1) It shall be unlawful for any person knowingly and willfully—

(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by it under this title; or

(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(c) (1) It shall be unlawful for any person knowingly and willfully to give or accept any rebate or any illegal payment in connection with any qualified campaign expense.

(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(3) In addition to the penalty provided by paragraph (2), any person who accepts any rebate or illegal payment in connection with any qualified campaign expense shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 per centum of the rebate or payment received.

(d) (1) It shall be unlawful for any political committee which is not an authorized committee with respect to an eligible candidate of a political party in a congressional election knowingly and willfully to incur expenditures to further the election of such candidate which would constitute qualified campaign expenses if incurred by an authorized committee of such candidate, or to make contributions to such candidate or any of his authorized committees to be used, directly or indirectly, to defray qualified campaign expenses, in an aggregate amount exceeding $100 unless such committee makes public, in a manner appropriate to its campaign activities under regulations prescribed by the Commission, that it has not been authorized by such candidate, and that such candidate cannot be held to assume any responsibility whatever for the activities of the committee.

(2) Any political committee which violates paragraph (1) shall be fined not more than $5,000, and any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

APPLICATION OF STATE LAWS LIMITING CAMPAIGN EXPENDITURES

SEC. 611. The incurring of qualified campaign expenses by an eligible candidate and his authorized committee in a congressional election in a State in an aggregate amount not exceeding the aggregate payments to which an eligible candidate of a major party in such election is entitled under section 604(a)(1) shall not constitute a violation of any State law which prescribes a limit on the amount by or on behalf of a candidate for an office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the Unitd States in such election.

EFFECTIVE DATE

SEC. 612. This title shall take effect on January 1, 1972, except that section 609(b), and so much of any other section as authorizes or directs the Commission to prescribe rules and regulations, shall take effect on the date of the enactment of this Act.

Mr. GRAVEL. Mr. President, I yield myself as much time as necessary. I do not think the consideration of this amendment will take too much time.

May I inquire of the Chair what is the controlled time on amendments at this time?

Mr. PASTORE. Under the unanimous-consent agreement, it is 15 minutes to the side.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAVEL. I doubt that it will take all that time for my presentation.

The problem that this bill addresses itself to is the difficulty a candidate has trying to raise money. There has been some attempt to meet this problem by providing for tax deductions and tax credits.

From my experience in campaigns, and I am sure many others will give testimony to it, the very simple fact is that the way to raise money is not, by and large, from the general public. I have involved myself more than once in a campaign where we would advertise for people to send in dollar contributions. The Democratic Party has had "Dollars for Democrats." I am sure the Republican Party has had the same, the purpose being to raise money from a broad spectrum of people. My experience has been that one spends more money than he gets back in these efforts.

The benefit of a broad financial base for a candidate or a person holding office is obvious, because he would have greater concern with the public good. How can we arrive at that objective? It is hoped that tax deductions and tax credits would result in that goal, but I doubt that that is the case. I doubt that it will result in greater contributions from the general public into the campaigns. So we will find that, basically, the money comes from the fat cats, those willing to put up large sums. Those are the realities of the situation.

How can we try to circumvent that problem of human nature? There is only one way to do it, and that way is the one my amendment proposes. In my view, Federal subsidies are the most direct way of solving the financial problems involved in all Federal elections.

The amendment I have proposed would create, by direct appropriations, subsidies for both presidential and congressional election campaigns. Candidates of major parties would be paid from the funds 10-cents times the number of votes received by all major party candidates for the office in question during the preceding election. Minor party candidates would receive payments at the rate of 20 cents multiplied by the number of votes for the candidate of their party for the office in question during the preceding election.

This amount would then be increased at the 10 cents or 20 cents per vote rate for any additional votes received in the current election. New parties would be paid 20 cents per vote entirely on their showing in the current election.

Based on the vote in 1968, I calculate that, were the legislation I am proposing enacted, the Democratic and Republican presidential and vice presidential candidates in 1972 would each be paid from the fund approximately $6.3 million.

It is easily seen that this will not pay for the costs of presidential campaigns, but it does build a floor upon which a person can develop responsibility to the general public, to the broad constituency of the Nation, rather than to persons who donate to his own campaign.

Similarly, the American Independent Party—which was the party of George Wallace in 1968, and which is a minor party—based on the showing of its 1968 presidential candidate, would receive in 1972 $1.9 million.

No payments from the presidential election campaign fund would be made in 1972 to such groups as the Socialist Labor Party, the Peace and Freedom Party, the Communist Party, or the Prohibition Party.

Finally, based on the 1968 returns, senatorial candidates of the Democratic and Republican Parties in 34 States—this would be all the Democratic Senators who ran for office in 1968—would have had appropriated from the Treasury $10 million.

The rough figure—and this is merely a very rough figure—for all the candidates running for Federal office in that year would amount to an appropriation of about $60 million. This, of course, is a very small sum compared with the amounts spent as a result of the decisions made by people who are elected to public office.

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

Although these public subsidies would not eliminate spending differences among candidates, they would make the differences less critical by providing floors sufficient to make every election a real contest.

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

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

The ideal campaign finance system is one based on relatively small voluntary contributions from large numbers of citizens. The most effective way to achieve this is to have every taxpaying citizen contribute a few cents a year—it would require less than 50 cents per person—toward financing elections.

Honest and informative election campaigns are the linchpin of American representative government. There are few things which Congress could do that would more effectively strengthen our political processes and build respect for our political institutions than to enact this amendment to provide public financing of all Federal election campaigns.

For those who might think that this is something new, I might add that this was a suggestion seriously proposed by Theodore Roosevelt in 1907. It was also the product of an election commission that came forward with this recommendation in 1938. And, of course, Congress in 1966 passed a bill to provide a similar method of financing directly from the Federal Treasury with the checkoff method, which, however, was never implemented.

I would hope that the manager of the bill might consider accepting this amendment. I think it goes to a much broader question that would obviously have to be decided upon by the Senate itself. At this time, I yield the floor.

Mr. PASTORE. Mr. President, I cannot say, in full honesty, that there is not some merit for consideration in this legislation, and certainly at some time or other Congress will have to study this problem in depth. This is not the place for it today, and I think the Senator from Alaska will concede that.

This is a matter that has been talked about by various Members of Congress, particularly Senators. It is a matter that will be studied as I understand it, in depth; and I hope the Senator will withdraw his amendment, rather than compel me to move to lay it on the table, and thereby tarnish whatever influence or effect it might have. I do not want to do anything to hurt the integrity of the Senator's amendment, and I hope he will withdraw it.

Mr. GRAVEL. Mr. President, I would be willing to withdraw the amendment at this time, if I might add this: I have not been successful, up to this point, in securing this in-depth study to which the Senator refers. Will the Senator add his voice to my voice in calling for a hearing on this type of proposal, or a study in depth? With that assurance, I would be prepared to withdraw the amendment, because I think the Senator's considerable influence, combined with my lesser influence, might help bring it about.

Mr. PASTORE. Mr. President, does the Senator from Alaska withdraw his amendment?

Mr. GRAVEL. I assume I do not have the full influence of the Senator from Rhode Island in pressing toward this goal?

Mr. PASTORE. The Senator from Rhode Island has learned a long time ago that it is folly to promise today something you may be called upon to perform a year from today. So let us cross that bridge when we come to it.

Mr. GRAVEL. May I, then, inquire of my colleague from Rhode Island how would he suggest that I get a hearing on this proposal? I have introduced legislation, and it has gone to the committee, but nothing has happened.

Mr. PASTORE. By going to the committee that has jurisdiction and using all the persuasive force at the command of my colleagues from Alaska, of which he has an abundance.

Mr. GRAVEL. Well, Mr. President, I rest on that, and I can assure my colleague that if my persuasive force is——

Mr. PASTORE. No more of that tribute. Just stop when you are ahead.

Mr. GRAVEL. I withdraw the amendment at this time, and will not press my luck, but I want to put the Senate on notice that I shall be pleased to press my luck at some later time, and even go over the hill on this issue, because I do feel very strongly about it.

Mr. PASTORE. I yield 5 minutes on the bill to the Senator from Indiana.

EQUAL RIGHTS FOR MEN AND WOMEN

Mr. BAYH. Mr. President, I send to the desk a joint resolution, on behalf of myself, the Senator from Kentucky (Mr. COOK), the Senator from Florida (Mr. GURNEY), and the Senator from California (Mr. TUNNEY).

The PRESIDING OFFICER (Mr. BENTSEN). Is the Senator asking for the immediate consideration of the joint resolution?

Mr. BAYH. No; I am asking that it be read.

The PRESIDING OFFICER. The joint resolution will be stated.

The legislative clerk proceeded to read the joint resolution.

Mr. BAYH. I ask unanimous consent that the joint resolution be considered as having been read.

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

The joint resolution reads as follows:

Proposing an amendment to the Constitution of the United States relative to equal rights for men and women

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE—

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"SEC. 3. This amendment shall take effect two years after the date of ratification."

Mr. BAYH. I ask unanimous consent that the joint resolution be considered as read the second time.

The PRESIDING OFFICER. Is there objection?

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. What is the request of the Senator from Indiana with reference to the bill?

The PRESIDING OFFICER. It is a joint resolution which the Senator from Indiana has just introduced. His request is that it be considered as read the second time.

Mr. HRUSKA. Would that mean im-

mediate consideration, without reference to a committee?

Mr. BAYH. The Senator from Indiana does not desire that this measure be debated immediately. However, I am intent upon taking advantage of my parliamentary right to have it put on the Calendar pursuant to rule 14.4, after the second reading I do this with great reluctance, and only because we have been trying for the best part of a year to get it out of my subcommittee. We finally got a quorum today after five attempts. But now we are unable to get any kind of a vote. The Senator from North Carolina is filibustering his own motion that we have hearings. Along with a majority of the subcommittee, I oppose that motion. This proposal has had three complete sets of hearings in the last 14 months.

The Senator from Indiana is reluctant to do this. But I feel there is no alternative open to me.

Mr. HRUSKA. Mr. President, is this proposal by way of a unanimous-consent request?

The PRESIDING OFFICER. It would require unanimous consent for it to be considered as read the second time.

Mr. PASTORE. Mr. President, I agreed to yield 5 minutes to the Senator from Indiana not knowing what this was all about. I may be in accord with what he is trying to do here, but I think it is the wrong place to do it, particularly at this time. It is highly controversial. I would hope the Senator from Indiana would withdraw his joint resolution at this time and pursue it some other time without the interruption of the pending bill. We have had enough trouble on that bill without getting into something else that is not germane.

Mr. BAYH. May the Senator from Indiana just make a suggestion? I would be more than willing to withdraw my request that the joint resolution be read the second time. In that way I will not infringe upon any more of the time of the distinguished Senator from Rhode Island.

Mr. HRUSKA. Mr. President, if the request is withdrawn, I do not know how second reading can occur, without a first reading.

The PRESIDING OFFICER. The joint resolution has had a first reading.

Mr. HRUSKA. Does that mean that the joint resolution is referred to a committee in the regular course?

The PRESIDING OFFICER. It has to have second reading before it can be referred to a committee.

Mr. HRUSKA. It will be referred to a committee?

The PRESIDING OFFICER. It would have to have second reading before it can be referred.

Mr. BAYH. Mr. President, the Senator from Indiana does not want to put anything over on the Senate. I have discussed this with the leader; I told him what I was going to do and why I thought it essential. I am not certain whether he is in favor of it or against it. I do know, however, that he is a strong supporter of equal rights for men and women.

If my colleagues prefer, I would be willing to ask that the joint resolution be withdrawn. Of course, I will come back again tomorrow. As my colleagues well know, nothing can prevent me from exercising my right to keep this joint resolution out of committee. Because of the incredible barrage of dilatory tactics which we have been faced with, I really have no choice.

If the Senator wishes me to withdraw my request for second reading, we will battle it out tomorrow.

Mr. HRUSKA. Mr. President, let the RECORD show that this Senator is for the resolution and its ultimate report to the Senate. I am not in favor of any dilatory tactics.

On the other hand, there is leadership on this side, too, that is normally consulted on matters of this kind, when we proceed in the regular fashion.

I believe that would be the better course and the better judgment, and more likely to secure progress, rather than ignore the leadership on this side, to ask for their judgment as to the procedure that is requested.

Mr. BAYH. Is it the opinion of the Senator from Nebraska that an individual Senator has to get concurrence of the leadership on both sides to pursue his rights under the rules of the Senate?

Mr. HRUSKA. Not at all, but there was reference by the Senator from Indiana to the fact that he referred it to his leader, and I am suggesting that in a matter of this kind, which involves some parliamentary intricacy, it would be well to refer it to the other side for clearance and possible reconciliation of any differences that might arise.

Mr. PASTORE. Mr. President, we are on limited time. What time are we consuming and whose time is it? I yielded 5 minutes.

The PRESIDING OFFICER. The time is being charged to the Senator from Rhode Island.

Mr. PASTORE. I yielded 5 minutes. How long have we been at this?

The PRESIDING OFFICER. The Senator from Indiana has 1 more minute.

Mr. PASTORE. I would hope the Senator from Indiana would withdraw it and then pursue it in his own way. He has the vigor and the astuteness to do so.

Mr. BAYH. May I make an inquiry of the leader on the floor, or one of the leaders on the floor: Is it their intention to have a morning hour tomorrow?

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. BYRD of West Virginia. We will have a period for the transaction of routine morning business in the morning.

I do not mean to imply that the Senator from Indiana was attempting to do anything other than what he thought was right and to proceed in the proper manner, but I was unaware that there was going to be any unanimous-consent request to have a first reading or a second reading of this resolution today. My impression was—and it could have been a total misunderstanding on my part—that the Senator was going to introduce a bill or a resolution, have it printed and make a brief statement thereon.

At the time the first unanimous consent request was made and agreed to, I was engaged in conversation with the senior Senator from West Virginia (Mr. RANDOLPH). I did not hear the request.

Let me ask this question of the Chair: The Senator from Indiana has proceeded to have a first reading by unanimous consent. If there is objection to a second reading today, that would automatically come tomorrow.

The PRESIDING OFFICER. If there is objection, it would have to wait until the second legislative day.

Mr. BYRD of West Virginia. Yes. Then, on tomorrow, if someone objected to any further proceeding, would it not automatically go on the calendar, without going to committee?

The PRESIDING OFFICER. The Senator from West Virginia correctly states the procedure.

Mr. BYRD of West Virginia. I want the Senator to know that I would have to object to its being read the second time; and had I heard the request in the first instance, I would have had to object in that instance, because I was totally unaware of the Senator's intention to make that request. Perhaps I misunderstood the Senator's intention.

Mr. BAYH. Mr. President, will the Senator yield? He has been very kind, and I did not realize we were going to get into this.

Mr. PASTORE. I yield 2 minutes.

Look at what we are doing. I have been on this floor from 9 until 5 on this bill. We are reaching a point of culmination when we can decide this very important question. I realize that we have not had a morning hour. But I think it is unfair to the Senator from Rhode Island to get into these interruptions at this time, especially when we have a unanimous consent agreement that only matters that are germane can be brought up. Also, we have the so-called Pastore rule of germaneness.

I would hope that the whole thing has been explained, that we would start ab initio and recall this resolution, and that then each one would exercise his own authority according to the rules. I do not think I ought to be interrupted in this way.

The PRESIDING OFFICER. Does the Senator make such a request?

Mr. PASTORE. I would hope the Senator would withdraw his resolution.

Mr. BAYH. Mr. President, the Senator from Indiana will do that.

I did not go through the details before, and I do not want to take any more time now. The Senator from West Virginia has been a loyal member of that committee, has attended, and has supported the issue we are now trying to get out of that committee. Unfortunately other duties kept him from attending today. Had he been there, as the Senator from Kentucky and I were, he would have seen the committee sink to a new low of foolishness. A member proposed a motion that we hold hearings; then he filibustered that motion and prohibited us from even putting it to a vote.

This matter is going to be considered

by the Senate, and I did not want to embroil the Senator from Rhode Island, who has worked hard on this——

The PRESIDING OFFICER. The additional time of the Senator has expired.

Mr. PASTORE. I yield 2 additional minutes.

Mr. BAYH. Let me explain one problem. The Senator from Indiana is in the position now—and I say this with apology to the Senator from Rhode Island—that even if he stays here from now until midnight, when we are through with business, there will be no time today in which he can introduce a bill.

If I could get unanimous consent to introduce this resolution at the termination of business tonight, I would be glad to do that.

Mr. PASTORE. Without asking for first reading?

Mr. BAYH. I want to ask for first reading.

Mr. PASTORE. That is where we get into a hassle.

Mr. BAYH. But it need not interfere with anyone else's measure.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. BYRD of West Virginia. I have discussed the matter with the Senator. I believe he is going to withdraw the second request and ask that the first request be negated. Otherwise, the first request having been acted upon, it would trigger the process whereby this resolution would not go to a committee; it would eventually go directly on the calendar.

The PRESIDING OFFICER. Does the Senator from Indiana ask unanimous consent that he be allowed to withdraw his resolution ab initio?

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOK. Does the Senator not have a right to introduce a bill and ask for first reading?

The PRESIDING OFFICER. The resolution already has been read for the first time.

Mr. BYRD of West Virginia. It is not that simple, Mr. President. The agreement to the request for a first reading automatically triggered the process by which the resolution will go directly on the calendar after the second reading upon the objection by any Senator to any further proceedings. That would circumvent the sending of the resolution to the committee.

Mr. BAYH. The Senator from Indiana is determined to do just that. I know the Senator objects to this. If it had not been for the long precedent of dilatory action before the committee, I would not even consider such action. I am going to do it as soon as I am able.

Mr. BYRD of West Virginia. I hope the Senator would ask unanimous consent that action on the resolution be negated ab initio and that he start all over again in the morning.

Mr. BAYH. But the Senator from West Virginia realizes that the Senator from Indiana has a right to pursue this.

Mr. BYRD of West Virginia. He proceeded when other Senators were engaged in conversation, and without the complete understanding on my part—as the acting majority leader at the time—of what was about to happen. I do not blame the Senator for that. I am not against the resolution; I am for it. I do hope the Senator will withdraw it for the present.

Mr. PASTORE. Mr. President, I am going to be very blunt about this. I agree with the merits of the Senator's resolution, but I think he owes it to me, in view of what has transpired, and the fact that I yielded time, to withdraw this resolution at this time; and in view of the fact that time has been granted to him on tomorrow, by unanimous consent, to appear and to perform his duty, I think that, out of kindness and courtesy to me, he ought to withdraw it.

Mr. BAYH. Mr. President, out of kindness and courtesy to my friend, the distinguished Senator from Rhode Island, I withdraw this resolution, with notice that I will pursue it tomorrow or until the end of this session, until I have succeeded in getting it on the calendar. Something has to be done to convince certain members of my subcommittee that we are determined to get action, even if they continue to thwart the committee process.

Mr. PASTORE. And I will stand side by side with the Senator, but not today.

The PRESIDING OFFICER. The Senator will have to ask unanimous consent.

Mr. BAYH. I ask unanimous consent that we proceed with the business as if we had not become involved in this very important matter.

The PRESIDING OFFICER. Without objection, it is so ordered, and the resolution is withdrawn.

ORDER FOR ADJOURNMENT TO 8 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8 o'clock tomorrow morning.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the completion of all orders tomorrow for the recognition of Senators, there be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes, and that the first Senator recognized during the period for the transaction of routine morning business be the distinguished junior Senator from Indiana (Mr. BAYH).

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on August 4, 1971, the President had approved and signed the act—S. 699—to require a radiotelephone on certain vessels while navigating upon specified waters of the United States.

REPORT ON INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. MCINTYRE) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I transmit herewith the annual report on the international educational and cultural exchange program conducted during Fiscal Year 1970 by the Department of State under the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256, the Fulbright-Hays Act). In the 1970 Fiscal Year, this program provided 4,638 outstanding scholars and leaders in the professions, the arts and public life with intensive exchange experiences which linked the United States with 123 other countries and territories.

The major part of this report is devoted to a review of a little known but increasingly important aspect of this program, the complex of activities designed to provide foreign students with broader opportunities to participate in the life of this country. Such activities mean that students who seek training in the United States are afforded not only the best possible educational experience but also a better chance to become acquainted with our people, our customs and our institutions. These efforts are directed to foreign students who come here without Government sponsorship, as well as to that group—about 5% of the total—who receive United States financial support.

In common with many other countries, the United States now has a large number of students who come from foreign countries—well over 135,000—although they constitute a far smaller percentage of the total student population than they do in major European universities.

These students present the United States with an exceptional opportunity. Not only do they enrich the international dimension of education for American students, but they also provide outstanding talent for our research and teaching programs. Moreover, many among them will become tomorrow's leaders in many fields in their home countries.

The professional and personal ties which these students form while they are studying here and the insights they gain into our way of life will help shape their future perceptions of America. Their experience here today can have a major impact on the quality of communication between their societies and ours tomorrow. Public and private programs which enhance the experiences of these potential leaders can do a great deal to build the human foundations for a more peaceful world.

I commend this report to the thoughtful attention of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *August 5, 1971.*

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 4263) to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order.

The message also announced that the House had passed a bill (H.R. 6915) to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 6915) to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, was read twice by its title and referred to the Committee on Agriculture and Forestry.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill—S. 382—to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 371

Mr. PACKWOOD. Mr. President, I call up my amendment No. 371.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 25, line 8, strike "five days" and insert in lieu thereof "two days".

Mr. PACKWOOD. Mr. President, in some of the amendments I am going to offer under the controlled time agreement, I am trying to fashion in this bill something similar to what we have had in Oregon for decades on reporting. The present bill provides for preelection reporting and that report must be filed 5 days before the election, and there is an additional 5 days before that, which is the period when the books are closed. In essence, it is 10 days before the election when the books finally are closed. This amendment would remove the first 5-day period and substitute 2 days. So that a person would be required to report prior to election all his receipts, expenditures, and everything else that the bill requires up until 2 days prior to the day he must file his report, which is 5 days ahead of the election. That is the gist of the amendment and I have no other comments on it.

Mr. CANNON. I am opposed to the amendment. It is completely unrealistic. Here is the type of situation we would get into. The proposal in the bill would require filing 5 days before election. That was done for a purpose; namely, so that the opponents and the general public can be notified as to what a person has received in contributions and what he has spent.

Suppose we live in Texas or California or some other distant place and we file 5 days before and we send it by mail. That means it will not get to the election commission, probably, until 3 days later. So if we reduce that time to 2 days, we are really preventing the public, which has a right to know about it, what was in the report, because it will have to be received, be available for inspection, then copied and publicized, which would probably be the day after the election is held.

That is the good reason why we decided on a 5-day period. In addition, we have given the commission authority to adjust that by rules. The commission will oversee the matter and if it determines that a reporting can be made later, certainly they will require a later date.

Therefore, I am adamantly opposed to the pending amendment.

Mr. PACKWOOD. Mr. President, in rebuttal, let me say that this is not that complicated an amendment. Anyone who wants to make a reporting, if they want to make sure it gets in on time, will do so by special delivery—airmail, or even deliver it in person so that they will not run the risk of the report coming in late, not being received, on time, or taking whatever chance he may have on not having filed at all.

The pending amendment tries to get as close to the election day as possible. Anyone looking for a postelection or a preelection report knows that the bulk of the money comes in after. So that I want to get as close as possible to the election day and still not glut all the money slipping into the campaign 10 days before election.

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

The PRESIDING OFFICER (Mr. MCINTYRE). Each side has 3 minutes remaining.

Mr. PASTORE. Mr. President, I move to table the amendment of the Senator from Oregon.

Mr. PACKWOOD. Mr. President, I ask for the yeas and nays.

There was not a sufficient second.

Mr. PACKWOOD. Mr. President, did we have a unanimous-consent agreement for voting just on passage, or on tabling?

The PRESIDING OFFICER (Mr. MCINTYRE). The Parliamentarian advises the Chair that the unanimous-consent agreement was on time on amendments and not on time on the yeas and nays.

Mr. PACKWOOD. I thought we had included the yeas and nays for voting on this. I would ask unanimous consent, so that we can avoid that, for a quorum call on every one of my amendments. I would ask unanimous consent for the yeas and nays on the amendments I am going to offer.

Mr. BYRD of West Virginia. Mr. President, I would have to object to that request because the Constitution requires a fifth of the Senators present to second the request. I think this would be a bad precedent, to ask for the yeas and nays by unanimous consent. I see that we have enough Senators in the Chamber now.

Mr. PACKWOOD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. MCINTYRE). The question is on agreeing to the motion of the Senator from Rhode Island to table amendment No. 371 of the Senator from Oregon (Mr. PACKWOOD).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. MAGNUSON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

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

Mr. GRIFFIN. I announce that the Senator from Kansas (Mr. PEARSON) is necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

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

The Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Vermont (Mr. PROUTY), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) and the Senator from Texas (Mr. TOWER) would each vote "yea."

Also, the Senator from Wyoming (Mr. HANSEN), the Senator from New York (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT) are detained on official business.

The result was announced—yeas 73, nays 10, as follows:

[No. 197 Leg.]

YEAS—73

Aiken	Cannon	Hart
Allen	Chiles	Hatfield
Allott	Church	Hollings
Anderson	Cook	Hruska
Baker	Cotton	Hughes
Bayh	Cranston	Humphrey
Beall	Dominick	Inouye
Bellmon	Eagleton	Jackson
Bennett	Eastland	Jordan, N.C.
Bentsen	Ellender	Jordan, Idaho
Bible	Ervin	Kennedy
Boggs	Fannin	Long
Buckley	Fong	Mansfield
Burdick	Fulbright	Mathias
Byrd, Va.	Gravel	McClellan
Byrd, W. Va.	Gurney	McGee

McGovern	Pell	Spong
McIntyre	Proxmire	Stennis
Miller	Randolph	Stevens
Mondale	Ribicoff	Symington
Montoya	Roth	Talmadge
Moss	Saxbe	Thurmond
Muskie	Scott	Tunney
Nelson	Smith	
Pastore	Sparkman	

NAYS—10

Brooke	Dole	Schweiker
Case	Griffin	Young
Cooper	Metcalf	
Curtis	Packwood	

NOT VOTING—17

Brock	Javits	Stevenson
Gambrell	Magnuson	Taft
Goldwater	Mundt	Tower
Hansen	Pearson	Weicker
Harris	Percy	Williams
Hartke	Prouty	

So the motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, will the Senator yield to me for 2 minutes on the bill?

Mr. PASTORE. Mr. President, I yield to the Senator whatever time he requires.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, the distinguished minority leader and I have had a conference about the time limitation which has been agreed to. It is our understanding that on the next six or seven Packwood amendments an agreement has been reached.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate? This is a very important matter.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. An agreement has been reached whereby each amendment will be considered for not to exceed 10 minutes, with the usual division of time; and the Senate also has been notified that very likely there will be a rollcall vote on each amendment.

At the request of my distinguished colleague, the minority leader, we felt that the Senate should receive more notification than it has and it is for this purpose that we ask at this time to explain the situation which has developed and to assure the Senate that what the acting majority leader did he did in good faith and not for the purpose of circumventing any action. Unfortunately we forgot to confer with the distinguished minority leader before the request was made.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield, I fully understand that, and I have no objection to that procedure in the next to the last day before the recess.

Unfortunately, we do not have in the Senate special provisions that they have in the other body which are usually invoked near the end of a session, such as the two-thirds rule. We over here rather need some way of expediting business, as we will need just before Christmas, perhaps, or a little earlier, near the end of the session. We do not have it. But this is sort of a temporary rule of pragmatism, as I understand it.

The reason I asked for the opportunity to discuss it is that it happened under such short notice that some Senators may be downtown or we may not have an opportunity for them to be alerted.

I would go along with this understanding on these amendments, but I hope if we are going to change the time allowed for voting in the future, we do it on preferably a day's notice. I am not referring to today or tomorrow, or whatever we do today or tomorrow, because things may happen suddenly and unexpectedly.

When we come back, it would be better if we were to give the Senate a day's notice if we are going to change the length of time for voting on rollcalls.

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

Mr. MANSFIELD. I yield.

Mr. PASTORE. Mr. President, so that the record may be clear, I realize the need for the leadership to be advised.

Mr. SCOTT. I have no objection to that.

Mr. PASTORE. But we had agreed that the first amendment would go according to the rule, and, then, we would make an announcement at that time. There was no desire here to take away the right of anyone to be advised.

I realize now that it is important that the steps which have been suggested be followed.

Mr. SCOTT. It is all right. I am never more than 100 feet away from the Chamber and I am aware that crises follow crises.

I think it may be a good way to do it to expedite matters if we are to finish tomorrow.

Mr. MANSFIELD. Mr. President, I am in accord with what the Senator from Rhode Island said. I wish to point out that there was the usual 20-minute time limitation for the first amendment and from now on, after that, on the remainder of the Packwood amendments, there will be 10 minutes, so the Senate will be on notice.

I think the telephone circuits have been busy notifying all Senators to that effect.

As long as we have such good attendance I wish to point out that in addition to this we have pending the so-called education bill, we have the Disaster Relief Act, which we will take up tonight if we have to stay in session until 12 o'clock, and we have some other proposals which will be taken up, hopefully, without too much difficulty.

In addition, tomorrow, if we do not complete all of these legislative issues today, and I do not think we will, we will have the conference report on Labor-HEW, a continuing resolution on appropriations, the $1 billion appropriation for public works, I believe. There will be other conference reports; perhaps the Selective Service Act conference report.

So we have a very busy schedule, and while I am delighted that we are going to recess at the conclusion of business tomorrow, because I know every other Member of the Senate is just as tired as I am, it is like facing the final 2 weeks of the session. When things pile up, we must do the best we can.

I must express, on behalf of my colleagues and myself, my sincere thanks to the distinguished Republican leader and his colleagues for the understanding, help, and cooperation which they have shown not only on this occasion but all during the session.

Mr. SCOTT. Mr. President, I thank the distinguished majority leader. We have found that we have been most courteously and considerately and fairly treated and appreciated, and, as far as the leadership on both sides is concerned, I am sure we are doing everything we can to expedite these matters. I think what the majority leader has said would cover the concern expressed by the distinguished Senator from Washington (Mr. MAGNUSON) last night, for example.

I would like to clarify two matters on procedure: First, I assume the 5-minute warning will now occur at the end of the first 5 minutes on these particular votes.

Mr. MANSFIELD. That is correct.

Mr. SCOTT. Second, I would like to know whether, after the votes on the Packwood amendments, we revert to the 20-minute system for votes, rather than 10 minutes.

Mr. MANSFIELD. Twenty minutes, unless there is unanimous consent.

Mr. SCOTT. Unless there is unanimous consent, but Senators should be alerted that, because of the press of business, there may again be some unanimous-consent requests, after the majority and minority leadership have been alerted, today or tomorrow, again to shorten the rollcall system. But we do revert to 20 minutes after the votes on the Packwood amendments?

Mr. MANSFIELD. That is correct.

I yield to the distinguished deputy majority leader.

Mr. BYRD of West Virginia. Mr. President, may I say to the majority and minority leaders that I will take the blame, if I may use that word, for this unanimous-consent request having been obtained without its first having been cleared with the minority leader. When I am on the floor representing the majority leader, I automatically clear matters with the minority leader or the assistant minority leader. In this instance, through an inadvertence on my part, I cleared it with the distinguished Senator from Oregon (Mr. PACKWOOD). The distinguished senior Senator from Kentucky asked me if it had been cleared with the Senator from Oregon. I told him it had. I overlooked clearing this with the minority leader. I want the Senate to know it was an inadvertence and that I will be more careful in the future.

Mr. SCOTT. Mr. President, the minority leader wants to make it clear it is sure there was no offense intended. There is no objection on my part to what we are doing. I am solely anxious that all Senators are advised, because if Senators are caught short by changing the agreement or the rules because of the fact that some of them may necessarily be downtown, I am sure they are not going to blame the Senators who made the unanimous-consent request; they are going to ask the majority and minority leaders, "What happened?" So we want to know always so that Senators may be advised. I assure the Senator from West Virginia that I had no personal concern about it.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. MANSFIELD. I want to thank the Senator from Oregon for being so cooperative.

Mr. SCOTT. So do I.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the remaining Packwood amendments at this time.

Mr. CANNON. Mr. President, I object.

Mr. BYRD of West Virginia. This will save time.

Mr. CANNON. We may be able to accept some of these amendments, and I do not want to go through the process of vitiating the yeas and nays.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 375

Mr. PACKWOOD. Mr. President, I call up my amendment No. 375.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read the amendment (No. 375) as follows:

On page 25, line 9, before the period insert the following: "except that any contribution of $5,000 or more received after the last report is filed prior to the election, shall be reported within twenty-four hours after its receipt."

Mr. PACKWOOD. Mr. President, under the bill as it is written, the last preelection report is filed on the Thursday before the Tuesday election. There is a 5-day hiatus between the last report and the election.

I would again call the attention of Senators to the fact that, as provided, in the bill, that is done as a preelection report in an election reporting procedure. They will find the money reported as spent in the campaign in a report filed 10 to 15 days after election is almost double what had been filed as having been spent in the preelection report. This amendment is designed to avoid that situation.

The Committee for Good Government spends $100,000 to $150,000, and it is in the report. It simply reports at that level. Then on the Saturday before the election it slips $100,000 or $150,00 into a senatorial or presidential campaign, perfectly legally, and the money is never reported until after the election. So the voters have been given an illusory report as to what the campaign is costing.

My amendment takes care of that situation by providing that any contribution of $5,000 or more received after the report filed the last Thursday before the election will be reported within 24 hours after its receipt to the voters, so the voters have some idea of how much money is being spent in the campaign 3 or 4 days before the election—and put in to the campaign at that time, I may add, in most cases, to avoid the report being made which has to be filled in the last preelection report.

Mr. CANNON. Mr. President, there is much merit in the objective the Senator is trying to achieve. However, as a practical matter, I think it is quite impossible for committees—and these are in the main committees—to actually accomplish a report within 24 hours. The administrative process is rather difficult.

I would be willing to accept the amendment if the Senator would modify his amendment to provide for a period of 48 hours rather than 24 hours. That would be reasonable, and it would still mean the information would be available on the first working day after the report was made known. In other words, on the Monday before the election that information would be publicly available.

So if the Senator would be willing to modify his amendment to "forty-eight" instead of "twenty-four" hours, I would accept it.

Mr. PACKWOOD. I accept that modification.

Mr. LONG. Mr. President, I regret that the Senator is accepting the amendment. I am going to vote against it. I feel that, at a minimum, it is easy enough for anybody to avoid reporting if a person wanted to avoid it. All he had to do would be to break the contributions down into smaller amounts and claim that his children had contributed parts of it, as well as himself, so that it would come below the $5,000 limit for any one. So it would be easy to break the contributions down and get around the requirement, anyway. It seems to the Senator from Louisiana that might create problems in trying to get these reports when the bill, I believe, has been very carefully drafted the way it is now.

Mr. CANNON. I will say to the Senator that the last report required under the bill is 5 days before the election. That is a detailed report. All that would be required here would be to report any contributions that came in after the last report 5 days before the election, and those contributions would have to be reported within 48 hours, and it would relate only to contributions of $5,000 or more. That comes 3 days after the last report was made, so there is no difficulty there.

I think if pepole are going to try to avoid this requirement by making $1,000 contributions, they will be picked up in the other reporting system; but it is true that it would not be picked up prior to the election.

Mr. PACKWOOD. Mr. President, I would agree with the Senator from Nevada. There is nothing we can do about people who break up the contributions into less than $5,000. We are merely trying to take care of this other situation.

Mr. PASTORE. Mr. President, as a practical proposition, everything required under the 5-day reporting deadline, insofar as it can be, is reported before the election.

Of course, after the election you have to make another report as well. What we are trying to do is avoid a deliberate dumping here; that is about all. I do not think that practice is very much indulged in. Any candidate who runs for a very important office, like a Federal office, usually the money is in long before the 5-day filing period. It is the deliberate act of dumping at the last moment that presents the problem, and that is all this is intended to cover.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. PASTORE. I yield.

Mr. LONG. As one who worked with the Senator and supported his bill in the committee, I would hope, in the final stages of consideration, that we will not permit the bill to be loaded down with a bunch of things that the committee did not see fit to agree to, or the committee might not have agreed to if they had been considered in executive session. We are near enough to a final vote that I do not think the Senator is forced to accept an amendment that he thinks ought not to be in the bill, and I hope he will not.

Mr. CANNON. I can assure the Senator that there will be a lot of tabling motions this afternoon, because we do not intend to load the bill down with a lot of nit-picking amendments that we do not think are desirable.

Mr. PASTORE. Mr. President, if the Senator will modify his amendment to read "48 hours" I am willing to accept it.

Mr. PACKWOOD. I so modify the amendment.

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

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

The PRESIDING OFFICER (Mr. McINTYRE). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator (Mr. PACKWOOD), as modified.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 370

Mr. PACKWOOD. Mr. President, I call up my amendment No. 374.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the next amendment to be considered is amendment No. 370.

Mr. PACKWOOD. No. 370.

The PRESIDING OFFICER. Does the Senator ask unanimous consent to call up amendment No. 374?

Mr. PACKWOOD. I am sorry; take 370 next.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 35, line 3, strike "the second day following".

Mr. PACKWOOD. Mr. President, this amendment is a simple amendment. At the moment, the bill requires that, in addition to the report that is filed in Washington, reports in all Federal campaigns are to be filed with the clerk of the district court in the district where the contest is. The bill requires that they will be filed on Thursday before the election. The law further requires that the district clerk shall make these reports available for inspection no later than the second day following, and the second day would be Friday. The law says that they shall be made available during regular business hours. That means that if the clerk chooses, he may not make the report available until 5 o'clock on Friday, and then say, as his office is closing at 5 o'clock, under regular business hours, it will take so long to read that no one will have a chance to look at the report until Monday, the day before the election.

That means that for all practical purposes, very little of the news media will play the news; it will miss all the morning newspapers, and it will not be played until the day of the election.

This is not a burden on the Federal district court clerk. At the most, under normal circumstances, the clerk will have reports filed by the Republican and

Democratic senatorial candidates, and by perhaps five to six Democratic and five to six Republican candidates for the House of Representatives. That is about as large as a normal district would be.

The clerk is not obligated to audit the reports, or make sure that they are in proper form. The clerk just receives them and makes them available for the newspapers. That is not a great task, so I see no reason why, when the report is received on Thursday, even if it is not filed until 5 o'clock Thursday night, the clerk or a secretary cannot stay an extra hour and make the reports available for the newspapers at 9 o'clock, or whatever the regular opening business hour of that office may be, on Friday, rather than running the risk that it may not be available until Monday.

The PRESIDING OFFICER Who yields time?

Mr. CANNON. Mr. President, I think the amendment may involve an extraordinary burden on the clerks of the courts, but I see no objection. If the clerks can physically make the information available on the day it is received, that is the whole purpose of filing with them, and while, as I say, it may involve an impossible burden on them, I am willing to accept the amendment.

Mr. PACKWOOD. I do not think it really makes much of a burden, because the clerk has no duty except to make the information available as the candidate has filed it, and if he has not kept his books properly, and has made a mess of it, that is not the clerk's responsibility. He is just a repository, and turns over the report to whoever wants to look at it.

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

Mr. PACKWOOD. I yield.

Mr. PASTORE This is getting right down to nit-picking. I do not think it makes much difference; it is six of one and half a dozen of the other. I do not see any harm, but I think we are getting ourselves into minutiae now.

Mr. PACKWOOD. I do not think it is minutiae if you have a clerk who will not let you see it until Monday, the day before the election.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

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

The PRESIDING OFFICER (Mr. McINTYRE). All remaining time having been yielded back, the question is on agreeing to the amendment (No. 370) offered by the Senator from Oregon.

The amendment was agreed to.

Mr. PACKWOOD. Mr. President, let me ask, since it appears that I may have my amendments out of order, under the unanimous consent agreement what is the next amendment in order?

The PRESIDING OFFICER. No. 374.

AMENDMENT NO. 374

Mr. PACKWOOD. I call up my amendment No. 374.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PACKWOOD. I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. LONG. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will read the amendment.

The assistant legislative clerk read as follows:

On page 27, line 9, strike "and".

On page 27, between lines 9 and 10, insert the following:

"(13) the name and address of any individual who acts as a guarantor or surety of any extension of credit in connection with any debt incurred by such committee together with the name of the candidate on behalf of whom such debt was incurred; and".

On page 27, line 10, strike "(13)" and insert "(14)".

Mr. PACKWOOD. Mr. President, this, again, is an amendment designed to reveal in actuality who put up the money in a campaign.

If you want to open up a campaign, you need to rent an office, you need a line of credit with the local phone company, and perhaps with the airlines, and you find one of your major contributors who is willing to act as surety, and so you have another signature to give the telephone company or the airline company, and they extend you a line of credit, which is perfectly legal, but the public has no idea who is really supporting the candidate, because he is only acting as guarantor or suretor. He has not made a contribution yet, unless he has to make good on the suretyship.

This amendment would simply say that under those circumstances, the name of the guarantor or suretor must be disclosed.

Mr. CANNON. Mr. President. I am opposed to this amendment. This, again, is a nit-picking sort of thing. There is no sense in our trying to write out in a bill details that are going to destroy the basic objective.

The candidate and the committee have to report their sources of funds and contributions and expenditures, and as for us to say now that they have to report the name and address of any individual who acts as guarantor or surety, or extends credit, which is not required if you go to the bank in the ordinary course of business and borrow money with a guarantor or surety, I do not think we should impose that burden here.

I am willing to yield back the remainder of my time, and as soon as the time is used, will move to table the amendment.

Mr. PASTORE. Does the Senator yield back his time?

Mr. PACKWOOD. No, just a moment.

On page 26, lines 3 to 7, the bill provides that you do compel that the full names and mailing addresses of lenders or endorsers on any loans be furnished, and of course an endorser is a surety.

All I am asking is that we make the same extension to a situation when you go and get a line of credit from anyone else, who would not give you a line of credit if you did not have this endorser, suretor, or guarantor's name on some kind of note, because the political credit of a candidate is not so good, and I do not see why that kind of extension should not be made, and the name of the guarantor should not be disclosed, when you have the provision that if a loan is made, both the lender and the endorser must be listed.

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

Mr. PACKWOOD. I yield.

Mr. CHILES. Sometimes does not the guarantor or the surety turn out to be a different person, depending on whether the candidate wins or loses the election?

Mr. PACKWOOD. It may turn out to be a different person, but if the suretor has his name on a line of credit, and the candidate cannot pay, the suretor would have to pay it.

Mr. CHILES. And the public would then know.

Mr. PACKWOOD. But I want the public to know before the election. I want them to know beforehand.

Mr. CHILES. But it could be different before and after.

Mr. PASTORE. Mr. President, does the Senator yield back the remainder of his time?

Mr. CANNON. I yield back the remainder of my time, and I move to lay the amendment on the table.

Mr. PACKWOOD. I yield back the remainder of my time. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. McINTYRE). All remaining time having been yielded back, the question is on agreeing to the motion to lay on the table the amendment (No. 374) of the Senator from Oregon (Mr. PACKWOOD). 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 Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS), are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON), are absent on official business.

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

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

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

The Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. MILLER), the Senator from Vermont (Mr. PROUTY) and the Senator from Connecticut (Mr. WEICKER) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

The result was announced—yeas 53, nays 30, as follows:

[No. 198 Leg.]

YEAS—53

Allen	Hart	Muskie
Anderson	Hatfield	Nelson
Baker	Hollings	Pastore
Bible	Hughes	Pell
Buckley	Inouye	Proxmire
Burdick	Jackson	Randolph
Byrd, Va.	Jordan, N.C.	Ribicoff
Byrd, W. Va.	Jordan, Idaho	Saxbe
Cannon	Kennedy	Sparkman
Cotton	Long	Spong
Dole	Magnuson	Stennis
Eagleton	Mansfield	Stevens
Eastland	McClellan	Symington
Ellender	McGee	Taft
Ervin	McGovern	Talmadge
Fannin	Mondale	Tower
Fong	Montoya	Young
Gravel	Moss	

NAYS—30

Aiken	Church	Humphrey
Allott	Cook	Mathias
Bayh	Cooper	McIntyre
Beall	Cranston	Metcalf
Bellmon	Curtis	Packwood
Bentsen	Dominick	Roth
Boggs	Griffin	Schweiker
Brooke	Gurney	Scott
Case	Hansen	Smith
Chiles	Hruska	Thurmond

NOT VOTING—17

Bennett	Hartke	Prouty
Brock	Javits	Stevenson
Fulbright	Miller	Tunney
Gambrell	Mundt	Weicker
Goldwater	Pearson	Williams
Harris	Percy	

So Mr. PASTORE's motion to table Mr. PACKWOOD's amendment (No. 374) was agreed to.

AMENDMENT NO. 373

Mr. PACKWOOD. Mr. President, I call up my amendment No. 373 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

On page 27, line 21, strike "SEC. 305." and insert in lieu thereof "SEC. 305. (a)".

On page 28, between lines 4 and 5, insert the following:

"(b) Any person who is any calendar year makes available any property (including money), facilities, or services of a value of $500 or more to or for the benefit of a program operated by another person for the purpose of educating or registering voters or supporting a 'get-out-the-vote' campaign shall report, on the first reporting date under section 304(a) which occurs after such transfer, the amount or value of such transfer, the name and address of the person to whom such property was transferred, the location and a description of such program, and the name and address of the person making such transfer. Reports under this subsection shall be filed with the Comptroller General, and shall include such additional information as he may prescribe by regulation."

Mr. PACKWOOD. Mr. President, this is an amendment designed to reveal the funding of a get-out-the-vote campaign or a voter registration or a program for the purpose of educating voters.

The allegation is made that this is not really a campaign or at least a partisan campaign function, yet we all know and perhaps have experienced it on occasion with get-out-the-vote drives that were specifically designed to get out the vote in one type of area. In every sense of the word, they were an appendage and designed specifically for the aid and support of a particular political party.

All I am asking in this amendment is that the sources of the financing for any program of educating or registering voters or any get-out-the-vote campaign drive be revealed. I am not suggesting that it be stopped.

The amendment would provide that anyone transferring $500 in money or in other property to another for the purpose of carrying out voter registration, voter education, or a get-out-the-vote campaign drive must file a report of transfer of the money, to whom it was transferred, and the location and description of the program—or roughly a description of the program where the voter registration, get-out-the-vote drive will be taking place.

In closing, let me say that it is merely, in theory, an amendment designed to reveal, where a voter registration drive is undertaken, who it is financed by.

Mr. PASTORE. Mr. President, I am very much opposed to the amendment. Any good American who puts up his money to educate our people on how to register, how to exercise their rights of franchise, should be given the Carnegie Medal and not be indicted by this amendment.

Is the Senator from Oregon willing to yield his time back now?

Mr. PACKWOOD. No; I am not willing to yield my time back yet. We know what we are talking about. You know what you are talking about.

Mr. PASTORE. You are talking about unions?

Mr. PACKWOOD. I am talking about voter registration drives and get-out-the-vote campaigns which are predominantly democratic. All voter registration drives, some of which are legitimate and some of which are designed to aid a political party. You know it. I know it. The Senate knows it. If you want to hide that kind of financing, that is up to you, but that kind of partisan campaigning should be revealed for what it is, a partisan get-out-the-vote drive.

Mr. PASTORE. Mr. President, I want to say that this has nothing at all to do with campaigning for the election of candidates. It seems to me that education drives and get out the vote drives are important, but how Americans vote depend upon their own conscience. Americans do not vote by groups any more than the Senate functions by groups. We have divergences on the floor of the Senate. This idea that everyone's conscience in America is captive, I do not buy it. I think that the American people are intelligent enough to know their own kinds, and what is in their own consciences, no matter who they are.

Mr. PACKWOOD. I will wager that I could get out the figures on a certain voter district and take a look at the census figures, and the income figures, and give the Senator within 5 percent what the partisan vote of that district would be.

Mr. PASTORE. You mean like the chamber of commerce?

Mr. PACKWOOD. I do not understand the question.

Mr. PASTORE. The question is, you mean you know what the chamber of commerce vote is?

Mr. PACKWOOD. No, I did not say that.

Mr. PASTORE. Who is it that you are referring to?

Mr. PACKWOOD. Give me the census figures of a given city, in a demographic area income level and, depending upon where we have a get-out-the-vote campaign, I will wager I can come within 5 percent of guessing which political party will benefit within terms of the——

Mr. PASTORE. I think I can do that, too. I could tell you how some people will vote, no matter what. What does that prove?

Mr. PACKWOOD. What it proves is that, in theory, we give money to these nonpartisan campaigns, but, in theory, it is a voter registration drive in an area where you simply know, by the demography, the census figures, and the income figures, what kind of results you will get from putting nonpartisan money in that area.

Mr. PASTORE. I do not follow it at all. Are you through?

Mr. PACKWOOD. Yes.

Mr. PASTORE. Mr. President, I move to lay on the table amendment No. 373 of the Senator from Oregon.

Mr. President, I yield back my time.

Mr. PACKWOOD. Mr. President, I yield back my time.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. TAFT). All time has been yielded back on the amendment.

The question is on agreeing to the motion to table the amendment No. 373 of the Senator from Oregon (Mr. PACKWOOD).

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 Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

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

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

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

The Senator from Tennessee (Mr. BROCK) and the Senator from Vermont (Mr. PROUTY) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

The result was announced—yeas 60, nays 28, as follows:

[No. 199 Leg.]

YEAS—60

Allen	Gravel	Mondale
Anderson	Hart	Montoya
Bentsen	Hatfield	Moss
Bible	Hollings	Muskie
Boggs	Hughes	Nelson
Brooke	Humphrey	Pastore
Burdick	Inouye	Pell
Byrd, Va.	Jackson	Proxmire
Byrd, W. Va.	Javits	Randolph
Cannon	Jordan, N.C.	Ribicoff
Case	Jordan, Idaho	Saxbe
Church	Kennedy	Schweiker
Cooper	Long	Scott
Cranston	Magnuson	Sparkman
Eagleton	Mansfield	Spong
Eastland	Mathias	Stennis
Ellender	McClellan	Stevens
Ervin	McGee	Symington
Fong	McGovern	Talmadge
Fulbright	McIntyre	Young

NAYS—28

Aiken	Dole	Packwood
Allott	Dominick	Roth
Baker	Fannin	Smith
Beall	Goldwater	Taft
Bellmon	Griffin	Thurmond
Buckley	Gurney	Tower
Chiles	Hansen	Tunney
Cook	Hruska	Weicker
Cotton	Metcalf	
Curtis	Miller	

NOT VOTING—12

Bayh	Harris	Percy
Bennett	Hartke	Prouty
Brock	Mundt	Stevenson
Gambrell	Pearson	Williams

So the motion to lay on the table was agreed to.

AMENDMENT NO. 355

Mr. PACKWOOD. Mr. President, I call up my amendment No. 355 and ask unanimous consent to vacate the previous unanimous-consent order with relation to amendment No. 353.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. PACKWOOD. Mr. President, I ask unanimous consent to dispense with further reading of the amendment.

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

The amendment reads as follows:

On page 17, between lines 2 and 3, insert the following:

"SEC. 206. Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"'§ 614. Extension of credit to political committees by certain industries.

"'(a) Any business regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission which has extended credit to any political committee and which has not received payment of the debt for which credit was extended within two years after the date on which such debt was created, and any such business which has not received payment of a debt owed to it by any political committee for two years, shall not extend further credit to such committee until such debt and all other debts owed to it by such committee have been paid in full.

"'(b) Violation of the provisions of this section is punishable by a fine not to exceed $1,000, imprisonment for not to exceed one year, or both.'."

On page 17, line 3, strike "Sec. 206." and insert in lieu thereof "Sec. 207.".

On page 17, strike the matter between lines 10 and 11 and insert in lieu thereof the following:

"611. Contributions by Government contributors.";

(4) adding at the end of such table the following new item:

"614. Extension of credit to political committees by certain industries.".

Mr. PACKWOOD. Mr. President, this is another relatively simple amendment that has to do with the annual extension of credit by the CAB, the FCC, or the Interstate Commerce Commission.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a memorandum from the Library of Congress Congressional Research Service detailing the deficits incurred since the 1956 election campaigns by various committees, Republican and Democratic.

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

THE LIBRARY OF CONGRESS,
Washington, D.C., July 21, 1971.

To: The Honorable Robert W. Packwood.
Attn. Stan Heisler.

From: Government and General Research Division. Frederick L. Scott, Acting Division Chief.

Research by: Fred Pauls.

Subject: Deficits Incurred in National Elections, 1956–68.

In response to your inquiry for figures detailing indebtedness incurred in political campaigns we submit this memorandum containing extracts on that subject from such published sources as exist. As all sources make clear, it is difficult to be precise in this matter. Prior to 1956, information is not available.

1956 ELECTION

The Subcommittee on Privileges and Elections of the Senate Committee on Rules and Administration conducted an exhaustive survey of campaign expenditures in the 1956 general election campaigns. In its final report it showed Republican national level committees with unpaid bills amounting to $128,583. However, these same committees reported a cash balance of $746,903, indicating that the Republican Party was in the black following the 1956 election. The Democrats, on the other hand, showed unpaid bills amounting to $696,818 with a cash balance of $136,353 and wound up in the red.

Alexander Heard in *The Costs of Democracy* (Chapel Hill, The University of Carolina Press, 1960, pp. 19–20, footnote) notes: "In 1956, for example, a debt of $800,000 was run up by the Democratic national committee in the form of unpaid bills for telephone, telegraph, newspaper advertising, air transportation, printing, hotel accommodations, etc.

1960 ELECTION

Congressional Quarterly in its special report on 1960 political campaign contributions and expenditures notes: "The Democratic National Committee, however, was known to have had a deficit of $3,820,000 in unpaid campaign expenses at the end of 1960, and the Republican National Committee a debt of $750,000."

Herbert Alexander in "Financing the 1960 Election", a booklet issued by the Citizens' Research Foundation, notes: "The story of the unprecedented 1960 Democratic debt of $3,820,000 started in 1956, and reveals much about Democratic financial problems. The unsuccessful campaign of Adlai E. Stevenson in 1956 left a deficit of over $700,000. By national convention time in July 1960 the debt had ben reduced to about $70,000. Besides reducing the debt in the interim years, the Democratic National Committee had to finance operating expenses when the party was out of presidential power, and to help win the congressional elections of 1958—at the rate of about $1,000,000 per year." And, further, "In losing the 1960 election, the Republicans amassed a debt set at $993,000 gross at the national level. After committee balances not needed for continuing expenses were applied, and payments due from the press for transportation costs in accompanying the "jet-stop" campaign were made, the net debt fell to $700,000."

1964 ELECTION

Congressional Quarterly in its report on 1964 political campaign contributions and expenditures notes: "Major question still existed late in 1965 as to be actual deficit of the Democratic National Committee at the close of the 1964 election year. Various informal reports from sources close to the Democratic National Committee variously placed the figure at 'just over a million dollars' to as high as $2.8 million. Congressional Quarterly chose to use $1.2 million, reflecting a level just over the million-dollar mark. The actual level of spending by the Democratic National Committee, however, was probably substantially higher than actually reported. While the official figures plus the reported deficit at $1.2 million total $13.3 million, the figure of $16 million in over-all spending was discussed by officials at the Democratic National Committee from time to time. The Democratic National Treasurer, Richard Maguire, refused to discuss committee spending or fund-raising activities with CQ or other members of the press. CQ wrote him asking for the exact 1964 deficit and over-all spending figures, but repeated inquiries elicited no reply."

Of the Republicans, CQ wrote: The Republicans' exceptionally successful 1964 fund-raising activities made it possible for national-level Republican committees to emerge from the elections with a substantial surplus. At the end of the calendar year 1964, with all but a few campaign debts paid, the Republican National Committe had a surplus of $314,000; Citizens for Goldwater-Miller $309,006; and the National TV Committee for Goldwater-Miller $506,534."

Alexander in his "Financing the 1964 Election," another CRF publication, wrote: "The various published stories indicated the Republican surplus ranged anywhere from $500,000 to $1.8 million. The cash position of the National, Senatorial and Congressional committees as of January 1, 1965, was $457,000. The Treasurer of RNFC claimed a year-end surplus of $500,000, no doubt a rounding out of the cash position. Official reports filed in January indicated about $1.4 million more income than outgo."

Of the Democrats he wrote: "A treasurer's report to the National Committee was promised by Chairman Bailey but never submitted. Accordingly, the full story of the 1964 campaign and its aftermath cannot be told in precise financial terms, as was the Republican campaign. For example, the 1964 deficit of about $1 million was rumored by mid-1965 on to have increased to about $2 million, and later a $1.7 million figure was widely used. There were contrary evidences of high level of post-election spending and of continuing debts and bickering about bills; many bills paid in September, 1965, were incurred during the campaign, including $100,000 to the Democrat's advertising agency."

1968 ELECTION

Alexander in his book, *Financing the 1968 Election*, writes: "Whereas in early 1969, the Republicans claimed a cash surplus, by early 1970, the 1968 campaign deficit was said to have been $1.3 million. Of this, $400,000 was paid from 1969 income, $200,000 was paid from proceeds of the January ball, and $700,000 remained."

Of the Democrats he writes: "The Demo-

crats had been outspent more than two-to-one in the Presidential election, and the party had a debt of almost $6.2 million."

"The financial position of the DNC worsened during 1969. Loan repayments of $538,000 made in January and February reduced the general election debt to $5.6 million." The Committee assumed additional debts from the 1968 campaign "so that the Democratic debt by the fall of 1969 totalled $8.3 million."

We trust this information will be of assistance to you. If there are questions or further needs, please do not hesitate to call.

Mr. PACKWOOD. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Campaign Debt Settlements Raise Question of Legality," written by William Chapman and printed in the Washington Post of March 29, 1970. Mr. President, the article relates to the debts of the various candidates and political committees that had to be settled for less than the amount due.

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

CAMPAIGN DEBT SETTLEMENTS RAISE QUESTION OF LEGALITY

(By William Chapman)

When the managers of Sen. Eugene J. McCarthy's presidential campaign surveyed their financial damages late in 1968, they discovered a disconcerting set of figures.

The campaign debt was $1.4 million. There was only $460,000 available to pay it off.

About $800,000 was owed to airlines, which had transported the candidate and his staff, and to telephone companies which had handled credit-card calls. The rest was due hotels, rental car companies, printers and other assorted creditors.

Having only about one-third of the cash needed to cover the debts, the McCarthy managers began what is politely known in the political financing trade as "negotiations." A few details still remain unsettled, but the following payments were negotiated:

Airlines and telephone companies were paid at the rate of 25 cents per dollar owed, with the airlines faring slightly better after traveling newsmen's fares were added in. Telephone systems around the country, for example, were owed about $300,000 but collected only $75,000.

Smaller company debts, principally hotels and car rentals, were paid at the rate of 50 cents on the dollar.

Only the smallest debts—those less than $400—were paid in full.

In the aftermath of the 1968 campaign the question of unpaid election debts has raised a disturbing question:

Campaign costs are skyrocketing and so are unpaid campaign debts. If a corporation settles such debts for less than the full amount, is it in violation of the Corrupt Practices Act forbidding firms to use corporate funds to assist a political campaign? And if it is a regulated industry with legally fixed rates, like the telephone company and airlines, is settling at less than full cost counter to its official tariffs for other customers?

Some Democratic debts were massive. The Democratic National Committee still owes more than $3 million to corporations from Hubert Humphrey's presidential campaign (plus about $6 million in assorted other bills). A substantial part of the late Robert F. Kennedy's primary campaign debts were negotiated downward, with $1 million inherited and still owed by the party. President Nixon's debts were paid practically in full, proving the old adage, "Winners pay their debts and losers negotiate theirs."

An authority on campaign spending, Herbert E. Alexander of the Citizens' Research Foundation, made this warning in a report on 1968 financing:

"When bills are settled, the corporation is in effect making a form of indirect contribution to the campaign, which some companies may do for goodwill purposes.

"But when regulated industries, such as telephones or airlines, do so, they are opening themselves to federal tightening of the laws. or to litigation brought by stockholders or even customers who must pay full rates."

Some dismiss the problem as irrelevant. You can't get blood out of a turnip, they say, so the company is just stuck with an unpleasant, but legal, bad debt.

The man who settled McCarthy's debts, Thomas McCoy, takes that view:

"We said to the telephone company, 'These are the bills and this is all the money we have left. We'll give you this much money now and if we raise more in the future we'll pay more on a pro-rata basis.' But they know perfectly well there wouldn't be anymore.

"They complained bitterly that it was unfair—and they were right, of course. It isn't proper to charge things and not pay for them. But I'd like to point out that the inability to pay bills isn't limited to political campaigns."

Much of the McCarthy campaign's telephone debt was run up by young volunteers who simply made free use of the office credit-card number. "I don't know anyone in the McCarthy campaign who was not wandering around with a credit card number scribbled on the back of an envelope," recalled McCoy.

Others knowledgeable about political financing take a view less casual than McCoy's. The House of Representatives clerk's office, which administers the Corrupt Practices Act, has begun to look into the practice. Television stations inflexibly require advance payments for all political advertising time to avoid the problem—and to guarantee full payment.

The Democratic National Committee has taken the position so far that all the debts must be repaid or else they could be considered illegal contributions, according to the new treasurer, Robert S. Strauss.

The creditor companies themselves are extremely reluctant to discuss the question. The Chesapeake & Potomac Telephone Co. in Washington—one system reportedly incurring a large debt from the McCarthy headquarters here—refused to comment. A spokesman said telephone bills are private information. He would not say how the company's lawyers felt about campaign debts.

American Airlines, which furnished most of McCarthy's transportation, has emerged with a better financial settlement. It was owed $285,000, according to reliable reports, and has been paid about $141,000, approximately half. It was paid 25 cents on the dollar from campaign funds, then reimbursed further with late arriving fees paid by newsmen who traveled on the candidate's chartered planes.

An American Airlines spokesman said the company eventually hopes for full repayment. "We got 50 per cent and we expect to get the other 50 per cent," he said.

If the remainder is not paid, would the company try to write it off as a business deduction? "No thought has been given to that because we still expect to get all the money," said the spokesman.

Actually, it is understood that neither the airlines nor the telephone companies have signed formal releases relieving the campaign committees of further repayment. One authority suggests that unsettled debts may just be kept on their books indefinitely as "uncollectibles."

There apparently is no statute or case law governing the issue. The Corrupt Practices Act says nothing about bad debts. Spokesmen for the agencies which regulate airlines and public utilities could not recall the question being raised.

An official of the Federal Communications Commission, however, noted that the various telephone systems are increasingly plagued with unpaid bills arising from volunteer-run political campaigns and an assortment of ad hoc protest groups.

Justice Department officials report no cases in which a company has been accused of making illegal contributions by settling for less than dollar value, but the question recently has been raised there.

According to several lawyers, the government probably could not prosecute a company unless a conspiracy could be proved. That is, the company and the candidate would have to agree in advance to write off a certain portion of the debt after the campaign. Only if such an agreement were proved could prosecution be brought under present law.

Said one authority: "When it's just a case of the campaign failing and falling apart and having no money—what have you got? You settle for the best terms you can get. It's not against the law to go bankrupt."

A more pertinent question arises, however, if the company attempts to write off the bad debt as a business loss. A section of the internal revenue code prohibits deductions for bad debts owed by a political party or by a political campaign committee.

In at least two cases, individual leaders tried to write off the losses incurred when they loaned money to campaigns that defaulted. Both of them lost in court.

At least one reliable authority, however, believes a corporation might write off the debt and win a court fight. David Ginsberg, former legal counsel for the Democratic National Committee, believes such a firm might win a court test by showing the bad debt was simply a loss incurred in the normal course of business operations.

Mr. PACKWOOD. Amendment No. 355 is very simple. It simply says that any business regulated by the ICC, the FCC, or the Interstate Commerce Commission which has extended credit to any political committee and which has not received payment of the debt for which credit was extended within 2 years after the date on which such debt was created, and any such business which has not received payment of a debt owed to it by any political committee for 2 years, shall not extend further credit to such committee until such debt and all other debts owed to it by such committee have been paid in full.

Mr. President, this has nothing to do with candidates borrowing for office. It has nothing to do with the extension of credit to any prospective candidate.

I do not think it is asking too much to require that organizations regulated by the Government and that have had to compromise debts in the past and have been put in the business of financing campaigns should be put in the position of not extending further credit to any political committee that has a debt that is 2 years or more in arrears. That is the effect. There would be no more credit to any organization that has not paid debts that are at least 2 years in arrears.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. Mr. President, we have already come up the hill and gone down the hill once this afternoon. We had a proposal that prohibited the issuance of regulations by regulatory agencies. We

finally accepted the amendment in the bill, leaving it up to the regulatory agencies to adopt the regulations that they saw fit, relating to the extension of credit.

If we are going to have regulatory agencies let them regulate and let us not tell them what to do. Let us not make ourselves a collection agency for a company which extends credit unwisely.

Mr. President, I am ready to yield back my time if the Senator from Oregon is ready to yield back his time, and we are ready to make a motion to table the amendment.

Mr. PACKWOOD. I am not quite ready to yield back my time.

Mr. President, the Senate goes back and forth between wanting a Congress to write laws and to delegate power to administrative agencies.

It seems to me, in all equity, that when a political party—and as shown by the material I have had printed in the RECORD Republicans and Democrats are equally guilty—runs up a perpetual deficit and does not pay its bills, the regulatory agency could stop extending credit to them.

The companies are in a tremendous bind. A party of significance comes to American Airlines or to the American Telephone Co., and those people are in a difficult position not to extend credit because they do not want to run the risk of political consequences if they do not extend credit.

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

Mr. PACKWOOD. I yield.

Mr. MILLER. Do I understand one of the purposes of the Senator's amendment is to prevent a pattern of abuse which could cause the customers of these various entities and companies, in effect, to pick up the tab?

Mr. PACKWOOD. The Senator is correct.

Mr. MILLER. For example, there are millions of telephone customers and if the telephone company extends a long line of credit it would seem that sooner or later all of those customers will have their rates increased to pick up the tab.

Mr. PACKWOOD. The Senator is correct. They are regulated industries and if they lose money on a political campaign those companies pick it up from somewhere else.

Mr. MILLER. I realize if we were dealing with one administrative agency that would be one thing because that administrative agency could properly establish guidelines. I understand the Senator's amendment covers three administrative agencies.

Mr. PACKWOOD. The Senator is correct.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. MILLER. Mr. President, will the Senator from Rhode Island yield to me for 1 minute?

Mr. PASTORE. I yield 2 minutes to the Senator from Iowa.

Mr. MILLER. Mr. President, one of the problems we have had in Congress has been a lack of uniforfity among the agencies on critical items. Here is an ideal case where we can establish uniformity among these agencies. As it is, they can go out willy-nilly on their own and establish periods of 1 year, 2 years, or 3 years. The Senator's amendment would provide the uniformity that is needed.

Mr. PASTORE. Mr. President, I move to lay the amendment on the table.

Mr. PACKWOOD. I ask for the yeas and nays.

The PRESIDING OFFICER. All time is yielded back. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered. The question is on agreeing to the motion to lay on the table amendment No. 355. 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 Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

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

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

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

The Senator from Tennessee (Mr. BROCK) and the Senator from Vermont (Mr. PROUTY) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

The result was announced—yeas 46, nays 42, as follows:

[No. 200 Leg.]

YEAS—46

Allen	Hollings	Montoya
Anderson	Hughes	Moss
Bentsen	Humphrey	Muskie
Bible	Inouye	Nelson
Burdick	Jackson	Pastore
Cannon	Jordan, N.C.	Pell
Church	Kennedy	Proxmire
Cooper	Long	Ribicoff
Cranston	Magnuson	Sparkman
Eagleton	Mansfield	Spong
Eastland	McClellan	Stennis
Ellender	McGee	Symington
Ervin	McGovern	Talmadge
Fulbright	McIntyre	Tunney
Gravel	Metcalf	
Hart	Mondale	

NAYS—42

Aiken	Curtis	Miller
Allott	Dole	Packwood
Baker	Dominick	Randolph
Beall	Fannin	Roth
Bellmon	Fong	Saxbe
Boggs	Goldwater	Schweiker
Brooke	Griffin	Scott
Buckley	Gurney	Smith
Byrd, Va.	Hansen	Stevens
Byrd, W. Va.	Hatfield	Taft
Case	Hruska	Thurmond
Chiles	Javits	Tower
Cook	Jordan, Idaho	Weicker
Cotton	Mathias	Young

NOT VOTING—12

Bayh	Harris	Percy
Bennett	Hartke	Prouty
Brock	Mundt	Stevenson
Gambrell	Pearson	Williams

So Mr. PASTORE's motion to lay on the table amendment No. 355 was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 350

Mr. BAKER. Mr. President, the distinguished junior Senator from Vermont (Mr. PROUTY) is unable to be here. However, he asked me to call up his amendment No. 350, which I ask the clerk to read. Before the clerk reads it, I ask that the amendment be modified to conform to the Pastore substitute and that the word "Commission" be substituted for the "Comptroller General."

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The clerk will read the amendment as modified.

The assistant legislative clerk proceeded to read the amendment as modified.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment, as modified, is as follows:

(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 Commission 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, United States Government Printing Office, Washington, D.C. 20402."

(2)(A) The Commission 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 Commission.

Mr. BAKER. Mr. President, the primary purpose of the Federal Election Campaign Act is to make sure that the American people have all the facts concerning the financing of campaigns readily available. Mr. Prouty's amendment would simply do two things:

First, it would require that political committee soliciting contributions place a simple notification on their letters that they have complied with the Federal Campaign Act of 1971 and filed a report of expenditures and contributions; and

Second, it would inform the potential contributor that they can purchase a copy of that report from the Government Printing Office.

The Rules Committee adopted this amendment by a vote of 6 to 3. The distinguished chairman (Mr. CANNON) of the Privileges and Elections Subcommittee has expressed some concern about the fact that the wording was a little too long. Therefore, Mr. PROUTY is quite willing to change the wording to make it briefer.

If Senator CANNON would agree, Mr. PROUTY would be willing to change the notification to read as follows:

A copy of our report filed with the Federal Elections Commission is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

Mr. President, the change can be accomplished by striking lines 4 through 7 on page 1; lines 1 through 3 on page 2; and substituting in lieu thereof:

A copy of our report filed with the Federal Elections Commission is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

I think it is vitally important, Mr. President, that all contributors of political committees be made aware of the fact that they can find out exactly how those committees use their money. I think once the people have this knowledge, Mr. President, there can be a greater degree of participatory democracy in all of these committees which have a tendency to set policy based upon the opinions of a very few people in Washington.

I wonder if the Senator from Nevada would be agreeable to the modification as suggested by the Senator from Vermont (Mr. PROUTY).

Mr. CANNON. Mr. President, this is simply a statement of facts as they exist in the law and which we would require elsewhere in the bill. My reservation about the original amendment was that if we are going to require this statement in every newspaper advertisement or letter of solicitation, and so on; it is going to be difficult and costly. Certainly, if it is in the nature of a newspaper advertisement or a solicitation of that type, that would be true.

However, with the modification made in the amendment, I am willing to accept it. I think it does no more than tell what the law is, so I see no particular harm in it, except it is going to cost the candidate more money.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Mr. SCOTT. Mr. President, I support Senator PROUTY's amendment requiring a political committee, which solicits contributions, to state that it has filed the necessary disclosure reports and that the reports can be purchased from the Government Printing Office. This amendment was originally adopted by the Senate Committee on Rules and Administration, not only with my support, but with the support of the distinguished chairman, Senator JORDAN of North Carolina. I regret that the Prouty amendment was not retained in the Pastore substitute.

Senator PROUTY is uniquely qualified to offer this amendment. He is a high-ranking member of the Senate Commerce Committee and served as one of the original members of its Consumer Affairs Subcommittee. Of course, Senator PROUTY is also the ranking Republican member of the Rules Committee. Coincidentally, the purpose of the Prouty amendment integrally related to the purposes of these two committees.

It is well known that the solicitation of campaign funds by direct mail is very effective. So effective, in fact, that many people hypnotically send in their dollars to causes with fancy names and to committees with exotic goals. Heretofore, the contributor never knew who these groups were supporting, let alone whether or not all of the contributions were indeed spent.

The Federal Elections Campaign Act of 1971 would require political committees to file periodic reports, listing in detail all contributions and expenditures. I support that provision of the bill. But does it go far enough? Does it really protect the consumer, in this case a campaign contributor? The report can be duly filed, but Mrs. Murphy in Moscow, Pa., may not know it. And if she does not know it, she obviously does not know which candidates the political committee may be supporting.

The Prouty amendment is a consumer protection amendment, nothing more, nothing less. It simply tells people that reports have been filed and are available. The amendment places no undue burdens on political committees. But let us understand one thing—these reports are already required by the bill. The Prouty amendment would simply make that point clear to the potential contributor. And the Government will not pick up the tab since the reports would have to be purchased in the same way as are other Government publications.

Senator PROUTY championed the Federal Fair Labeling Act as a member of the Commerce Subcommittee on Consumer Affairs. He is championing this new amendment, with the very same purpose, in his position on the Rules Committee. It is a good amendment, and I urge my colleagues to support it.

Mr. BAKER. Mr. President, I thank the Senator from Nevada for his willingness to accept the amendment. With that understanding, I yield back my time.

Mr. CANNON. 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, as modified.

The amendment, as modified, was agreed to.

Mr. BAKER. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment as follows:

On page 11, to strike out lines 1 to 9, inclusive, and add at the end of the bill a new section:

"EFFECTIVE DATE

"SEC. 402. Except as provided for in section 401 of this Act, the provisions of this Act shall become effective on December 31, 1971 or sixty days after the date of enactment of this Act, whichever is later."

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

It is my understanding that there has been a good deal of conversation about the necessity for a particular effective date and that this one is one that offers some appeal to a number of persons.

I wonder if there would be any disposition on the part of the Senator from Nevada to consider accepting this amendment?

Mr. CANNON. Mr. President, this amendment as modified should be acceptable now. I am willing to yield back the remainder of my time.

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

The PRESIDING OFFICER (Mr. TAFT). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 381

Mr. BELLMON. Mr. President, I call up my amendment No. 381, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 30, line 20, immediately following the semicolon insert the following: *"Provided,* That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;".

Mr. BELLMON. Mr. President, the purpose of this amendment is to protect the privacy of the generally very public-spirited citizens who may make a contribution to a political campaign or a political party. We all know how much of a business the matter of selling lists and list brokering has become. These names would certainly be prime prospects for all kinds of solicitations, and I am of the opinion that unless this amendment is adopted, we will open up the citizens who are generous and public spirited enough to support our political activities to all kinds of harassment, and in that way tend to discourage them from helping out as we need to have them do.

I believe the amendment is acceptable to the Senator from Nevada, and I yield back the remainder of my time.

Mr. CANNON. Mr. President, this is certainly a laudable objective. I do not know how we are going to prevent it from being done. I think as long as we are going to make the lists available, some people are going to use them to make solicitations. But as far as it can be made effective, I am willing to accept the amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 381) of the Senator from Oklahoma.

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

Mr. BELLMON. I yield.

Mr. NELSON. I could not hear the Senator from Oklahoma, and I did not understand exactly what he is doing with the list under the amendment.

Mr. BELLMON. Mr. President, the amendment is self-explanatory. I shall read it again. It provides that "any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose."

In the State of Oklahoma, our own tax division sells the names of new car buyers to list brokers, for example, and I am sure similar practices are widespread elsewhere. This amendment is intended to protect, at least to some degree, the men and women who make contributions to candidates or political parties from being victimized by that practice.

Mr. NELSON. Do I understand that the only purpose is to prohibit the lists from being used for commercial purposes?

Mr. BELLMON. That is correct.

Mr. NELSON. The list is a public document, however.

Mr. BELLMON. That is correct.

Mr. NELSON. And newspapers may, if they wish, run lists of contributors and amounts.

Mr. BELLMON. That is right; but the list brokers, under this amendment, would be prohibited from selling the list or using it for commercial solicitation.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. All time is yielded back.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment (No. 381) of the Senator from Oklahoma (Mr. BELLMON).

The amendment was agreed to.

AMENDMENT NO. 296

Mr. BELLMON. Mr. President, I call up my amendment No. 296, and ask that it be modified to conform to the Pastore amendment.

The PRESIDING OFFICER. The amendment will be so modified. The clerk will state the amendment as modified.

The legislative clerk read as follows:

On page 30, line 4, immediately after "develop" insert "and furnish to the person required by the provisions of this Act,".

Mr. BELLMON. Mr. President, the purpose of this amendment is to make certain that the candidates, who are required to follow the terms of the act, know exactly what the act requires. We are passing a very complicated bill. Candidates very frequently have other things on their minds during their campaigns, and this amendment and amendment 297 are intended to require that candidates who will be required to file such reports be given the necessary information and documents at the time they file so that they can keep the necessary records and be in a position to conform with the requirements of the act.

Mr. CANNON. Mr. President, the amendment is acceptable.

The PRESIDING OFFICER. Do Senators yield back their time?

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

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

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment (No. 296) of the Senator from Oklahoma (Mr. BELLMON).

The amendment was agreed to.

AMENDMENT NO. 297

Mr. BELLMON. Mr. President, I call up my amendment No. 297, and ask that it be modified to conform to the Pastore amendment.

The PRESIDING OFFICER. The amendment will be so modified. The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 30, line 7, strike out everything through line 10, and in lieu thereof insert the following:

"(2) to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;".

Mr. BELLMON. Mr. President, the purpose of this amendment is the same as that of amendment No. 296.

Mr. CANNON. Mr. President, I am willing to accept the amendment, and I yield back my time.

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

The PRESIDING OFFICER. The remaining time having been yielded back, the question is on agreeing to the amendment (No. 297) of the Senator from Oklahoma (Mr. BELLMON).

The amendment was agreed to.

AMENDMENT NO. 300

Mr. BELLMON. Mr. President, I call up my amendment No. 300, and ask that it be modified to conform with the Pastore amendment.

The PRESIDING OFFICER. Will the Senator repeat the number of his amendment?

Mr. BELLMON. No. 300.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. BELLMON. Mr. President, this amendment is highly controversial. I do not intend to ask for a vote on it, but I want to call the attention of the Senate to the fact that——

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 12, line 22, strike out "$1,000" and in lieu thereof insert "$100".

Mr. BELLMON. This amendment, on page 12, line 22, would strike the figure "$1,000" and insert in lieu thereof the figure "$100".

Mr. President, I am convinced that the way the bill is presently drawn, we are leaving a loophole large enough to drive a truck through. In my own case, in my State, I believe any candidate who runs for Federal office will find it necessary to establish committees in every county, and the bill as written would make it possible for each of these committees to obtain up to $1,000 in behalf of the candidate without making the report which this act purports to require.

I can think of at least a half dozen committees in each of our 77 counties each obtaining $900, and none of them ever filing a report, so that the candidate would be able to raise roughly a half million dollars in a statewide campaign, and file no report of any kind.

I strongly feel that this $1,000 limitation is too high. Unless we close this loophole by lowering the figure to $100, and in that way make the loophole only one-tenth as large, I believe very strongly that we are going to, in large measure, destroy the very purposes of the act.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 300 of the Senator from Oklahoma. Who yields time?

Mr. CANNON. Mr. President, do I understand that the Senator is going to withdraw the amendment? If he is, I do not want to talk about it. Otherwise, I oppose it.

Mr. BELLMON. Mr. President, I would appreciate any comment from the Senator from Nevada that he cares to make. If he can accept the amendment, I would like to have him consider it.

Mr. CANNON. Mr. President, I cannot accept the amendment. We have held hearings and gone into this matter in great detail. We have fixed a cutoff point at a committee that spends a thousand dollars or more, which is required to do the most detailed accounting and reporting, and to move this down to an expenditure of $100, the most minute committee that might even take an ad in a newspaper would have to file a report. This is, I think, going far beyond what we are attempting to do by the bill. I hope we do not bog this measure down, as I said before, with such nit-picking amendments that we will end up with a bill so cumbersome it cannot be operated.

I yield back the remainder of my time. If the amendment is withdrawn, I shall move to lay it on the table.

The PRESIDING OFFICER. Who yields time?

Mr. BELLMON. Mr. President, I believe I stated I shall not press the amendment, but I would like to point out that this is a loophole which I feel is going to destroy the purposes of the act.

I withdraw the amendment.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 266

Mr. HUMPHREY. Mr. President, I send to the desk my amendment No. 266, and ask for its immediate consideration.

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

Mr. HUMPHREY. I yield.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. What is the time situation with respect to the remainder of the amendments? Does the 10-minute limitation apply?

Mr. PASTORE. No. It is 15 minutes. That was just with reference to the Packwood amendments.

The PRESIDING OFFICER. Thirty

minutes on each amendment, 15 minutes to each side.

The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HUMPHREY. 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:

TITLE V—REGISTRATION OF FEDERAL VOTERS

REGISTRATION FORMS

SEC. 501. (a) The Secretary shall prepare, in consultation with the Attorney General and the election officials of the various States, a standard form which may be used to register to vote in Federal elections by any citizen who is qualified to register for voting in such elections. Two copies of such form shall be included with each income tax return mailed to a taxpayer by the Internal Revenue Service and additional copies of such form shall be available at any Internal Revenue Service office. The Secretary shall enter into arrangements with the Postmaster General under which additional copies of such form shall be available in each post office. The Secretary shall undertake to notify persons who do not receive such forms by mail of their right to register to vote by using such forms. Such notification shall be by public advertisement or such other means as may be effective. Where appropriate, such notification and such forms shall be in English and in the predominant non-English language used in an area.

(b) Any person who elects to register for voting in Federal elections using the form provided under subsection (a) shall complete such form and sign it. The completed form shall be returned to the Internal Revenue Service and such person shall be registered to vote in Federal elections in the State in which he resides, in accordance with such procedures as may be prescribed by the Secretary, if such person is otherwise qualified to vote in such Federal election.

(c) The Secretary shall issue to any person registered to vote in Federal elections under this section a certificate of registration which shall be held and considered to be prima facie evidence of such registration.

NOTICE TO STATE ELECTION OFFICIALS

SEC. 502. (a) Under such regulations as the Secretary may prescribe, there shall be furnished to the appropriate election officials of any State all necessary and appropriate information regarding persons registered under section 501 to vote in Federal elections held in such State. On and after the time such information has been so furnished to the appropriate election officials of any State in the case of any person, such person shall be deemed to have met all the requirements for registration for voting in Federal elections held in such State. Any such registration for voting shall continue in effect for the same period of time it would have been in effect had such person registered under the applicable State law.

(b) Registration under this section of any person for voting in Federal elections held in any State shall constitute valid registration for voting in elections held in such State other than Federal elections whenever the laws of such State so provide.

PROHIBITION OF NATIONAL REGISTRY

SEC. 503. No national registry of persons shall be compiled or maintained from information derived under this title.

REPORT BY SECRETARY

SEC. 504. The Secretary shall report to the Congress one year from the date of enactment of this Act with respect to registration of voters under this title together with any recommendations he may have, including recommendations for additional legislation, for the more effective administration of voter registration under this title.

PENALTIES

SEC. 505. (a) The provisions of section (11)(C) of the Voting Rights Act of 1965 shall apply to false registration under this title and other fraudulent acts and conspiracies in connection with this title.

(b) Whenever the Attorney General has reason to believe that a State or political subdivision is denying or attempting to deny to any person the right to vote in any election in violation of this title, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

(c) Any person who deprives, or attempts to deprive, any other person of any right secured by the first section of this title shall be fined not more than $5,000, or imprisoned not more than five years, or both.

REGULATIONS

SEC. 506. The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this title.

DEFINITIONS

SEC. 507. As used in this title, the term—

(1) "State" means each of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

(2) "Federal election" means any general, special, or primary election held for the purpose of nominating any candidate for election, or electing any candidate, as President, Vice President, presidential elector, Senator, Representative, or Delegate or Resident Commissioner to the Congress; and

(3) "Secretary" means the Secretary of the Treasury or his delegate.

Mr. HUMPHREY. I yield myself 3 minutes.

Mr. President, I took the liberty last evening of discussing putting into the RECORD the explanation of this amendment. I have discussed the amendment with the distinguished Senator from Rhode Island. It relates, of course, to improving the process of registration for election purposes. The amendment would be based upon a cooperation with the Federal Government, through the Internal Revenue Service, of providing means of registration. It would comply with all State law. It would not be Federal registration that would ignore or try to avoid in any way the State requirements. The whole purpose of the amendment is to facilitate registration, to make access to registration just a little easier.

The registration problem, according to those who have studied it, is that mechanics of registering to vote have deterred some citizens from exercising their franchise. It is estimated that only 60 percent of the electorate vote in Presidential elections and a much smaller number in local elections.

In some States, sincere efforts are made to facilitate registration. In other places, the registration requirements are much more difficult. I think it is fair to say that a very substantial portion of our potential electorate does not become registered and as a result is unable to vote. With the new voters coming in—there are approximately 25.5 million new voters since 1968—particularly with the constitutional amendment permitting 18-year-olds to vote—the matter of registration becomes an even more serious problem, and one that I think demands some Federal action.

There are other proposals along this line, one by the distinguished Senator from Hawaii (Mr. INOUYE) and one by the distinguished Senator from Massachusetts (Mr. KENNEDY).

Mr. President, in light of my discussion, I am not going to press for a vote on this amendment; but I am going to ask unanimous consent that the bill I introduce, which will be based on this amendment—which I shall introduce today in the nature of a bill, rather than an amendment to S. 382—be referred to the committee to which all other bills of this nature are presently being referred; namely, to the Committee on Post Office and Civil Service. I ask unanimous consent that that be done.

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

Mr. HUMPHREY. Mr. President, I have been assured by the distinguished chairman of that committee that hearings will be held and that some action will be taken. I would hope that, as a result of the number of bills that will be before that committee, we will be able to come out with some form of Federal registration that will greatly facilitate the election process.

I think it is most regrettable that large numbers of our people, for all practical purposes, are denied the right to vote simply by complicated State registration laws. We have a highly mobile population, and many of these registration requirements stand in the way of the exercise of the ballot—particularly requirements for residence. Let us hope that we can find a better way of improving the processes of democracy. It does little good to talk about voter participation if roadblocks are put in the way of voter participation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUMPHREY. I yield myself 2 additional minutes.

Mr. President, people have no problem being informed as to their taxes. You do not have to go down to the courthouse to register for your income tax blank. You do not have to go down to the courthouse to register for your property taxes. For some reason or other, the Government is able to find you, and they take great pains to find you.

I say that the same Government that can send you an income tax blank can also enclose in that income tax blank a registration form so that you can have a chance to register. Those forms can then be sorted and sent back to their respective States, so that the individual can be registered in his own State.

The Government that can tax is the Government that can register. I still think that the old cry of this Republic,

"No taxation without representation!" still makes a good deal of sense.

I would remind my colleagues that it is not too difficult to register people if we want to do so. The Federal Government has difficulty getting U.S. income tax forms to 95 percent of the Amercian people. They get them to you on time; and if you do not pay on time, you pay a penalty.

Mr. President, I would hope that we would show the same solicitude, the same desire for public service and for efficiency in Government, in helping people become registered as we do in extricating from them—either painfully or pleasantly, either sooner or later—the taxes which the Federal Government insists upon.

It is my understanding of the view of the Senator from Rhode Island that this amendment and one that was offered by the Senator from Massachusetts (Mr. KENNEDY) would better serve the interests of this election bill by being referred to the Committee on Post Office and Civil Service.

Mr. PASTORE. I feel that very strongly, and I so said to the Senator from Massachusetts, and I repeat it now. I thank the Senator from Minnesota for his understanding and cooperation.

Mr. HUMPHREY. I believe it is so important that we get this elections bill passed that I want no excuse for any veto or a holdup in the other body. I am delighted to cooperate with the Senator from Rhode Island, who I believe has done a masterful job in preparing this all-important measure.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 365

Mr. BUCKLEY. Mr. President, I call up my amendment No. 365.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 13, between lines 23 and 24, and on page 19, between lines 22 and 23, insert the following:

(5) notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee.

Mr. BUCKLEY. Mr. President, I think the purpose of this amendment is self-evident. It is just to avoid a possible ambiguity by specifically excluding from the definition of the word "contribution" the value of services rendered by volunteers.

We all know the importance of volunteers to our respective campaigns. If we had to keep timeclocks around to determine when they contribute services valued at more than $100, it would impose a very meaningful burden on all of us. I am sure this is not the kind of contribution which the sponsors of the bill have in mind. I understand that the sponsors have no objection to this amendment.

Mr. CANNON. Mr. President, the amendment is a reasonable one, and I am willing to accept it.

I yield back the remainder of my time.

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

The PRESIDING OFFICER. All time on the amendment is yielded back. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

AMENDMENT NO. 306

Mr. ALLEN. Mr. President, I call up my amendment No. 306, as modified, and ask that it be stated.

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The assistant legislative clerk read as follows:

On page 15, line 8, insert "608," before "610".

On page 22, strike lines 9 and 10, and insert in lieu thereof the following:

SEC. 203. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitation upon certain campaign expenditures

"(a) No candidate shall make or authorize expenditures on behalf of his candidacy, or to influence the outcome of the election in which he is a candidate, for goods or services other than broadcast communications media (as regulated by section 315(c) of the Communications Act of 1934) and nonbroadcast communications media (as regulated by section 103 of the Federal Election Campaign Act of 1971) in excess of—

"(1) 10 cents multiplied by the estimate of resident population of voting age for the office for which he seeks nomination for election or to which he seeks election, as determined by the Bureau of the Census in June of the year preceding the year in which the election is to be held; or

"(2) $60,000, if greater than the amount determined under clause (1).

"(b) No person may make any charge for goods or services (other than those regulated by section 315(c) of the Communications Act of 1934 (relating to broadcast communications media) or by section 103 of the Federal Election Campaign Act of 1971 (relating to certain nonbroadcast communications media)) furnished to or on behalf of a candidate in connection with his campaign for nomination for election, or election, unless such candidate, or an individual authorized by such candidate to do so, certifies to such person that the payment of such charge will not violate subsection (a). Any person who furnishes such goods or services to or for the benefit of a candidate without charge therefor shall be deemed to have made a contribution to such candidate in an amount equal to the amount normally charged by such person for such goods or services. Any person who furnishes such goods or services to or for the benefit of a candidate at a charge which is less than the charge usually made by such person for such goods or services shall be deemed to have made a contribution to such candidate in an amount equal to the excess of the amount usually charged for such goods or services over the amount charged such candidate.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed $5,000."

On page 24, between lines 17 and 18, strike the item relating to section 608 of title 18, United States Code, and insert in lieu thereof the following:

"608. Limitation upon certain campaign expenditures.".

Mr. ALLEN. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER (Mr. TAFT). The Senator from Alabama is recognized for 7 minutes.

Mr. ALLEN. Mr. President, the purpose of the amendment is to provide, along with the limitation placed on the two types of campaign advertising, an overall campaign limit. It would add an additional 10 cents for all campaign expenditures not covered by the two 5-cent limitations.

I favor the principle of limitation on campaign expenditures and favor the principle in S. 382, but do not believe it goes far enough. I do not believe the limitations are strict enough.

In the Committee on Rules and Administration I brought up this very question, the question of an overall limitation on campaign expenditures, and stated in the committee that at the proper time I would offer an amendment that would provide an overall limitation. The overall limitation in effect, then, would be 20 cents per person of voting age in the political subdivision involved in the election, but divided into three categories.

We recall that, when the President vetoed the spending limitation bill before, that bill applied only to expenditures for radio and television, and the President pointed out that it did not provide an overall limit, that it would cause a shifting of allowances from television and radio over to other forms of expenditure.

The purpose of this amendment is to provide that overall limit.

The Senate bill adds one more limitation to last year's vetoed bill, the 5-cent limitation on newspapers, periodicals, and billboards and allows the shifting, I believe now, of 1 cent from one category over to the other, which could provide for a 6-cent and a 4-cent distribution.

Let me read from the President's veto message on the last bill:

The problem with campaign spending is not radio and television; the problem is spending. The bill plugs only one hole in a sieve.

What has been said about the other bill can be said about this bill, because it just plugs two holes in the sieve.

Candidates who had and wanted to spend large sums of money, could and would simply shift their advertising out of radio and television into other media—magazines, newspapers, billboards, pamphlets, and direct mail. There would be no restriction on the amount they could spend in these media.

Those same objections of the President before would apply now.

Let us see what is not touched by the bill, where the limitations are nonexistent. The sky is the limit on expenditures in such cases.

Mr. President, my supplemental views in the Committee on Rules and Administration report on the bill appear on page 103 of that report. These items are not covered that might well be involved in a campaign.

The bill places no limit on expenditures for mass mailings, for handbills, brochures, printing, WATS lines, telephones, postage, stationery, automobiles, trucks, telegrams, campaign headquarters—State and various local ones—unlimited campaign workers, airplanes, rentals and tickets, buses, trains—special and regular—campaign newspapers, movie theater film advertisements, campaign staffs, public relations firms, production ex-

penses for broadcasts, public opinion polls, paid campaigners and poll watchers, novelties, bumper stickers, sample ballots.

None of those items are limited in the present bill. With this amendment now under consideration, a limitation would be provided. It would be to make it 10 cents per person of voting age in that area, which is better than no limitation at all, because there is no limitation whatsoever now.

I submit that there is even greater need to limit expenditures for nonmedia advertising than for media advertising. Media advertising is open and aboveboard and available for all to see. The overuse of media advertising might even be counterproductive, if the electorate felt that the candidate was overspending in that field. Nonmedia expenditures would not be as apparent to the public but would be as effective and as expensive. It would be in the field of nonmedia expenditures that irregularities or corrupt practices or abuses, if any, might be more likely to occur.

A limit should be placed on nonmedia expenditures. If no amendment of this sort is adopted to this bill before final enactment into law, we will have a partial limitation on radio, television, newspapers, billboards, and publications but no limitation on the rest of these other tremendous unlimited expenditures. This would enable a candidate who had been limited by these two 5-cent limitations to move any available funds over to these other forms of expense.

Without a limitation on all expenditures we might as well have no limitation.

Mr. President, I reserve the remainder of my time.

Mr. PELL. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I yield.

Mr. PELL. Is this not the amendment the Senator from Alabama was going to offer and did offer at the meeting in the Rules Committee, and then he withdrew it at that time so that we could study it further?

Mr. ALLEN. Let me state to the distinguished Senator from Rhode Island that when the bill was under consideration in the Rules Committee, I suggested that I thought that provision should be put in the bill, but no amendment had been prepared at that time. Naturally, I did not offer an amendment because it was not in existence. But I did state that I was going to present the matter on the floor of the Senate and seek an overall, total campaign limitation.

Mr. PELL. My recollection is, at the meeting, that I was among those who thought it was a good idea then and indicated my general support for it.

Mr. ALLEN. That is correct.

Mr. PELL. And I hoped that the Senator would bring it up.

Mr. ALLEN. That is right. I thank the Senator very much.

Mr. PASTORE. Mr. President, I think that the most effective way to kill this bill this afternoon would be to adopt the pending amendment.

I say that as kindly and as sincerely as I can say it to my distinguished colleague from Alabama.

We went into this matter thoroughly in the committee. There are certain elements, of course, that were not included in the 10-cent limitation, but all the elements we have included are identifiable and because certain elements were not identifiable which are an integral part of a political campaign, we made a very, very strong disclosure law that no matter what a candidate spends, he has to report every nickel he receives and every nickel he spends. And he has to do this under procedures that are very strict and, I have characterized them before as being rather brutal.

What are we up against? First of all, we do not want to make this an incumbent bill. The question came up of direct mail. I am one of those that would like to see direct mail included in the 5-cent limit.

I say to my friend, the Senator from Alabama, that if he wants to include everything else under the umbrella we already have of 10 cents, I would be willing to do that and take it to conference.

What we are actually doing if we are raising it to 20 cents is that we are actually blowing up a scandal. We have to understand why we got into the bill in the beginning. The reason why we got into it was that we had to bring these astronomical expenses for a political campaign under reasonable restriction. And I think we have accomplished that in this bill in those elements of campaign expenses that are not only identifiable, but are the ones most frequently indulged in and that are, indeed, the most expensive ones.

The argument has been made why not put the direct mail in. I would like to include it. But how do we stop a Senator from sending out a newsletter? He has the right of frank. He can send it to every constituent in his State without costing him 10 cents. How do we stop that? We cannot stop that. And that is the argument I made against direct mailing.

I am saying to my friend, the Senator from Alabama, and to my colleague, the junior Senator from Rhode Island, that we worked long and hard on this to bring out what we thought would be an enforceable bill. It is true that it is not a perfect bill. I do not think that we will ever have a perfect bill. However, at least we will have the experience next year and the year after we have seen what happened and have seen how much candidates spend over and above 10 cents, which is the ceiling under the law, for certain items, we will be in a better position to see how much more should be included in a ceiling.

How do I know whether 5 cents or 10 cents is enough?

An amendment was put in to the effect that we should not count the worth of the services of volunteers. What do I do if a candidate gets 200 volunteers to work for him? What am I supposed to do?

How can I ever measure how many stamps a candidate has bought? How are we ever going to do that?

The only way we can get to that is by full disclosure. Everyone knows that the abuse in past campaigns has been because of the electronic media, and that is where we should have stopped in the first place.

I tell the Senate very frankly that if the House had not had the primaries and not had the Governors, we would have overriden the Presidential veto, because there is not a Senator here who does not understand that the very heart of the question is what one has to spend for radio and television.

Then, the next item is the tremendous expense of newspaper advertising. That is included here. The billboards are important.

If we are going to say that one can only buy a certain number of stamps, I am afraid that we will never be able to enforce that.

I say to my friend, the Senator from Alabama, that if we raise it to 20 cents for every eligible voter—not every voter but every voter from 18 up—we would be spending in the coming election five times more than the amount spent in the last election. If that is going to be the case, we are wasting our time.

We are trying to bring down the cost of a campaign. I realize—and I repeat it again—that some time, some day we have to control all of the expenses. That would be the only solution, in addition to full disclosure. But if we begin to hatchet this legislation with this amendment and begin to double up on what an individual can spend, I am afraid we are going to be in serious trouble.

I would seriously hope that my good friend, the Senator from Alabama—if he wants a meaningful bill that has a chance to pass this session—will withdraw his amendment. I think it would be a calamity and a tragedy at this moment, after the time we have spent on the bill to have it go down the drain at 4 o'clock on the afternoon of this day.

Mr. President, I reserve the remainder of my time.

Mr. ALLEN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. ALLEN. Mr. President, I find that I am in disagreement with my distinguished friend, the senior Senator from Rhode Island, who feels that if this amendment is adopted it would kill the bill.

On the contrary, it might be the only way the bill can be saved, because the President vetoed the last bill because it did not cover everything. This amendment does cover everything.

I would also like to point out to the distinguished Senator that so far as allowing expenditures of 20 cents, it would not change the categories at all. It would leave the 5-cent limitation on radio and television and the other 5 cents for newspapers and periodicals and add a new category of 10 cents.

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

Mr. ALLEN. I yield.

Mr. PASTORE. Where does the Senator get the formula for 10 cents? What is the documentation that the total costs are equal to radio and television and the other items?

Mr. ALLEN. I would like to call the

attention of the Senator to the fact that this is not an amendment of permission or extension. It is an amendment of limitation, because under the present law there is no limit. The sky is the limit. This amendment does not confer any authority to spend one single dime. It puts a limitation on spending that can be made.

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

Mr. ALLEN. If I might finish, please. The Senator seems to be under the impression that this would enable a candidate to spend more money. It puts a limitation on expenditures, the limitation bring the exact dollar amounts of the combination of the other two items. That is where it comes from.

Mr. PASTORE. Then why does the Senator not put all other items under the existing 10 cents?

Mr. ALLEN. I should like to do that. And if the Senator is serious in stating we can put the other items under the two 5 cents, if he would suggest the absence of a quorum to allow that amendment to be prepared, I would be willing to prepare it.

I understand that the senior Senator from Rhode Island has said he would accept it. That would end the matter as far as the Senator from Alabama is concerned.

I suggest that the Senator from Rhode Island do that.

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

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Chair advises the Senator from Rhode Island that he does not have sufficient time remaining on the amendment to suggest the absence of a quorum. Does he wish to suggest the absence of a quorum on the time allotted under the bill?

Mr. PASTORE. Mr. President, I withdraw the suggestion of the absence of a quorum and yield 3 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 3 minutes.

Mr. COTTON. Mr. President, I had not intended to take any time because both the Commerce Committee and the Committee on Rules and Administration have done such splendid work on this bill. However, Mr. President, I find myself in some disagreement with both of my colleagues. To some extent, I find myself in disagreement with the distinguished Senator from Alabama (Mr. ALLEN). I also find myself somewhat in disagreement with the distinguished Senator from Rhode Island (Mr. PASTORE).

Mr. President, more than a quarter of a century ago, I spent 10 years in the legislature of my own State. And I served for a long time as chairman of the Judiciary Committee of the State legislature. We were grappling with a State law for "clean" elections.

We saw attempt after attempt fail to accomplish the purpose we had in mind. Now, Mr. President, in my State the law is so strict that if a person runs for U.S. Senator in the State of New Hampshire he has to account for everything, even to putting value on the use of his own staff. Thus, the one thing which we learned in my State is that the secret of "clean" elections is rigid disclosure.

Artificial and arbitrary monetary restrictions are not the solution. I said this in committee and I have said it before on the floor of the Senate. This is the very basic point I find myself somewhat in disagreement on with the Senator from Rhode Island (Mr. PASTORE) in connection with the purpose of the bill. The thing we are trying to accomplish is not, in my opinion, to limit campaign expenditures, but rather to provide for complete and rigid disclosure of such expenditures. I challenge this or any other legislative body in the world to devise a statute with monetary limitations that cannot be avoided or circumvented.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. I yield myself 4 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 4 additional minutes.

Mr. COTTON. Mr. President, I hope Senators will not think I am too cynical in taking this attitude. But, I repeat that I challenge this body or any legislative body in the world to devise the kind of statute that cannot be avoided or circumvented, or to devise a law limiting expenditures. However, the one remedy that can be devised, coupled with strict sanctions for violations, is a law requiring that any man running for public office discloses the last cent he receives and spends. Under that kind of jeopardy, he would not take a chance. Our own State law provides that a candidate could be declared ineligible and have his name taken off the ballot if it were found that he failed to meet the disclosure requirements.

When the President vetoed a similar bill in the last Congress, one reason given was that it was not comprehensive enough. I think that reasoning was somewhat unfortunate. But, it is why we have to have an all-inclusive bill this year. I think that is unfortunate because if the people of my State and the people of this country could be accurately informed of campaign expenditures on a regular and periodic basis before an election, coupled with penalties for failure to disclose, then the electorate could come to their own judgment.

Any wealthy man who thinks he can buy a seat in the House of Representatives, in the Senate, or buy a governorship or any other high office and do it by pouring out money is mistaken. If those expenditures are disclosed, Mr. President, you can trust people not to permit him to do it. Furthermore, you can trust his opponent to see to it that it is well-advertised because that power would be in the hands of the poor man.

I have heard a lot said in the last few days that a poor man should have a chance to run for office. I agree. But, you are putting in the hands of the poor man, for whom so many tears have been shed, a weapon that will be more effective in preventing the expenditure of unreasonable and unconscionable sums in campaigns than anything else in the bill—disclosure.

If I had had my way in committee, and my amendment had been agreed to, then, this would have been a disclosure bill—period. Then, let the voters decide who deserves the office.

For that reason I agree with the distinguished chairman of our Communications Subcommittee, the Senator from Rhode Island (Mr. PASTORE), who has put more time and effort into this matter in the last few years than any other Member of this body.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. COTTON. I agree with the Senator from Rhode Island (Mr. PASTORE) that when we try to go as far as the Senator from Alabama (Mr. ALLEN) would have us go—with the best of intentions in the world and very sincerely—that we will get a bill that first, will not pass, and second, if it passes it will be utterly unworkable and unenforceable.

Mr. PASTORE. Mr. President, I yield myself whatever time I may need.

I want to make abundantly clear I will never vote for 20 cents. I think we have been very generous with the 10 cents. I would rather see 10 cents for everything than 20 cents for everything because I think we would scandalize this operation we have indulged in in the last few days.

All I am trying to say is the fact that 20 cents for every eligible voter, with the lowest unit cost, irrespective of how many people go to the polls, predicated upon a census taken by the Bureau of the Census is going to give any candidate a lot more money than he needs to effect a very effective campaign.

Now, if we begin to make this 20 cents I think the bill is going to be limited and I would rather see no bill at all. I am saying that frankly I would rather see this bill die this afternoon than to see an amendment adopted to bring it to 20 cents.

I am hopeful that when the disclosure law takes effect and we look at it after 1972, we will have an opportunity to determine whether all expenditures should come under the 10-cent limitation. That would be not only a favor for the incumbent but for the opponent.

I think this idea of how much it cost to come to Congress, or to win the Presidency has become a public scandal, and people cannot understand it. If we say a man must spend 20 cents for every eligible voter in his State I am afraid we are putting a price tag on public office, and that will scandalize this matter. I would rather see 10 cents for everything than 20 cents for everything.

Mr. President, I hope the amendment is rejected.

Mr. ALLEN. Mr. President, I yield myself 2 minutes.

The amendment would not provide for a 20-cent limit. The bill would provide, as it now provides, for one 5-cent limit,

another 5-cent limit, and then a 10-cent limit.

Under the way the bill is now written, the only limitation is a 5-cent limit, a 5-cent limit, and no limitation, so that under the bill $1 a person could be spent for expenses not covered by the two 5-cent limits.

This is not 20 cents per person; it is limited to 10 cents for all other expenses, other than the two 5-cent limitations provided by the bill.

This is not a concession or extension of spending authority. It is a strict constriction and limitation of spending authority and we should cover the whole field of campaign expenses and not just cover part of it.

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

Mr. ALLEN. I yield.

Mr. CHILES. As I understand the Senator's amendment, under spending we have covered those areas such as radio and television, and we have covered newspapers, but then, in the areas not covered, I understand that is where the Senator's limitation would now go, the Senator's amendment would say you could not spend more than a dime.

Mr. ALLEN. That is correct. That would be 10 cents.

Mr. CHILES. That is a high figure to me.

Mr. ALLEN. Very high.

The PRESIDING OFFICER. The 2 minutes of the Senator have expired.

Mr. ALLEN. Mr. President, I yield myself 1 minute.

Mr. PASTORE. I will yield the Senator time.

Mr. ALLEN. I have some additional time.

Mr. CHILES. But there is no limitation on that now. Is that correct?

Mr. ALLEN. That is correct.

Mr. CHILES. Will the Senator from Alabama tell me is there an opening in there, for example, for an unlimited mailing campaign or a letterwriting campaign or a mass writing campaign?

Mr. ALLEN. Under the bill without the amendment, there would be no limitation whatsoever.

Mr. CHILES. Then, if I were a wealthy candidate or had accumulated a war chest from special interest contributors, I, or a committee, could spend unlimited amounts for that kind of campaign effort?

Mr. ALLEN. Yes.

Mr. CHILES. That means that without this amendment, a presidential candidate with unlimited funds could decide he was going into a nationwide mass communication campaign?

Mr. ALLEN. Yes.

Mr. CHILES. And he could engage in certain techniques as to how many pieces to send out, and he could spend unlimited sums on that kind of campaign.

Mr. ALLEN. Campaigns were run long before radio and television, and very successfully.

Mr. CHILES. Would the Senator tell me whether someone could hire workers for telephone banks or for door-to-door canvassing?

Mr. ALLEN. The candidates could do that without limitation under the bill as written, without this amendment.

Mr. CHILES. There would be no limitation. Under the Senator's amendment would there be some limitation?

Mr. ALLEN. Yes; it would come under the overall 10 cent limitation. None of the 10 cents, by the way, could be transferred to other forms of advertising.

Mr. CHILES. So the lid or restrictions would still be on them?

Mr. ALLEN. That is correct.

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

Mr. ALLEN. Yes; if I have time.

Mr. DOLE. I want to refer to the question raised by the Senator from Rhode Island. I share the view expressed by the Senator from Alabama that this would not, in effect, be doubling the cost of the campaign.

Mr. ALLEN. Absolutely not. There is no obligation to spend a dime. It is just a limitation. Right now there is no limitation. It could be a dollar per person. This amendment would hold it down to 10 cents. There would be no obligation to spend it at all. It would be there. It is limited. Under the present bill there is no limitation. This amendment puts a limitation on those expenditures.

Mr. PASTORE. Mr. President, if the Senator will yield, to answer the question, I am not opposed to a limitation of all other expenditures as well. The trouble is we have no guidelines to make any sense out of it. How do I know 10 cents make sense? I am trying to find out where they got the figure of 10 cents.

We found out what the candidates are spending, on the average, for radio and television. We found out how much the discount came to. We found out what the leverage was there. There are some elements on which to make a determination which will provide fairness.

The Senator from Florida raised the question of direct mailing. How can we stop any Member of Congress who is an incumbent from sending out a newsletter? What does that cost? Is that fair to anyone on the outside who has to go out and buy stamps? An incumbent can do it up to the day of his election. As a Member of Congress he can do that.

We talked about this back and forth. The Senator from New Hampshire (Mr. COTTON) said, "There is very little radio and television in my State. I do much of mine through direct mailing." When we debated this question back and forth, we reached the conclusion that we ought not to persist in this. Am I correct?

Mr. COTTON. Yes.

Mr. PASTORE. Here we are this afternoon saying, "Let us make it 10 cents for everything else." I am not opposed to limiting everything else, but I do not know what that figure should be. I would be perfectly willing to take the 10 cents we already have rather than the 20 cents suggested. Whether it should be 2 cents more, or 3 cents more, I do not know. Some day it will have to be controlled. Now the way it is controlled is by full disclosure. Perhaps next time we will be in a position to do something about it.

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

Mr. PASTORE. Yes, out of my time.

Mr. DOLE. I think the President referred to what is being suggested. The Senator from Rhode Island said that perhaps after the 1972 election we will have more information and history for imposing some overall limitation. I agree that there should be an overall ceiling of expenditures, but how are we going to determine what is fair for direct mailing and postage in the operation of a campaign? I think the Senator from Alabama is only trying to further limit expenditures because now the door is wide open as far as the limits are concerned.

Mr. PASTORE. But we have full disclosure, and it would be scandalous if a person spent as much in all the other categories. Then there is the question of volunteers. The question was raised by the Senator from New York as to whether services of volunteers should be considered as part of a contribution. One man may have 50 volunteers, and another man may have to hire them. We have no experience in this regard. We left that out of the bill rather than jeopardize it.

If the proposal were for 2 cents more, I would be more amenable to it. If it were for 3 cents more, I would be more amenable to it. I do not know any more about the 2 cents than the 3 cents, but somehow I know by instinct that another 10 cents is scandalous.

Mr. ALLEN. It is $1 now, if one wants to spend it, I remind the Senator.

Mr. PASTORE. Mr. President, who has the floor?

The PRESIDING OFFICER. The time of the Senator from Alabama has entirely expired.

Mr. PASTORE. I am willing to yield some time to the Senator from Alabama.

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

Mr. PASTORE. I yield to the Senator from Kentucky.

Mr. COOK. Is it true—and I will ask this question also of the Senator from Nevada—that during the course of developing this bill we spent literally hours and hours going over sheets that had been requested from candidates, through the Federal Communications Commission, through all types of facilities we could get, through statistics that had been published on expenditures, through statistics that had been published on newspaper advertisements, and the determination for these figures came as a matter of logic and they came as a matter of statistics from figures we had before us? But there is no statistical information on which to base this figure. Do we know where it came from? Do we know how to figure it? I hope Senators who were in the committee on the markup, and who went over page after page and figure after figure on matters that are treated in the bill, will agree that the percentages we came up with had a relation thereto.

Mr. PASTORE. Take a man in the State of California or the State of New York who runs for the Senate. How do I know how many headquarters he should have? How can I determine that? That is hard to do. How much telephone expense should I allow him? That is hard to know. How much postage should he be allowed? That is hard to know. How many canvassers should he be allowed to have? That is hard to know. At this moment it is an impossibility.

I come back to my friend from Alabama: The only safeguard is one's conscience and the fact that he has to disclose this matter fully.

If after the next election we find that spending on unrelated means was twice as much as it should be in those other categories and that there should be a ceiling on them, we will have something to go by and we can correct the law.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

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 Oklahoma (Mr. HARRIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE), and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

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

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

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

The Senator from North Dakota (Mr. YOUNG) is detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 31, nays 60, as follows:

[No. 201 Leg.]

YEAS—31

Allen	Cranston	Roth
Bayh	Dole	Saxbe
Brock	Fulbright	Schweiker
Brooke	Gambrell	Sparkman
Buckley	Gravel	Spong
Burdick	Javits	Taft
Byrd, Va.	Long	Talmadge
Case	McIntyre	Thurmond
Chiles	Packwood	Tunney
Church	Pell	
Cooper	Randolph	

NAYS—60

Aiken	Fong	McGee
Allott	Goldwater	McGovern
Anderson	Griffin	Metcalf
Baker	Gurney	Miller
Beall	Hansen	Mondale
Bellmon	Hart	Montoya
Bentsen	Hatfield	Moss
Bible	Hollings	Muskie
Boggs	Hruska	Nelson
Byrd, W. Va.	Hughes	Pastore
Cannon	Humphrey	Prouty
Cook	Inouye	Proxmire
Cotton	Jackson	Ribicoff
Curtis	Jordan, N.C.	Scott
Dominick	Jordan, Idaho	Smith
Eagleton	Kennedy	Stennis
Eastland	Magnuson	Stevens
Ellender	Mansfield	Symington
Ervin	Mathias	Tower
Fannin	McClellan	Weicker

NOT VOTING—9

Bennett	Mundt	Stevenson
Harris	Pearson	Williams
Hartke	Percy	Young

So Mr. ALLEN's amendment (No. 306) was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I have just been told that the Senator from Vermont (Mr. PROUTY), for personal reasons, will have to leave the Chamber and leave the District. Before he does, I want to take this occasion to thank him for his fine spirit of cooperation on this measure, and I mean that sincerely.

The argument that this was to be a Republican or a Democratic bill, I think, has disappeared into thin air. I think there has been a fine spirit of cooperation and he especially has been a leader in this crusade and I want to thank him very much.

Mr. PROUTY. Mr. President, may I express my deep appreciation.

Mr. COTTON. Mr. President, may I, from the other side of the committee, join the distinguished senior Senator from Rhode Island in expressing our appreciation for the long hours of hard work which the distinguished Senator from Vermont (Mr. PROUTY) put in not only in the committee but also on the bill.

AMENDMENT NO. 382

Mr. CURTIS. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. TAFT). The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

On page 2 strike out beginning with line 12 extending to and including line 2 on page 3.

On page 7 strike out beginning with line 23 extending to and including line 5 on page 8.

Mr. CURTIS. Mr. President, if we can have order in the Senate, I can state my case very quickly.

Mr. President, my amendment is in two parts. I can be forced to separate them but before I make a unanimous consent request that it be considered as one amendment, I should like to explain what it does.

It strikes out some language in two different places in the bill. The first language it strikes out is that section which requires a broadcaster to sell time to a Federal candidate "for the lowest unit charge of the station for the same amount of time during the same period." The other part of it relates to nonbroadcast media, that "it shall not exceed the lowest unit rate charged by others for the person furnishing such medium for the same amount of space."

Mr. President, inasmuch as one principle or proposition would be voted on, I ask unanimous consent that my amendment may be treated as one amendment.

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

Mr. PASTORE. Mr. President, will the Senator from Nebraska yield?

Mr. CURTIS. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. The Senator said the lowest unit rate for any candidate for Federal office on the electronic media. That is not so. He means any candidate for any elective office, anywhere, whether Federal, State, or municipal, 45 days before a primary and 60 days before an election.

Mr. CURTIS. I thank the distinguished Senator from Rhode Island, the floor leader of the bill, for his correction.

Mr. President, my reason for opposing these sections is that it is price fixing. We are telling the local publisher that he has to sell advertising time, to whom? To us—at a rate that is the lowest he sells to anyone.

We are saying to the local broadcaster, if this language remains in the bill, that he must sell advertising time to us at the lowest unit rate he charges anyone else.

Mr. President, I am not in favor of price fixing by law and, furthermore, if there ever comes a time when price fixing is justified by law, certainly it would be to combat inflation or to carry out war powers; but here we have the unheard of situation where Congress is picking out one instance in the whole economy and fixing the price.

Who are we to dispute the fact that here is a local publisher that may, for some good reason, have a low rate for the local citizens who advertise, not during a short period but advertise year in and year out. The same is true of a broadcaster.

I think that this is unwise legislation. I judge no one else, but to my mind it is not morally right that we should impose price fixing for our benefit.

Now let us consider the situation of the local publisher of the local paper. He has felt the forces of inflation. His newsprint costs him more. His postage costs him more—and we had something to do with that. All of his expenses for machinery, repairs, and everything else, is costing him more; yet, we say to him, "We are going to fix the price of what you charge us." It is true that we do not fix it as a dollar amount, but the authors of the bill say, and I will read the language for the broadcasters:

The lowest unit charge of the station for the same amount of time during the same period.

Mr. President, among other things, in addition to conceding the right of a local businessman to make a price to someone that is a permanent customer, I think that any businessman has a right, in fixing his price, to take into account what the record is for payment. We hear all the time, not about a great number of candidates, but it happens often that political bills sometimes go unpaid or they are difficult to collect.

Well, Mr. President, I believe that to pass this measure with this language in here is not in the best interests of Congress. I do not believe we should say that we are entering the field of price fixing because we are involved. We may not intend it that way. I am not trying to interpret anyone's mind or put words into anyone's mouth, but I say that many people back home, including the taxpayers who own broadcasting stations and the taxpayers who publish newspapers, will think of it in that way.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CURTIS. Mr. President, I reserve the remainder of my time.

Mr. PASTORE. Mr. President, this is not the first time during this debate that this matter has been discussed. First of all, we have got to understand that we are talking about public policy. We are talking about educating the American people during a campaign, not only as to the personalities, the integrity and the capability of the candidates, but also as to the issues.

Under existing law—and I am speaking now of the Communications Act—there is already provided that "charges made for the use of any broadcasting station for any of the purposes set forth in this section shall not exceed charges made for comparable use of such station for other purposes."

What we are doing here is not to set any price or fix any price. We are merely saying to a broadcasting station, "If you yourself have established a lowest unit rate for reasons that a candidate for public office cannot possibly comply with for the simple reason that he only runs a certain number of weeks before election day, then in the particular case of that candidate, whether he is running for Congress or for the school committee in his own community, you cannot charge him any more than the lowest unit rate in the public interest."

It only extends for a period of 45 days before a primary and for 60 days before a general election.

Now, coming to the newspapers, a question was raised as to whether that could be done with reference to newspapers and whether that would be unconstitutional. Well, no court has yet held it unconstitutional. And when I say no court, I mean the Supreme Court of the United States. However, we have statutes in eight States. Here is the statute in Florida:

> No person or corporation within the State publishing a newspaper or other periodical or operating a radio or television station or a network of stations in Florida shall charge a candidate for State or county political office for political advertising a rate in excess of the regular rate usually charged persons for commercial advertising.

This is one case. The question was raised in the State of New Hampshire. The Supreme Court of the State of New Hampshire held in that case:

> That the establishment of the criteria which prohibited a newspaper or radio station from charging rates higher than those established for commercial advertising was not abridging the freedom of the press.

That opinion was appealed to the Supreme Court and the Supreme Court of the United States refused to grant certiorari. They then asked for a review of the rejection of certiorari and the court refused a second time. Therefore, that decision stands.

The point I make, apart from the constitutionality of it, is that licensees, when they are granted the license, must perform a public service. That is required by the law. The Senator himself knows that from time to time the news media and broadcasters will come to a Senator and interview him. They do that to fulfill the requirement that they give time for news service.

They have a news section which complies with their obligation and responsibility to render public service. That is all we are doing here.

We are saying to the broadcasters: "Well, if you grant to Procter & Gamble a spot at 6 o'clock on your television station on a certain day, if you sell that time to a candidate for public office for the school committee in your city, you cannot charge him any more than you charge Procter & Gamble."

Why is there the fixing of a rate? The rate was fixed by the station. All we are saying is that they have got to render to that individual who is running for public office the same rate as they do for a commercial advertiser. That is all it amounts to.

Mr. BAKER. Mr. President, would the Senator yield?

Mr. PASTORE. I yield.

Mr. BAKER. Mr. President, it might be more appropriate for the Senator from Nebraska to yield to me.

Mr. CURTIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Nebraska has 7 minutes remaining.

Mr. CURTIS. Mr. President, I yield 2 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the Senator from Nebraska for yielding.

Mr. President, as the Senator from Rhode Island knows, since we have discussed it privately and in committee on a number of occasions, I support the concept embodied in the amendment of the Senator from Nebraska (Mr. CURTIS). I have always felt, and I still feel, that legislating a requirement for a lowest unit rate on radio and television represents the first time Congress has meddled with the business of ratemaking in the broadcast media.

I also feel that the business of establishing a lowest unit rate represents an effort to dictate rates in a field where ratemaking has always been an anathema in any case, and that is in the printed media.

I favor the amendment of the Senator from Nebraska. I offered a similar amendment in committee and it was not adopted.

There is a paradox of sorts implicit in the bill as presently written. On the one hand, we are limiting the amount that can be spent; and on the other hand, we are allowing ourselves the lowest rate, a rate that we are not earning by frequency of broadcast but because of our status as politicians. That is an imposition on television and radio broadcasters.

Within the confines of the limitation of 2 minutes that has been allotted to me, I would like to say that my opposition to the lowest unit rate concept is not made in ill will, but in the belief that we are levying a subsidy in favor of ourselves, and I do not think it appropriate.

Mr. PASTORE. Mr. President, I yield myself time on the bill. I want to say to the Senator from Tennessee that he has been very cooperative and very persistent about this. This has been his position from the beginning. The majority of the committee felt otherwise. So did the members of the Committee on Rules and Administration.

I want to correct one statement the Senator made. He said that this is the first time we have meddled with rates. That is not true. We got this provision in the Communications Act. That is all we are doing.

Mr. CURTIS. Mr. President, I yield 2 additional minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I only want to say that this is my point of view. I think that the Senator from Rhode Island and I are talking of two different things. I say that we are meddling in ratemaking in our own favor when we say that we should have the same discount that is allotted to a commercial user for competitive advertising on the basis of a whole year of advertising when we as politicians advertise only during the weeks immediately preceding a campaign. We are ratemaking.

Mr. PASTORE. Mr. President, this is not confined to Senators and Representatives. This is for a President, for State officers, for Governors, for Lieutenant Governors, for someone who is running for a school committee or dog catcher.

We are saying that the public needs to know these candidates and the issues and that they have got to make it as convenient as possible so that those issues can be brought into every home in America at the best possible price that is charged anyone else.

Mr. BAKER. But we are limiting the amount of broadcasting we can do on the one hand and are providing an attractive inducement on the other hand by giving it the lowest rate.

I intend to support the amendment.

Mr. CURTIS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 2 minutes.

Mr. CURTIS. Mr. President, I call attention to the fact that I have not raised a constitutional question about this matter. There might be one. It has been cited here that eight States have something similar. By the same token, 42 States apparently do not have. And there must be a reason for that.

I feel that this requirement that there be the lowest unit rate is quite different from a comparable rate. And to that extent it is price-fixing. It is definitely price-fixing for our benefit. There are many forces in the political world that contend that because the public needs to know, the broadcaster should give free time. Why? They contend that because the elected politicians can hold a threat over someone who must have a Federal license. That is not right.

Mr. President, we might say that the public needs to meet the candidates and, therefore, the gasoline stations should give us free gasoline to travel up and down our States or our districts. There is no defense, as I have said, for this language. There is no reason for creating this special privilege for ourselves, and that is what it amounts to. I have

not read all the hearings, but I doubt very much that a strong case could be made of abuses in the field of prices that would cause us to feel concerned so that this provision would be warranted.

Mr. PASTORE. Mr. President, all time has been yielded back. I move to lay on the table the amendment of the Senator from Nebraska.

Mr. CURTIS. Mr. President, will the Senator yield at that point?

Mr. PASTORE. I yield.

Mr. CURTIS. I would hope that the distinguished Senator from Rhode Island would allow us to vote on the amendment on its merits.

Mr. PASTORE. Very well. Mr. President, I withdraw my motion. The Senator wants an up or down vote?

Mr. CURTIS. Yes.

The PRESIDING OFFICER. The motion is withdrawn.

The question is on agreeing to the amendment of the Senator from Nebraska (No. 382). 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 Virginia (when his name was called). Mr. President, because of a possible conflict of interest, I announce "present."

Mr. TAFT (when his name was called). Present.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma (Mr. HARRIS) and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. PEARSON), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from Nebraska (Mr. HRUSKA) and the Senator from Illinois (Mr. PERCY) are absent on official business.

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

The Senator from New York (Mr. BUCKLEY), and the Senator from Connecticut (Mr. WEICKER) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

The result was announced—yeas 31, nays 55, as follows:

[No. 202 Leg.]

YEAS—31

Allen	Dole	Packwood
Allott	Dominick	Roth
Baker	Eagleton	Smith
Beall	Ervin	Stevens
Boggs	Fannin	Symington
Brock	Goldwater	Talmadge
Case	Griffin	Thurmond
Cook	Gurney	Tower
Cooper	Hansen	Young
Cotton	Javits	
Curtis	Jordan, Idaho	

NAYS—55

Aiken	Hart	Mondale
Anderson	Hatfield	Montoya
Bayh	Hollings	Moss
Bellmon	Hughes	Muskie
Bentsen	Humphrey	Nelson
Bible	Inouye	Pastore
Brooke	Jackson	Pell
Burdick	Jordan, N.C.	Proxmire
Byrd, W. Va.	Kennedy	Randolph
Cannon	Long	Ribicoff
Chiles	Magnuson	Saxbe
Church	Mansfield	Schweiker
Cranston	Mathias	Scott
Eastland	McClellan	Sparkman
Ellender	McGee	Spong
Fong	McGovern	Stennis
Fulbright	McIntyre	Tunney
Gambrell	Metcalf	
Gravel	Miller	

ANSWERED "PRESENT"—2

Byrd, Va.	Taft

NOT VOTING—12

Bennett	Hruska	Prouty
Buckley	Mundt	Stevenson
Harris	Pearson	Weicker
Hartke	Percy	Williams

So Mr. CURTIS' amendment (No. 382) was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, for the benefit of Senators, I know of only one more amendment, which we intend to accept. Does the Senator from Colorado have one?

Mr. DOMINICK. Yes.

Mr. PASTORE. Does anyone else have an amendment?

Mr. BAKER. I have one. It will not take very long.

Mr. PASTORE. Are there any other amendments?

Mr. HART. I have an amendment.

Mr. PASTORE. I would say to my colleagues, for their convenience, that if they will stay around for a little while, I think we can have a final reading around 5:30.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HART. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 30, lines 14–15, strike: "during regular office hours".

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, I yield myself such time as I may require. I anticipate it will be only a moment.

I have discussed this amendment with the able manager of the bill. Throughout the debate, the Senator from Rhode Island and the Senator from Nevada—

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order, so that Senators may hear the Senator from Michigan.

Mr. HART. The Senator from Rhode Island has emphasized that the key value in the bill we are considering is disclosure, the availability of information. We have our disagreements about many other aspects, but all of us see the value in this. To insure that disclosure, a number of reports are required, and perhaps the key report is the one that is required to be filed on the Thursday before election day with the national commission.

The language as contained in the Pastore substitute leave open the possibility that that report might not be available to the public until the following Monday, the day before the election. By eliminating the words "during regular office hours" on page 30, it becomes clear that it is our intention that the Commission shall be required to be open for business on that Saturday, in order that those reports, while it is hoped they would be available on the Friday, at least would be available not later than the Saturday preceding the election.

I think it is a very desirable clarification.

The most important of the reports which this bill requires is the report which must be filed 5 days before the election.

As we all well know, most political money is received and spent in the closing days of a campaign and thus the final report is likely to contain the greatest amount of information.

If disclosure is to be meaningful, the press must have access to the report no later than the Saturday morning prior to the election. Under the present language of amendment 308, it is possible that the Election Commission might interpret the law as not requiring it to make the report available until 9 a.m. on Monday, prior to the election. The amendment I am proposing for the reason that "during regular office hours" might be thought to rule out the Saturday prior to the election. It is essential there be no ambiguity—the records must be available on that Saturday, and that the press be given access to them for the entire day.

Of course, we would hope that the Commission would make the reports available even earlier, if possible. The Pastore substitute clearly provides for earlier availability.

Mr. President, real reform in the area of campaign finance requires not only disclosure, but also public access to what is disclosed. My hope is this amendment will be adopted to guarantee that access.

Mr. CANNON. Mr. President, the amendment is a reasonable one, and I hope would not involve an extraordinary burden except for that very brief period of time. The whole purpose of the Commission is geared up for this kind of an event, and therefore I am willing to accept the amendment.

The PRESIDING OFFICER. Do the Senators yield back the remainder of their time?

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

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

The PRESIDING OFFICER (Mr. TAFT). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

AMENDMENT NO. 369

Mr. DOMINICK. Mr. President, I call up my Amendment No. 369.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

SEC. 315. (a) On Monday immediately following the first Sunday in November in 1974, and in every second year thereafter, the official closing time of the polling places in the several States for the election of electors for President and Vice President of the United States and the election of United States Senators and Representatives shall be as follows: 11 postmeridian standard time in the eastern time zone; 10 postmeridian standard time in the central time zone; 9 postmeridian standard time in the mountain time zone; 8 postmeridian standard time in the Pacific time zone; 7 postmeridian standard time in the Yukon time zone; 6 postmeridian standard time in the Alaska-Hawaii time zone; and 5 postmeridian standard time in the Bering time zone: *Provided*, That the polling places in each of the States shall be open for at least twelve hours.

(b) The provisions of this Act shall become effective on January 1, 1974.

Mr. DOMINICK. Mr. President, in connection with the amendment, the word "Monday" on line 1, page 1, should be "Tuesday", and the word "Sunday" on line 2, page 1, should be "Monday". I modify the amendment to that extent.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. DOMINICK. Mr. President, I am not going to take very long on this proposal, because I have discussed it with the distinguished floor manager of the bill (Mr. PASTORE), and he indicated to me that he did not think it was germane. I think he is probably correct in that view, and if he should make such a motion, I would have to withdraw it.

I would like, however, to take this opportunity to discuss it briefly, because it has considerable support, and then to ask the Senator from Nevada (Mr. CANNON) whether or not we might expect some kind of favorable action on my bill, S. 1385, which is pending before his Privileges and Elections Subcommittee. That bill would move the day for national elections from Tuesday to Monday, make it a national holiday, require the polls to stay open for at least 12 hours, and provide for a uniform national closing time. This amendment is taken from that bill, and would require all polls to stay open at least 12 hours, and close simultaneously at 11 p.m., eastern standard time.

What I am dealing with here, and I shall be very brief, is the fact that at the present time, with the electronic computers and a variety of other things, we now have the election returns which come in first, along the Atlantic coast area, are flashed all over the country and have a decided effect, in the eyes of most political observers, on who votes and how they vote in all the other time areas of the country.

We now have more than six time zones in this country, and there is increasing concern that they have had a rather significant effect in recent national elections. Poll opening and closing times are established under State law. They vary within States, and within time zones. There really is no need for that.

What I am proposing, therefore, is that Congress establish a mean Greenwich time for national elections at which all polls would close simultaneously. That time would be 11 p.m., eastern standard time.

It would not create any particular hardship. It would require the polls to stay open longer in some areas than they do now. The polls could open any time at least 12 hours prior to the uniform closing time—11 p.m., eastern standard time.

There is no constitutional problem involved, insofar as we have been able to find out, and we have looked into it rather carefully. Article II, section 3 of the Constitution gives Congress the power to determine the time of choosing electors for President and Vice President, and article I, section 4, gives Congress the power to regulate the time, place, and manner of holding elections for Senators and Representatives.

The Supreme Court has indicated that this may also apply to presidential elections.

While I admit this amendment is technically not germane, I feel it is very relevant to election reform. But my question is not merely whether it is germane. My question is whether the distinguished Senator from Nevada (Mr. CANNON) who is chairman of the subcommittee before which my bill is pending, feels this matter is of sufficient importance to merit hearings during this Congress. If Senator CANNON can give me some reaction to this, I would be pleased.

Mr. PASTORE. I want to say to the Senator that he is now dealing in a matter that has troubled the entire country, including the experts. I do not care what State is involved. Today, through the computer system, the forecast of election results is made long before people have even completed voting in their own State.

In my State, for example, are certain localities which, by custom, open their polls very early. They happen to be the rural areas, where the activity is more or less agricultural. Those people go to the polls very early in the morning. Those polls close about 5 o'clock in the afternoon. After about 6 o'clock, they tell you who is going to win the election.

They take the polls in New York and project them and tell you who is going to be the President. In California, they have not yet gone to vote.

With respect to the system that has been suggested by the Senator, what is he going to do about Hawaii?

Mr. DOMINICK. Under this amendment, and the identical provision in my bill, S. 1385, the polls would close simultaneously in Rhode Island and Hawaii. In Rhode Island, that time would be 11 p.m.; in Hawaii it would be 6 p.m.

Mr. PASTORE. We had hearings before our committee, and when they were all over—we had the best people in the country come there—we did not know any more about what we should do than when we started.

I think the only answer to the problem—it has to be studied independent of this bill—is that it is so complex that it has to be studied exhaustively to get the right answer.

The right answer may be that there must be the hiatus of a holiday, with all the polls closing, and then open them all at the same time. But for me to tell the people of Kentucky that they cannot start voting until 10 o'clock in the morning, when they are in the habit of starting at 6 o'clock in the morning—I would not want to venture that on the floor this afternoon.

This is not germane, but I hope the Senator will not force me to raise the question of germaneness. I hope that after he makes his presentation, he will withdraw his amendment as not germane.

Frankly, the Senator has touched a very sensitive nerve. We have to get an answer to this question. Many people feel that if the elections look good in New York, that is the way the people who have not yet gone to the polls in California are going to vote. Many others say that is nonsense, that it does not affect anyone. I do not think anyone in the country knows the answer to it—unless we have the elections according to schedule and then say that no machine shall be open and no ballot shall be counted until 24 hours after the last poll is closed. That is the only way to obtain unanimity. I am not even ready to suggest that, because I can imagine the mail that would come into my office tomorrow if I did.

Mr. DOMINICK. I say to the Senator from Rhode Island that I am perfectly willing to withdraw this amendment in a few minutes, provided I can get some assurance from the Senator from Rhode Island or the Senator from Nevada that we will have some hearings on the problem later in this session. Even under my proposal, this would not be effective until 1974; so I am not talking about trying to make it effective for 1972. If we could get some hearings and get some idea of the opportunity to present material on this matter, I think it would be helpful.

Let me say that the concept of a uniform poll closing time was endorsed by the National Governors' Conference in 1966. They passed a resolution which is contained in the statement accompanying this amendment when I submitted it on August 3, showing what their proposal is. This is a uniform 24-hour voting period with simultaneous starting and closing times and it provides for establishing a national holiday for national elections. Perhaps that would be a better system. Its merits could be fully explored in hearings on my bill.

In answer to the Senator from Rhode Island, may I say that, based on reports in the 1962 election from New York, a CBS computer predicted that I was defeated in Colorado, before the polls had closed. I might say that, having made that prediction, when I won—and won rather handily, if I may say—in 1962, the New York Times still carried me as losing; and, when they found I had won, they carried me as a Democrat.

Mr. PASTORE. The Senator has proved the case against himself.

Mr. DOMINICK. No. What I am saying here is that the predictions are made and the effect is unpredictable. Nobody knows. But why do we do it this way? Why can we not have standard closing times in every one of the time zones, so

that the problem of computer predictions of election results based on early returns is eliminated? It would not create any problems for anybody in the voting areas involved, and it still would give ample time for everybody to vote.

Mr. PASTORE. The only answer I can give the Senator is that God made him see the sun 3 hours earlier in New York than he sees it in California.

Mr. DOMINICK. The returns would be coming in at exactly the same time around the country. It would happen to be, we will say, 11:15 in New York and 6:15 in Hawaii. But they would be coming in at the same relative time. This is the point I am making.

If the Senator would give me some assurance that we could get a hearing sometime this year or next year, I would withdraw it. I have introduced a bill already.

Mr. PASTORE. I think that what the Senator should do is submit a bill providing for the President to select a commission to make a scientific study of this problem. Psychologically, does it have an effect? Should it be changed? How should we do it, if it should be changed? I think it ought to be studied in that way, as we have had many other task forces, and have them report to Congress, so that we can look at it and see what we want to do about the recommendations. That is the way I would do it.

They would have to be people who made a very deep, scientific study of this matter and who would come in with a concrete recommendation. If many people are called before a hearing, my experience is that by the time we get through, we get confused. I think somebody has to come up with a single answer and say, "This is the way it ought to be done, for this reason."

Mr. DOMINICK. The Senator from Rhode Island really does not mean that. He conducts hearings all the time. As a matter of fact, one of the points he has repeatedly made with respect to this campaign spending bill is the tremendous number of hearings they have had and the witnesses they have had and that arguments on both sides have been discussed. So he really does not mean that, I am sure.

All I am asking for is the same type of consideration for this bill, which I think is of significance, as the Senator gives to any other bill.

Mr. PASTORE. It does not come within the jurisdiction of my committee.

Mr. DOMINICK. But it does come within the jurisdiction of Senator CANNON'S committee.

Mr. PASTORE. He will have to answer the question.

Mr. DOMINICK. My bill is before his committee now.

Mr. CANNON. Mr. President, this is not a new proposal. We have had proposals of one sort or another for a number of years before our committee. The distinguished Senator from Nebraska (Mr. CURTIS) has had a proposal before our committee. The distinguished Senator from Arizona (Mr. GOLDWATER) has had a proposal before our committee. We have given considerable study to the matter. We have not had hearings because it has been proved that so far it is very impracticable to follow any of the suggestions that have been proposed.

For example, in the proposal the Senator has now, it would mean that in Hawaii, if they are going to vote in a presidential election or in a Federal election, they would be told that they have to vote at 1 o'clock in the morning and that they can only vote from 1 o'clock in the morning till 1 o'clock in the afternoon.

Mr. DOMINICK. No. The polls would close at 6 p.m., Alaska-Hawaii standard time. They would open at least 12 noon before that.

Mr. CANNON. That is quite unreasonable. But that situation would occur because of the time change.

There is no realistic way. We would be better off if we eliminated all the time zones and put all the country on the same time zone, and if we had from 8 o'clock in the morning until 8 o'clock at night, everybody would be voting at the same time.

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

Mr. DOMINICK. I would be happy to yield, but I just want to correct the RECORD.

Under my amendment, the polls would have to be open at least: eastern standard time—from 11 a.m. until 11 p.m.; central time—10 a.m. until 10 p.m.; mountain time—9 a.m. until 9 p.m.; Pacific time—8 a.m. until 8 p.m.; Yukon time—7 a.m. until 7 p.m.; Alaska-Hawaii time—6 o'clock in the morning until 6 o'clock at night; Bering time—5 o'clock in the morning until 5 o'clock at night. The polls could open any time before those times, but would have to close at those times. So we are not rendering any hardship to anyone, which is the point I want to make.

Mr. MILLER. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. MILLER. Mr. President, I think that the Senator from Rhode Island has made a good statement when he said that this is a problem we are going to have to solve. In going around the country, all of us have heard many comments about this problem and most people are wondering why we do not do something in Congress about it. So it is not a matter of doing something about it, but when we are going to do something about it. I say the sooner the better.

I do not know why there should be any reluctance to hold hearings on this. As a matter of fact, I could suggest to the Senator from Rhode Island to take this amendment to conference and see what the House thinks about. Failing that, at least we might have hearings to let the people know that we are interested in doing something about it. The Senator from Rhode Island is 100 percent right when he said it is a problem we are going to have to take care of. Let us start to take care of it. The sooner the better.

I would suggest to the Senator from Nevada (Mr. CANNON) that he accede to holding hearings on this very important and perplexing problem.

Mr. CANNON. I would agree to hold hearings if the schedule permitted, but not this session. We have other work that comes ahead of that. There are a number of problems here. One problem is that it would not come within the jurisdiction of my committee, but it probably would come within the jurisdiction of the committee under the chairmanship of the Senator from Rhode Island. The suggestion to prohibit the transmission of information until a certain time would be a much better proposal than imposing a duty on people to get out and vote at some other hour of the day in order to make it convenient for people who vote in a different time zone.

Mr. PASTORE. When that suggestion was made by someone, that we do that, the roof caved in. How can we stop a reporter speculating what the results will be in another State? We cannot do that.

Mr. DOMINICK. We cannot stop reporting by a CBS computer, an NBC computer, or any other computer for that matter. I do not know that we want to do that. We would have constitutional problems. What I am saying is that if we have them closing at the same time, there is no possibility of getting any legitimate results before that closing time so that they can spread it around and influence the election in other areas of the country.

Mr. MILLER. What has been brought out here is that the Senator from Rhode Island's committee probably does not have jurisdiction of a solution that will be a workable and constitutional solution. That gets us back to the committee headed by the Senator from Nevada, and I would ask my friend from Nevada if he would not accede to the request of the Senator from Colorado to hold hearings either this session or, I believe he said the next session, so that we can get this show on the road and get something done about this problem.

Mr. CANNON. I am not willing to permit a hearing this session, but I would be quite willing to hold hearings on the bill next year, and a myriad others that have been proposed along this line, but I would have to do so at a time convenient to the committee, of course.

Mr. DOMINICK. When the Senator refers to "this session," I thought the Senator meant not just this year but also next year. If the Senator is only talking about this year, of course, that would be different.

Mr. MILLER. I believe I heard the Senator from Colorado originally ask for this session.

Mr. DOMINICK. I did, but would be pleased with a commitment for hearings this Congress.

Mr. MILLER. I think that is a reasonable request. I can understand why the Senator from Nevada would not want to agree to hold hearings just this session, this year, because by the time we get back from our recess and what is on the agenda, that would be impracticable to do. But I would certainly hope that he would agree to hold them during this Congress.

Mr. DOMINICK. I would say to my good friend from Nevada, and also to my good friend from Rhode Island, that

this is not a partisan amendment. The cosponsors are Senators ALLOTT, BENNETT, SCOTT, and WILLIAMS. On the bill, there are more sponsors than that, from both sides of the aisle. The Senator from Oklahoma (Mr. BELLMON) was discussing this with me a little while ago and he said he thought it was an excellent idea.

What I am saying is that the Senate should do something in this field. Up to date, I really have not been aware at least of any particular activity along the lines indicated by this amendment. If the Senator from Nevada would give me some assurance, as I understand he is now willing to do, within the course of events of the committee's business, that would be sufficient; but I would hope that I could get some expression from him now that it would happen, if not this year, then next year, that we should talk about a definite future, when he or I may not even be here.

Mr. PASTORE. The Senator from Nevada has already given the Senator that assurance. He said that if the schedule permits, he will hold some hearings, hopefully next year.

Mr. DOMINICK. Fine.

Mr. PASTORE. I do not see how the Senator can expect the Senator from Nevada to go any further than that now. We are all busy people.

Mr. DOMINICK. At this point then, Mr. President, I withdraw my amendment.

The PRESIDING OFFICER (Mr. SPONG). The amendment is withdrawn.

Mr. KENNEDY. Mr. President, will the Senator from Rhode Island yield for a question?

Mr. PASTORE. I yield.

Mr. KENNEDY. I should like to direct the Senator's attention to page 10 of the bill under the heading "Cost-of-Living Increase in Limitation Formula."

Mr. PASTORE. What is that again, please?

Mr. KENNEDY. In section 104, on page 10 of the bill, under the title, "Cost-of-Living Increase in Limitation Formula," there is included an amendment originally proposed by the Senator from Kentucky (Mr. COOK). The amendment provides a cost of living escalator for the spending limitations, which the bill now sets at 5 cents a voter for broadcast media, and 5 cents a voter for other media. The 5-cent limitations are based on calendar year 1970. Subsection (b) states "Commencing immediately after the end of 1971," the escalator clause is to apply. As I understand it, this means that the 5-cent limitations will be increased for 1972, based on the amount of inflation that took place between 1970 and 1971. Subsection (b) also provides that if the increase is a fraction of a cent, the limitation will be rounded to the next highest cent.

Would the Senator agree with me that, in light of the increases we have already seen in the cost of living in 1971, the effect of the escalator clause will be to raise the spending limitations to 6 cents a voter in 1972? Yet, most discussions of the limitations have assumed that the figure would be 5 cents a voter in 1972 for each of the two limitations, or 10 cents a voter in all. Is it not really 6 cents a voter for each of the limitations, or 12 cents in all?

Mr. PASTORE. Mr. President, I am in no position to say that, because I have not mathematically figured it out. What we are doing here is to establish the 10 cents based on the experience of the last election—which is a generous figure. Now the question was asked on the 10 cents which is good in 1972, or the 10 cents that is good today, you see, but it may not be the same 10 cents if there is going to be spiraling inflation. The costs might go up. So we have to start with a base. So we start with the base in 1970. As I said here earlier this afternoon, that 5 and 5 is a generous figure. Then we added to that the fact that we get the lowest unit cost, and then we added to that every eligible voter over 18, which takes in the new group which has just been admitted by the Constitution; so I am telling the Senator, according to the formula that he will be doing a little better in the next election, by 1974, maybe. The picture may change then a little bit. That is the reason we put that in there. But I will not subscribe to the speculation that the 10 cents we have suggested is only worth 6 cents. I cannot do that.

Mr. KENNEDY. The cost of living index figures already available indicate that we will have 5 percent inflation, as a very conservative estimate, for 1971. Under Section 104, therefore, the 5-cent limitations would be increased by 5 percent, and the limitations for 1972 would therefore rise to 5.25 cents each, and would be rounded up to 6 cents each.

So in 1972 what we are really talking about, as I understand it, is 6 cents as it applies to each of the two limitations, or 12 cents in all. I think it is a generous figure.

Mr. PASTORE. The Senator is correct.

Mr. KENNEDY. We are talking about the cost-of-living increases, we have seen in the last year, which really mean that in 1972, candidates will be able to spend 6 cents a voter for broadcasting, and 6 cents a voter for other media, not 5 cents.

Mr. PASTORE. The Senator is correct. I agree with that.

Mr. KENNEDY. I thank the Senator.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. 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. BAKER. Mr. President, I send to the desk an amendment to amendment No. 308 to S. 382 and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment reads as follows:

On page 3, line 14, strike "Sec. 102." and insert in lieu thereof "Sec. 102. (a)".

On page 6, after line 25, add the following:

(b) Section 315 of such Act is further amended by—

(1) inserting in subsection (a) immediately after "censorship" a comma and the following: "except as provided in subsection (f),"; and

(2) adding at the end of such section the following new subsection:

"(f) No licensee shall be required under this section to broadcast any material presented by or on behalf of a legally qualified candidate for public office for broadcast in connection with such candidate's campaign which maliciously presents material relating to race and which, in view of the community in which and the time during which the broadcast would be received, is so inflammatory that its broadcast would create a clear and present danger of violent public reaction endangering the safety of individuals in the community or involving the destruction of property. A licensee shall not be liable under this Act for refusing to broadcast such material unless it is shown that such refusal was prompted by considerations other than the criteria set forth in the preceding sentence."

Mr. BAKER. Mr. President, I yield myself such time as I may use.

Mr. President, this is an amendment calculated to prevent the requirement that television stations or radio stations broadcast political advertising which is racially inflammatory and presents a clear and present danger of disorder within the community.

Mr. President, this amendment is similar to one which I offered during consideration of the bill, S. 382, by the Committee on Commerce. Its purpose is to eliminate the present mandatory requirement that a station licensee broadcast all material presented by or on behalf of a legally qualified candidate. Its effect would be to permit a station licensee to refuse to broadcast—

Any material presented by or on behalf of a legally qualified candidate for a public office for broadcast in connection with such candidate's campaign which maliciously presents material relating to race and which, in view of the community in which and the time during which the broadcast would be received, is so inflammatory that its broadcast would create a clear and present danger of violent public reaction endangering the safety of individuals in the community or involving the destruction of property.

Mr. President, I am motivated to offer this amendment based upon a personal experience I had in one of the major cities in my State which borders on another State.

It involved a candidate for statewide office from the adjoining State who sought to purchase time on a television station in my State, but which had a service area in the adjoining State. In the judgment of the station management part of the material to be broadcast was calculated to be so inflammatory on a racial basis that the management was fearful that if broadcast, the material might cause real trouble in the community. As it turned out under the law as it then prevailed and is now the case, the station licensee had no alternative but to broadcast the material.

Now Mr. President, I am fully aware that this amendment approaches the

very fine line of abridging the freedom of speech under the first amendment of the Constitution of the United States. However, I would hasten to point out that there are certain limitations upon this freedom of speech, most particularly in those circumstances which are of such a nature as to create a clear and present danger that such would bring about substantive evils.

For example, as pointed out by Justice Holmes in *Schenck* v. *United States* (249 U.S. 47, 51–52 (1919)):

> But the character of every act depends upon the circumstances in which it is done. * * * The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. It does not even protect a man from an injunction against uttering words that have all the effect on force. * * * The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree.

Similarly in *Chaplinsky* v. *New Hampshire* (315 U.S. 568, 571–572 (1942)) Justice Murphy asserted the following:

> There are certain well-defined and narrowly limited classes of speech, the prevention and banishment of which have never been thought to raise any Constitutional problem. These include the lewd and obscene, the profane, the libelous, and the insulting or "inviting" words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace. It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.

Mr. President, I believe that my amendment is so narrowly drawn as to meet these tests handed down by the Supreme Court of the United States. Admittedly, this is an arguable point but then whether such conditions exist is one of law for the courts, and ultimately, for the Supreme Court in enforcement of the first and 14th amendments. Essentially, all my amendment does is to provide a broadcast station licensee a right of refusal, first, when the election campaign material maliciously presents material relating to race; second, which material in view of the community in which and the time during which the broadcast would be received is so inflammatory that its broadcast would create a clear and present danger of violent public reaction; and which violent public reaction endangers the safety of individuals in the community or involves the destruction of property. It is, therefore, very narrowly drawn. My principal concern, Mr. President, in offering this amendment is for public health, safety, and welfare.

Mr. President, I know of no member of the Senate more concerned than I with insuring that constitutional rights of the citizens of our Nation are not abridged. However, the situation which I seek to remedy involves one of balancing the equities between those who would espouse an absolute right of freedom of speech even to the point of presenting a clear and present danger, and those such as myself, who, in instances that I have described, feel that under very limited circumstances and close scrutiny by the courts of law, there may be merit to some limited prior restraint in the exercise of this right.

As Mr. Justice White noted in handing down the decision of the U.S. Supreme Court in *Red Lion Broadcasting Co., Inc.*, v. *Federal Communications Commission*, 395 U.S. 367, 386 (1968):

> Although broadcasting is clearly a medium affected by a First Amendment interest, *United States* v. *Paramount Pictures, Inc.*, 334 U.S. 131, 166 (1948), differences in the characteristic of new media justify differences in the First Amendment standards applied to them.

Mr. President, this is simply dicta but it is at least recognition that a difference does exist with respect to broadcasting and the first amendment. I believe that the difference in this instance justifies the amendment which I have just offered.

Mr. President, I would also like to bring to the attention of Members of the Senate language appearing in the *Office of Communications of the United Church of Christ* v. *Federal Communications Commission*, 425 F. 2d 543, 548 (1969), which was written by now Chief Justice Burger while on the Court of Appeals for the District of Columbia. Although this case addressed itself to another point of law, during the course of his opinion Chief Justice Burger noted in part the following:

> The infinite potential of broadcasting to influence American life renders somewhat irrelevant the semantics of whether broadcasting is or is not to be described as a public utility. By whatever name or classification, broadcasters are temporary permittees—fiduciaries—of a great public resource and they must meet the highest standards which are embraced in the public interest concept.

Mr. President, I sincerely feel that my amendment is in the public interest and recognizes the "great public resource" of broadcasting which must meet these high standards embraced in the public interest concept. I simply wish to insure that broadcasters will be able to so act within the limited case of the situation circumscribed by my amendment.

Mr. President, this is a close question. It is one that I discussed at length in the committee. There are constitutional issues involved as well as the fact that it borders perilously close to censorship. It is a very serious matter. However, having witnessed at firsthand the dilemma of a television station manager who was confronted with a spot commercial that was so racially motivated that it might cause disorder in the community and the television management had no choice except to broadcast or put his license on the block. It was a sad state of affairs and I resolved at that time to come as close as I could to relieving the station manager of the necessity for taking an undue risk in the future.

I hope the amendment might be adopted. It does involve some serious questions.

Mr. PASTORE. Mr. President, I have tremendous sympathy for the position taken by the Senator from Tennessee. However, I certainly hope he will not press this amendment at this time. If he does, I would hope that it would be defeated.

I would agree with him that this is one of the dilemmas we have with relation to broadcasting when it comes to censorship. I do not want to do anything that would impinge upon the freedom of speech.

I myself am getting weary of many programs that are not only distasteful but are sometimes even rather risque.

I tell the Senator frankly that I think imflammatory statements on radio and television constitute a very serious problem. But there has been court decision after court decision in view of the times in which we live that one is privileged to say what he likes and to say what he thinks.

Mr. BAKER. Mr. President, I recognize and understand the point made by the chairman.

I point out that at some place we ought to reach the point where we cannot permit someone to throw a match into a gas tank or to shout "fire" in a crowded theater. Racially inflammatory material ought not to be forced to be accepted by station managers. I think we can do this, although it is a close question.

Mr. President, at this time I am willing to yield back the remainder of my time and let the matter be disposed of on a voice vote.

Mr. PASTORE. Mr. President, I wish the Senator would withdraw the amendment. I will assure him, now that he is a member of my Subcommittee on Communications that sometime this session, or if not in this session, in the next session, when we have the FCC before us for their regular reporting, that we will get into the problem of how far the abuse has gone.

Rather than having the amendment rejected or adopted this afternoon, why do we not leave it in limbo for the time being and let us discuss it more soberly and informally before our committee when we have the FCC before us. I would prefer that.

Mr. BAKER. Mr. President, I think the point is well taken. I contacted the FCC at the time of this occurrence in Tennessee. I think we would all benefit from an investigation of this and other incidents.

I am reassured by the statement of the chairman and on that basis I ask unanimous consent that I might withdraw the amendment at this time.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the amendment of the Senator from Rhode Island in the nature of a substitute, as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

Mr. MANSFIELD. Mr. President, as we approach final passage of S. 382 and the substitute motion offered by Senator PASTORE, I think a few comments are in order on a few of the more far-reaching effects of this legislation.

For the last 10 years, we have witnessed a horrendous increase in the amount of money it takes to run for a Federal elected office. Part of this increase can be attributed to the increased use of the electronic media, mainly television. When you figure that there are 60 million homes in the United States and over 95 percent of them are equipped with television sets and 25 percent of the 60 million have two sets or more, you see easily why candidates for political office must use the television to reach their constituencies.

At no time in history has there been such a means to reach instantaneously such a large number of people. But obviously this type of quick communication has a high cost factor. As the costs have increased, the need for large contributions has increased as well, so that you have a few well-to-do, politically controlling individuals or organizations that largely determine the course of an election.

What we need today in the 1970's, is a means by which any man in this country, any woman in this country, who is qualified, can run for elective public office. The most important, and I daresay, revolutionary aspect, of this attempt to reform the present electoral process is the limitation of the amount of money that can be spent on campaigns, and second, and most importantly, a full reporting will be required of all contributions and expenditures in connection with campaigning for elective offices at the Federal level.

We have had laws on the books in the past, but they were riddled with loopholes. This act closes those loopholes so that the public will know where the political obligations lie. This bill is truly a truth-in-politics law.

Senator PASTORE and Senator CANNON have approached these problems in realistic terms. They have made significant amendments in the floor discussions and debate here today and throughout the last week. The provision for increased detail and background information on contributors will certainly help improve the means by which people can see who is and who is not contributing to particular elections. The requirement for names of contributors of $100 or more will again allow the public to be informed as to who is or who is not contributing to particular campaigns. The Election Commission that was proposed by Senators SCOTT and PEARSON is another example of bipartisan cooperation in the enactment of this election reform. The independence with which this agency can devote itself to monitoring election costs will reassure the American public that our election laws are being obeyed.

And it is my belief, and I think it is the unanimous belief of the Senators here today, that a more informed electorate is a better electorate and that with a better electorate, you have an improved government. To my way of thinking, the many pressing and seemingly impossible problems we are confronted with today can only be improved if we have selfless men, foresightful men, intelligent men who have full freedom to exercise their independent judgment representing the people of this country in the Halls of Congress and in the White House.

I hope that this measure will receive in the House of Representatives after the August recess the swift consideration this measure deserves. With its enactment the message will be loud and clear that the Congress of the United States recognizes the difficulty of maintaining a people's representative government in light of the increasing costs and are willing to take this significant step to reform the electoral process. Hopefully, politics will be revitalized at the grassroots level.

I want to stress before final passage how important the bipartisan cooperation has been in getting this all-important election reform bill through the Senate. The many educational and intelligent colloquies this last week have truly shown how the issue of election reform transcends partisan politics. I would hope that potential critics of this bill would carefully read the RECORD to see precisely how much cooperation and, in turn, trust, there has been in coming to this solution.

I, therefore, congratulate and thank all the Senators who have been so heavily involved in the various discussions and floor debates. I hope that the President who has proposed reform as the theme of his administration will wholeheartedly endorse and lend his prestige to the efforts to obtain the swift enactment of this most significant electoral reform proposal in a generation.

NBC EDITORIAL ON UNIVERSAL VOTER REGISTRATION

Mr. KENNEDY. Mr. President, in an NBC radio editorial last Friday, Mr. Sander Vanocur emphasized the burden and the difficulty of the present system of voter registration in the Nation. He urges the adoption of simplified procedures, of the sort I have proposed in the Universal Voter Registration Act, which I had originally offered as an amendment to the pending election reform bill, and which I am today introducing as a separate bill.

As Mr. Vanocur's editorial makes clear, the ratification of the 26th amendment, lowering the voting age to 18 in all elections, has generated broad new interest for comprehensive reform in our voter registration procedures. The momentum for reform is building, and it is time for Congress to respond.

Mr. President, I believe that Mr. Vanocur's editorial will be of interest to all of us concerned with the cause of such reform, and I ask unanimous consent that it may be printed in the RECORD.

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

NBC RADIO EDITORIAL

(By Mr. Sander Vanocur)

Now that the 18–21 year olds have been given the vote and now that the 18–21 year olds are finding out how cumbersome and difficult it is to register so that they can vote, attention is being turned to just how complicated our voter registration laws are.

With the advent of voter registration at the turn of the century there was a sharp decline in voter turnout. In the Presidential election of 1900, the voter turnout was 73%. Not since that time has it exceeded 66%, and seven times it fell below 60%. On two occasions in 1920 and 1924, it fell below 50%. But throughout the greater part of the 19th century, voter turnout in our presidential elections ranged in the neighborhood of 70% to 80%.

These facts have been cited by Senator Edward M. Kennedy this week, as he prepares to attach an amendment to the Election Reform Act, an amendment that would establish a system of universal voter registration for the nation. The election of 1968 shows how badly such a measure is needed—for in that election, with the potential of 120 million voters, only 82 million, or 68%, were registered to vote and therefore eligible to go to the polls on election day. But of that number, 89% went to the polls, proving the obvious: That people who register are people who vote.

Kennedy's amendment would provide a simple postcard system of voter registration. Simply by filling out the address of his residence on the postcard form, a citizen would establish his voting residence. A new computerized agency within the Census Bureau would process the cards, compile voting lists by precincts throughout the country, and make the list available to state and local election officials at appropriate times before any election.

Use of the new system would be mandatory for all federal elections and optional for state and local elections. Kennedy hopes to get action by the Congress when it returns from its August recess. Whether his amendment, or similar reform, is enacted this year, is problematical. But there is a rising demand, especially from the young, for someone to do something about simplifying our complicated voter registration procedures.

Mr. HART. Mr. President, no one contends the bill we are about to vote on answers all or even most of the important questions about the way election campaigns are financed, but I believe the bill is an important step toward eliminating money as a crucial if not the primary prerequisite for election. That we have moved so far toward reform is a tribute to the patience and skill of Senator PASTORE and Senator CANNON.

There is no need at this point to repeat the figures which show the soaring costs of running for office, costs which increasingly make it more difficult for the candidate without personal fortune or affluent backer to make a run for office. For example, electronic media charges alone rose 70 percent from 1964 to 1968.

To the extent that this bill moves toward giving all Federal candidates equal access to the media and puts some limit on campaign spending, I support it and urge its prompt enactment.

But the goal of campaign reform must go beyond what is encompassed in this bill, and indeed, may well have to go beyond laws governing the receipt and expenditure of private contributions.

We must ask ourselves whether an individual's ability to raise or to spend his own money is a useful test in determining a candidate's qualifications for office. I suspect it is not.

We must ask ourselves whether the opportunity to contribute to an election campaign is an important way for individuals to participate in the election process. There are those who argue it is

But if it is, what comparable access to participation do we give those who cannot afford to give even a small contribution?

And if we decide that money-raising ability is an important test, and if we decide that making a contribution is an important way for the individual to participate in elections, then we still must weigh those possible benefits against the adverse effect the need for private contributions has on who is able to seek office and on public confidence in our political system.

After all, it is the need to raise money which threatens to leave the race to the rich alone; it is the large contribution which carries with it the aura of influence, real or imagined; it is fund-raising efforts which give rise to cynicism about our system, from young and old alike.

Remove the private money and our political campaigns may become more a testing ground for ideas than exercises in raising money.

Remove the private money and we remove one cause for cynicism and doubts now so harmful to public confidence in politics.

Certainly there is no doubt that public criticism of campaign costs is rising.

The press repeatedly has called attention to what it pleases to call the "scandal" of campaign financing. And while the so-called influence of the large contributor may be at times more fancied than real, every modern administration's list of ambassadors has contained the names of campaign contributors whose principal distinction appeared to be the size of the contribution.

Recently, Columnist Charles Bartlett described what he believes to be the influence of the insurance industry contributors on administration policy on no-fault automobile insurance. I ask unanimous consent that the articles be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HART. Proposals to replace private campaign contributions with public funds are not new. President Johnson made such a recommendation in 1967. A year earlier, the Congress actually passed the Presidential Election Campaign Fund Act, permitting Federal taxpayers to designate $1 of their income tax payments to a fund for Presidential campaigns. In fact, President Theodore Roosevelt suggested removal of private money.

It is time, then, following enactment of this bill, to give serious consideration to the pros and cons of eliminating dependence on private contributions and to finance campaigns with public money. I do not suggest that it is a cut and dried issue, nor that a switch from private to public funds for campaigns is on the immediate horizon.

However, I do suggest that the inequities of the present system along with its adverse effect on public confidence in our political process demand we look beyond this bill to the ultimate campaign reform which eliminates private contributions. And the sooner the debate begins the sooner we will reach that distant horizon, if indeed the debate shows it is a horizon to be sought as I believe it will.

If it is, it is important to be moving toward it promptly.

EXHIBIT 1

[From the Pontiac Michigan Press of Mar. 26, 1971]

NO-FAULT CAR INSURANCE HITS BARRICADE OF POLITICS

(By Charles Bartlett)

WASHINGTON.—Proving once more that the public will gain when the Treasury replaces the interests in paying the costs of presidential elections, the White House has been extremely timid on the issue of auto insurance reform.

A recent survey taken for the President showed that few things irritate the consumer more than auto insurance. But Nixon forfeited his great chance to play the reformer because he could not induce the insurance magnates who backed him to go along.

The insurance episode is a classic instance of how campaign giving distorts the White House viewpoint. It is a cleancut example because Secretary John Volpe and his aides from the Transportation Department came to the White House after studying the problem for three years, with a firm proposal for quick national enactment of a no-fault insurance plan.

This move is offensive to two which heavily supported Nixon in 1968 and will be needed in 1972. The plaintiff lawyers, now claiming 35 percent of the total payments made to auto accident victims, naturally do not like. Nor do many insurance executives, who fear they will face intensified competition if auto insurance is simplified.

These groups were well represented in the White House deliberations conducted by Peter Flanigan, an aide from Wall Street. The Commerce Department had done no real study of the situation but Secretary Maurice Stans, who raised $36 million for Nixon's election, formally recommended minimal federal intervention.

This same thought emerged from a series of White House meetings to which Flanigan invited top insurance executives. Virtually the whole industry is committed to the notion that no-fault insurance is the next step. But if the federal hand can be kept out of it, another generation may pass before the reform spreads across the country.

Only 45 percent of those 500.000 a year who are killed or seriously injured in accidents receive any benefits. Total recoveries from auto insurance equal only one-fifth of the losses from auto accidents. One out of every five cars on the road is not insured at all.

No-fault laws have been introduced in 21 states where they lie waiting to be interred by legislators who are lawyers and insurance men. Even the Massachusetts law, first in the nation, was softened to leave generous opportunities for the damage lawyers.

Nixon's deference to the states, in the face of these circumstances, was heavily inspired by deference to his contributors. This is why the public must soon take the financial burden of presidential campaigns out of private hands.

PHILIP A. HART.

Mr. MATHIAS. Mr. President, the legislation to improve our election practices was the work of many hands. It is a bipartisan effort in which the minority leader, Mr. SCOTT, the Senator from Rhode Island (Mr. PASTORE), and the Senator from Nevada (Mr. CANNON) share credit for original initiatives, for consistent interest, and patient effort.

There are many in the general public who have shared our concern and assisted in many ways with information, statistics, and counsel. Among these, one of the foremost is the staff of the National Committee for an Effective Congress who have advocated a reform bill and worked for it with real determination. We are grateful for their help and that of all others who have assisted in making this bill a success.

Mr. KENNEDY. Mr. President, I commend the distinguished Senator from Rhode Island (Mr. PASTORE) and the distinguished Senator from Nevada (Mr. CANNON) for the skill and wisdom with which they have guided this immensely significant election reform legislation through the Senate. I also commend the distinguished managers of the bill for the minority, for the spirit of cooperation that has helped so much to facilitate the passage of this bill.

For the first time in nearly half a century, the Nation is well on its way to the enactment of comprehensive election reform, and I have every confidence that the bill we are about to pass today will clear Congress promptly and receive the signature of the President in ample time to be in force for the 1972 election.

The most serious problem in the American political process today is the problem of campaign financing. The skyrocketing cost of election campaigns has produced a situation in which all but the wealthy—or their friends—are prohibited from running for public office.

The potential political candidate of modest means is being driven from the field. Without a source of outside wealth, he faces the Hobson's choice of either a shoestring election campaign or reliance on a few large contributors. If he takes the shoestring route, he faces the prospect of almost certain defeat. If he goes the route of the large contributors, he inevitably creates the sort of ambiguous relationship in which he is obligated—or appears to be obligated—to his wealthy supporters.

Today, at a time when hundreds of millions of dollars are being poured into election campaigns, the issue is especially serious. At a time when all our institutions are under question, the problem of campaign spending has given politics the air of dirty business. It has bred cynicism in our citizens and dropouts from our democracy.

In an era where calls for reform are heard on many fronts, the call for reform of our election laws has gone strangely unheard. To me, however, this is where reform ought to begin, because if we cannot keep our democracy running and responsive, no amount of reform in any other area can succeed.

The most obvious case in point is the Federal law governing campaign contributions and expenditures. As many experts have observed, our current Federal election laws are more loophole than law. Their limits do not limit, and their penalties are empty threats.

The Federal Corrupt Practices Act purports to require disclosure of campaign contributions and expenditures, but the requirement has a double flaw. It does not apply to primaries, and it does not apply to committees operating solely within one State.

There are similar grave defects in virtually every other area of our election laws. We have ignored the need to

develop tax incentives to broaden the political base by encouraging campaign contributions from small donors. And, in the related area of disclosures of lobbying activities, we have tolerated the existence of loopholes in present laws that shield a major part of the lobbying activities that now exist.

The time has been ripe for comprehensive reform in each of these areas for many years. Now, Congress has begun to respond.

The provisions of the bill accomplish a number of urgently needed reforms in the equal-time provision and in the area of campaign financing with respect to spending for political broadcasting and other media. Taken together, these provisions will greatly assist candidates in presenting their views to the public. They will eliminate many of the mushrooming abuses we have experienced in recent years because of the escalating cost of radio and television in political campaigns. No election reform legislation worth its name can fail to come to grips with these problems—problems that lie close to the heart of the ills that plague our political system.

Other important provisions in the bill establish another fundamental principle of election reform—a requirement of full reporting and disclosure of campaign contributions and expenditures. Its rational is the rationale of complete public disclosure.

As in so many other areas of political life, I believe that sunlight is the best disinfectant, that public knowledge of the means by which candidates finance their campaigns will go far to end many of the abuses which occur, or which seem to occur, in the way we elect our public officials.

Under these provisions of the bill, each candidate for Federal office, and each committee which supports a candidate for Federal office, must file a comprehensive report of its receipts and expenditures. For the first time, the people of America will know how Federal candidates obtain and use their funds, and that knowledge will be available in time for the people to act on election day.

Because of the constitutional problems involved in including tax provisions in legislation initiated by the Senate, the present bill contains no tax provision to encourage contributions by small donors to political campaigns. I hope, however, that the Senate will take action in this area as soon as an appropriate occasion presents itself.

Again, let me say how pleased I am that the Senate is now about to complete its action on this vital legislation. The people of America will reap its benefits for years to come, and the foundation of our democracy will be strengthed.

Mr. CRANSTON. Mr. President, we are considering what I feel is one of the most important bills in the history of American education. I am very proud to have been a cosponsor of the original bill as well as the final version as reported from the Committee on Labor and Public Welfare.

I believe the Congress, and the millions of Americans this bill will serve if passed, are very much in debt to the distinguished Senator from Rhode Island (Mr. PELL). He has approached extraordinarily complicated issues with great dedication and insight. He has also shown tremendous cooperation in dealing with the many additions and modifications to the bill proposed by myself and others. May I also say that he has been supported strongly by a hardworking, competent staff. We owe them much thanks.

Mr. President, I am particularly pleased that the bill contains my proposal for a new program of consumer education, which I described in my remarks to the Senate yesterday. The President of the United States, among others, has recognized the great need for improving education programs as they relate to consumers, and I feel this measure makes a strong contribution toward fulfilling that need.

I also joined with my colleague, the distinguished Senator from Massachusetts (Mr. KENNEDY) in amending the bill to provide more services and specific fund allocations for bilingual education. This is an area of enormous importance to our minority groups and one in which I have a strong personal interest. I am delighted to see that it is shared by so many of my colleagues in the Senate.

Mr. President, the educational advances contained in the bill before us are many and varied. I feel certain that generations of Americans now and for years to come will benefit from these comprehensive, far-sighted programs.

Mr. DOLE. Mr. President, many Senators have spent considerable amounts of time and energy on this bill in committee and on the floor. I believe some worthwhile and progressive provisions have been incorporated in it. And hopefully we have provided the American public with a bill that will help establish greater confidence in our Nation's electoral process. Several points strike me as especially important to this effort.

The repeal of the equal time provision of the Federal Communications Act is a move that will contribute significantly to the depth and detail in which the broadcast media will be permitted to explore the contending candidates and issues in election campaigns. Another valuable feature is the establishment of an independent Federal Elections Commission to oversee adherence to campaign practice laws. Directions for tightened regulations on extension of credit by federally regulated industries, such as the airlines and telephone companies, will provide protection to these companies and the public against the incursion of unpayable debts by irresponsible candidates and organizations. And amplified disclosure provisions will enable the public to be better aware of candidates' real sources of support.

I am hopeful that the House of Representatives will share our concern for providing the public with real and meaningful reform, and will join us in enacting legislation to put campaigning on the high plane on which the voters in America expect it to be conducted.

Earlier this year, in testimony, before the Senate Commerce Committee's Communications Subcommittee, I urged consideration of measures to provide real reform of our political campaign practices, and I ask unanimous consent that the text of this statement be printed in the RECORD at this point.

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

STATEMENT OF HON. BOB DOLE

Mr. Chairman, it is a pleasure to appear before your committee today to join in the discussion of campaign practices reform. This subject is of vital concern to every candidate and officeholder, and to every citizen who prizes the American system of government.

GOOD CAMPAIGNS AND BETTER GOVERNMENT—THE REPUBLICAN CAUSE

Let me say at the outset that better, more responsive and more responsible government has long been the primary aim of Republicans, and its achievement is a major goal of the Nixon administration. There are many approaches to this goal, and Republicans have, for many years, pursued it in many ways and at many levels.

Over the last two years, President Nixon has exerted firm leadership for better government in the executive branch of the federal system. He has sought to recruit and involve the best-qualified and most highly motivated individuals he can find in the operations of the executive branch, both in appointive positions and in the career services. He has urged far-reaching reforms in his proposals for restructuring and consolidating executive departments into units which will be substantially better equipped to deal with the economic, social and natural environments of the late 20th century and which will result in more effective government.

Richard Nixon has provided a great example and great inspiration for achieving good government, but Republicans everywhere have always sought to place men with vision into elective offices. They have been vigorous in their efforts to support the best possible candidates for public office—in all areas of the country, from every walk of life and from every race, ethnic group and religion. And over the years, I believe the Republican party has had great success and has provided leadership and direction at all levels of government—in city hall, the State Capitol, in Congress and in the White House.

NEED FOR REFORM AND IMPROVEMENT

While there are many routes to improving government, I believe one of the most important influences is clean, open and rational campaigning for public offices. Clean campaigns, free from mudslinging and character assassination, are much more the rule than in the past. The good sense and basic instincts of candidates and voters alike have helped to make American campaigns more dignified and free from raw personalities.

MAJOR FACTORS—FINANCE LOOPHOLES AND RISING COSTS

Unfortunately, however, in the volatile arena of American politics today, there are tremendous pressures working against open and rational campaigning. Much of this pressure results from two interrelated and mutually reinforcing factors. They are (1) the obscurity of campaign financing, and (2) the skyrocketing costs of conducting campaigns.

It is a regrettable but pressing fact that statutes presently in force provide no effective and comprehensive control or oversight of campaign financing or campaign conduct. No coherent, tightly-drawn, enforceable body of laws governs or guides either contribution or expenditure of campaign funds. The forces of politics in effect run wild, with little or no protection of the public interest. There is, as we all know, a scattering of piecemeal, ineffectual and poorly understood statutes. But they are so subject to abuse and avoidance that the

public rightly lacks confidence in them. They are an annoyance to honest candidates and political organizations. They are a joke to the dishonest and devious. And they fail to achieve even token protection of the public's right to information and candor. There should be no mistake. The present state of campaign practice laws is inappropriate to the demands of politics in the 1970's.

Combined with the ineffectiveness of existing laws governing political campaigns is the astronomical increase in the costs of those campaigns. Transportation, staff and organizational expenses have risen along with the cost of everything else in our economy. But the discovery and implementation of broadcasting, particularly television, as the most effective, most productive campaign tool, have introduced a new magnitude of expense into the whole process.

The great growth of campaigning expense increases the pressure for political contributions and the present laws governing financing are further undermined. This expense also generates almost irresistible pressures on campaigns away from lengthy, rational and thoughtful presentation of issues and alternatives. It instead fosters shallow, briefly-presented and emotional exploitation of personalities, images and catch-words.

Simply stated, it is too hard to raise the necessarily huge sums required for campaigning to have them spent without primary regard for impact and effectiveness. Candidates simply cannot afford to present the issues in depth or to engage in detailed and scholarly discussion. The people must be reached with the candidate's message. And the day is past when significant numbers can be reached without resort to the mass media, and particularly the television screen. Changing times and changing technology have made the two-hour debate at the county fair ineffective, uneconomical and obsolete. The radio station and the television studio have become the new forums. They must be utilized if a candidate is to be successful. But their use is expensive and demands more attention to style than to substance. Because of restrictions in broadcasting laws, the radio and television networks and the individual stations cannot permit candidates to present the issues on public service time. So the public loses on both counts. The candidates cannot afford to explore the issues fully, and the stations cannot permit them to do so.

This is clearly an unacceptable situation. These deficiencies feed on each other, and as their distortion of the political process becomes more grotesque each year, the public interest continues to suffer.

CHANGE MUST BRING IMPROVEMENT

The need for reform is clear, but our desire to bring about change and new direction must be tempered by a determination that, whatever changes are made, they must be ones to improve the situation, not exacerbate it.

No clearer example of good intentions gone amiss could be found than in the legislation to impose limitations on campaign broadcast spending which passed the Congress last year. The major feature of that bill, S. 3637, was to limit expenditures for all radio and television campaign broadcasting to 7¢ per vote or $20,000 in presidential, senatorial, congressional and gubernatorial races. President Nixon was forced to veto that measure, not, as some suggested, on the basis of partisan considerations—but because it promised no improvement on the current deficiencies and posed a real threat of worsening the already bad situation.

In his veto message to the Congress, the President set forth a cogent catalog of the bill's infirmities:

It did nothing to reduce the overall cost of campaigning;

It discriminated against the broadcast media and jeopardized freedom of discussion;

It favored incumbent officeholders over challengers;

It gave unfair advantage to the famous over the unknown; and

It promised to be difficult or impossible to enforce.

In short, the 1970 bill was aimed at only a few symptoms—not the causes—of campaign inequities and the shortcomings in campaign regulation.

THE GOAL IS BETTER GOVERNMENT

This brings me to my position on reform of campaign practices regulation.

Holding a great belief in and reliance upon the individual, my understanding of the situation leads me to the view that the foundation of any reform, any improvement and any progress in the American political system must be an informed and active electorate. The more often, more vigorously and more regularly the right to vote is exercised by the American voter, and the more informed the exercise of that right is, the better our Government will be. In our deliberations in the Congress, we should remember that the ultimate goal is not more laws or tighter laws, not stricter regulation and more exacting controls. Laws, controls, restrictions, regulations—these can only be means, not ends in and of themselves. No, the goal we must seek is better government. The best type of campaign reform will be that which improves the ability, the integrity and the responsiveness of the officeholders produced by the campaign process.

THREE PRIMARY REFORMS

In pursuit of this overriding goal, I believe any meaningful campaign reform must develop along three major lines.

First, there must be new efforts to provide better procedures for disclosure of campaign financing. Second, real progress must be made toward breaking the vicious circle of ever-more-expensive and ever-less-meaningful campaign practices. And third, there must be increased stimulation of citizens participation in the political process.

DISCLOSURE

As for the first area, disclosure, I believe this heretofore neglected avenue holds unrealized potential for improving our political system. At the same time, it avoids and eliminates substantial difficulties and questions raised by the alternatives.

Two paramount points of political philosophy come into play in this area. The first is a belief that American voters are entitled to know where candidates for public office and the organizations supporting them get their money and what they spend that money for. Second, is a belief that Americans have a right—indeed an obligation—to contribute to the candidates and parties of their choice, and concurrently, that individuals have a right to support their candidates and parties to whatever extent their means allow.

Relying on these two threads of belief, I feel disclosure of financing practices is a powerful stimulus for campaign reform, and that open reporting of the sources and amounts of contributions would benefit both candidates and the public. It would make candidates less subject to apparent or real pressures from large contributors, and the public would be able to make a better assessment of the candidates' sources of support and their sectors of appeal. Of course, there is no hazard to the public interest in a large contribution per se. There is hazard only if the implications of that contribution are that the contributor will gain favored treatment thereby. Reporting and disclosure guard against both the fact and the suspicion of favoritism. The public would have solid factual information with which to evaluate the campaigns offered by different candidates. They could see for themselves whether a candidate was offering an attractively presented and accurate picture of himself and his programs or whether he was engaged in an attempt to "buy" the election through huge expenditures to promote an empty or misleading image. With clear and coherently administered disclosures of receipts and expenditures, voters could make informed and intelligent judgments on candidates' spending practices. And they could take those judgments into the voting booth and include them in their evaluations of the contenders for office.

Disclosures of campaign financing have substantial advantages over any imposed limitation, restriction or direction of either contributions or expenditures. Disclosure is much more practical than restriction. It focuses enforcement on the candidates and their committees, not on the individual contributor. Disclosure raises no doubts of infringement on fundamental first amendment freedom; whereas, any attempt to circumscribe the rights of contributors to support—and candidates to conduct—political campaigns certainly calls to mind an entire range of constitutional issues which, even if resolved in their favor, might require years of litigation and controversy to be finally settled. Disclosure is much more in keeping with the American philosophy of providing incentives to political action than is limitation. Disclosure would provide strong impetus to better campaigning, while limitations would only intensify present deficiencies. And in this day of widespread apathy and disillusionment with public affairs, instead of throwing up more barriers in the political system, we should be opening new channels to its best and most advantageous functioning.

The report of the 20th century fund's commission on campaign costs in the electronic era spoke to this point quite convincingly. It said:

"Some have proposed an absolute ceiling on broadcast expenditures. The (20th century fund) commission has studied this possibility carefully and has concluded that a ceiling would be as unenforceable as most limitations on campaign expenditures are today. We are also concerned that setting a ceiling on political communications in this manner might violate traditional American concepts of unhindered political competition. It might well increase the advantage already enjoyed by the incumbent . . ."

I would say at this point, Mr. Chairman, that while I feel disclosure is the preferred method of treating campaign financing, there is the possibility that Congress will ultimately choose to impose limitations of one sort or another. If this eventuality should come to pass, especially if contributions are limited, I firmly believe the statutes should be drawn to treat all donors equally. Whether considering individuals, associations, interest groups—whatever the structure or identity of any contributor or transfer agent of political funds—the same restrictions and limits should be applied to all. This would be extremely important to whatever effect such laws would have in protecting the public interest. But let me emphasize again that disclosure seems by far the most practical, effective and best means of achieving reform in this area.

INCENTIVES FOR LOWER-COST AND MORE MEANINGFUL CAMPAIGNS

In the second area of direction for reform, providing incentives for more meaningful and lower-cost campaign practices, there is great need for substantial efforts and at the same time the prospect of great rewards for those efforts.

As long as no attempt is made to break the basic cycle of spiraling costs and sinking substance in campaigning, the efforts to bring change are going to be met with little success. As long as the cost of reaching the public—whether by television, radio, or personal appearance—becomes higher each election, candidates will be forced to resort

to those techniques and tactics which have the greatest raw impact. The long and increasingly nerve-grating campaign, the spot advertisement, the appeal to emotions and prejudices, the absence of in-depth discussion, these and all the other elements which make campaigning unenlightening, uninspiring and insipid will continue to intensify.

The present counterproductive pressures must be replaced or displaced. They cannot be left where they are to continue their detrimental course. They must be eliminated, and in their place must be inserted incentives and influences in the opposite direction.

Instead of pressures for ever-increasing sums of campaign money, there must be forces toward lowering campaign expenses. Rather than pressures for briefer, more simplistic, more numerous impacts on the voters' consciousness, there must be influence for longer, more thoughtful, more reasoned discussions of the critical issues before the electorate—and at lower cost.

We must take a broad, systematic, view of the campaign process if we are to arrive at worthwhile solutions to these problems. Narrow approaches will yield narrow and necessarily disappointing results.

There are several specific changes which could be implemented to effect these broad reforms and establish incentives for better government within the campaign process:

The equal time provisions of the Federal Communications Act could be repealed to make possible in-depth discussions and debates by candidates for all public offices. Such action would add considerably to the fund of information available to the voting public. And it would provide candidates with an exceptionally valuable platform from which to articulate their views.

Provision could be made for making advertising time and space available to candidates at the lowest commercial rates for equivalent time. Broadcasters and publishers should not be required to subsidize political campaigning, but they should assure accessibility at the going rate.

Serious consideration should be given to changing present restrictions on borrowing by political organizations through regular commercial channels. It is now virtually impossible to secure loans for campaign purposes and when enacted, these restrictions were to combat real abuses, but today political organizations can be made legally responsible for their obligations, thus providing lending agencies the security their obligations require and relieving the pressure on candidates for donated funds in periods of peak expenses.

In connection with provisions for assuring the going commercial rate in the communications media, it has been suggested that a contribution to reduced costs and improved content in broadcast campaigning would be to establish a minimum length for commercial messages. This in essence would be to eliminate the so-called "spot" advertisement that contributes so heavily to the expense and shallowness of campaigns. The purpose would be to require candidates to make more detailed and thoughtful presentations of their views and improve the quality of their messages to the public. I personally find it difficult to reconcile the contradictions inherent in setting minimum lengths for campaign productions and the requirements which demand for numerous blocks of irregular time slots would have on broadcasters programming schedules. However, this avenue should receive thorough consideration in hopes of finding a real solution to the spot ad problem.

A responsible and respected central authority for oversight of campaign operations and organizations could be established. This authority, responsible for receipt, tabulation and publication of the disclosures and reports ordered by Congress, would provide the long-needed focal point for public interest and concern in campaign practices.

The specifics of campaign reform should also take into account the need of reducing the length of campaigns. In today's world of nearly instantaneous communications, a prolonged audio-visual assault on the voting public is unnecessary and increasingly annoying. It has reached the point today where the public begins to feel it is being bombarded by an endless round of political publicity and propaganda. And to a large extent, they are correct. Campaigns are too long. Their length exceeds the necessities of communications and debate and should be shortened.

Another influence of long campaigns is their contribution to the rising costs of campaigning; and it is substantial. Each extra day or week a campaign drags on adds tremendously to the overall costs. The real or imagined need to get to the public with a message fuels this pressure for long campaigns. Here we clearly see the interrelation of the pressures for money, time and the media.

Many steps could be taken to introduce incentives for shorter campaigns. National conventions could be held later in the year. Presidential primaries might be moved back a few weeks. Legislation might be enacted to set an official "campaign season." But I believe this area of shortening the campaign period offers real promise for reducing costs and improving the quality of campaigns. And I would hope this committee will explore this avenue fully in the coming months.

INCREASED CITIZEN PARTICIPATION

Now we come to the third point of the directions for campaign reform, and this is involvement of more individuals in the political process.

It is not sufficient that people go to the polls. It is of course vital, but here is more—an additional responsibility of citizenship. And this responsibility is support.

As I said at the beginning of my remarks, I believe that every American has the right to support the candidates and organizations of his choice to the fullest extent of his means, but I believe also that each citizen should support candidates and parties in proportion to those means.

There are many individuals throughout this great nation who feel a sincere and deep gratitude for what America has meant to their lives and who choose to express their feelings by contributing to political organizations. There are individuals whose loyalty and dedication to their political beliefs have found selfless and generous expression in financial support to the parties and candidates who embody their hopes and expectations for America. I believe these are admirable and laudable actions and should be encouraged and fostered by national policy.

It is recognized that the political process is expensive, and it will continue to be so. But that is not to say that the expenses of campaigning cannot be held to manageable limits nor that the burden of financing campaigns is to be the primary responsibility or preempted privilege of the wealthy.

Unfortunately, there are many individuals who do not feel the desire or the responsibility to aid political parties and candidates. It has been estimated that in 1968, only 6 percent of the population gave any money to a political organization, and in some years this number has fallen as low as 4 percent.

This statistic is at the same time distressing and hopeful. Although few Americans are motivated to contribute, a real bonanza of support lies waiting to be tapped. If only the candidates and parties in this nation can reach them, we will have made a tremendous stride forward in improving the political process in this country.

As the 20th century fund report stated:

"It would be far healthier if a larger number of individual contributors gave small sums. Small contributors in greater number would not only reduce a candidate's reliance on a few big givers, but also help improve the political climate by increasing direct citizen participation in politics."

For every man or woman of wealth who contributes to politics in this country, there are tens and hundreds of thousands of average citizens with modest or even limited means whose dimes and quarters, ones, fives and tens are immeasurably more important to democracy and the American political system than all the tycoons, magnates and millionaires put together.

I speak with special feeling of these Americans, because they have meant a great deal to the Republican Party and through it to the entire Nation.

In 1961, under National Chairman William E. Miller, the Republican Party instituted its sustaining membership program. This program sought then, as it does today, small contributions for membership in the Republican sustaining membership committee. When the sustaining membership drive was first undertaken on a national basis in 1961, a membership cost $10. And by 1962, 45% of the national committee's funds were received through its sustaining members.

As an indication of the bedrock strength of this concept, consider the 1964 presidential campaign. The party and its ticket, faced with overwhelming odds and widespread popular assumption of doom at the polls, conducted a full-scale and nationwide campaign costing more than $8 million and emerged from the ruins of defeat with all its bills paid and money in the bank. Normally, one would expect a campaign that was so widely proclaimed to be futile to wind up heavily in the red. But an interesting thing was disclosed by that 1964 race—the financial stability of the Republican Party was due to the basic strength of its organization—the loyal small contributor who did not bail out when the going got rough.

Since 1964, the sustaining membership program has been the largest source of income for the Republican Party, accounting for more than 80% of all receipts in several years.

Mr. Chairman, just as an up-to-date example of the strength and importance of the small contributor and the sustaining membership program to the Republican Party, I would like to cite some figures for the first two months of this year. In January and February, 1971, the Republican National Committee received 82,381 contributions of less than $100. The total of these contributions, chiefly from the sustaining membership program, totaled $1,169,822.21. In the same period, the party received fewer than 200 contributions in excess of $100, and these totaled $74,790.00.

Now, I submit that this is the way our political financial systems are meant to work. This is participatory democracy, and this is a broadly-based party with a vigorous and involved membership.

The Republican Party's record is exceptional in this respect. And I find it somewhat discomforting to hear our party attacked for the sole reason of its financial stability by those whose party has not developed a broad base of extremely dedicated and dependable small contributors.

The Republican Party does have a sound financial structure because it relies on the people for its support, and because it is responsible with its own and other's money.

I am not here today to prescribe for the Democrat National Committee. I am here to offer suggestions for improving our whole political system. I believe that no greater contribution to the viability of the political process in America can be made than to bring more Americans into the financial affairs of our political institutions. Financial participation is real, basic and responsible participation in the campaigns and parties which that individual supports. It is also a source of basic good government and insur-

ance of the effective power and authority of the people over public affairs.

New steps need to be taken by the Federal Government to stimulate citizen involvement in the financial affairs of politics. As in the other areas I have mentioned, there are many ways in which this might be done. Hopefully this committee in its consideration of the several bills before it and in its private deliberations will select one or more new devices for stimulation of this reform. Numerous suggestions have been made, such as establishing tax credits and tax deductions for political contributions, or providing a standard contribution by check-off type arrangement of the Federal income tax return. These and other proposals deserve very thorough and studied consideration. They may offer substantial help for politics in America, but they may also raise numerous side issues and questions of policy and administration which should be thoroughly examined before making any final decisions.

CONCLUSION

I stand ready to join in further efforts to achieve meaningful results and to promote the vitality of our system and to assure thereby the continuing ability of Government to meet the challenges and difficulties of the future.

Mr. COTTON. Mr. President, I yield myself 2½ minutes.

Mr. President, at the conclusion of consideration of a major piece of legislation such as S. 382—the Federal Election Campaign Act of 1971—it is in order to express appreciation for the work of those principally involved in its passage.

Certainly such an expression of thanks is due the Senators who managed the bill on both sides of the aisle—the distinguished senior Senator from Rhode Island (Mr. PASTORE), the distinguished Senator from Nevada (Mr. CANNON), and on our side of the aisle, the distinguished Senators from Vermont (Mr. PROUTY), and from Tennessee (Mr. BAKER). Each is to be highly commended for the very fine work which they did on this measure. I also believe that the junior Senator from Kentucky (Mr. COOK) is to be commended for his proposal in arriving at a resolution of the most important issue concerning the interchangeability of expenditure limitations established in the bill on the broadcast and nonbroadcast media.

The courtesy of the professional staff members of the Committee on Commerce and the Committee on Rules and Administration has been appreciated. As for the Commerce Committee, I would like to single out the majority staff counsels, Mr. Zapple and Mr. Hardy, and on the minority staff, Mr. Pankopf and Mr. Molloy. Similar commendation and thanks also is due the staff members of the Committee on Rules and Administration, Messrs. Duffy and Van Kirk.

Mr. President, if I stopped at this point I would be remiss. Frequently overlooked is the many hours of hard work done by the ladies—the secretaries who put in long hours typing statements, amendments, and preparing other materials. Accordingly, in most deserving recognition on this occasion, I would like to express special thanks for the work done by Betty Swenson, Gerrie Bjornson, and Gene Edwards of the minority staff of the Committee on Commerce. At times which I am sure were trying, they prepared excellent materials for the Members on this side of the aisle and, I am sure, others like them worked equally hard for the Senators on the other side of the aisle. Certainly their efforts will be reflected in what I hope will later prove to have been a much more meaningful debate on the bill, S. 382. Thus, to these secretaries—and I believe I can speak for some of my other colleagues—I say, "Thank you for a job well done."

Mr. BAKER. Mr. President, when we commence the debate on S. 382—the Federal Election Campaign Act of 1971—I made an opening statement setting forth my principal areas of concern of the then pending amendment No. 308 proposed by the distinguished senior Senator from Rhode Island (Mr. PASTORE) and others. These five principal areas of concern were as follows:

First, inadequacy of amendment No. 308's—star print—partial exemption to the "equal time requirements" of section 315 of the Federal Communications Act;

Second, the unduly restrictive separate spending limitations lacking interchangeability;

Third, the failure to prohibit unsecured debts by political candidates for services rendered by certain regulated industries;

Fourth, the failure to go the full measure and provide for an independent Federal Elections Commission; and

Fifth, the failue to provide a "fair labeling" disclosure advising the general public of the availability of detailed copies of reports filed by political committees.

Mr. President, although we may not have come up with the complete solution in each and every one of these areas, I do believe that we have made remarkable progress.

We have overcome the partial exemption to the equal time requirement of section 315 of the Federal Communications Act so as to render it applicable to all candidates for Federal elective office and not just candidates for the office of President and Vice President.

We have taken some small step to provide for some limited degree of interchangeability between the expenditure limitations for the broadcasts and the nonbroadcast media. This was accomplished through the compromise amendment offered by the distinguished junior Senator from Kentucky (Mr. COOK) so as to provide for interchangeability of not to exceed 20 percent of the respective ceiling, be it for broadcast or nonbroadcast media. I still am convinced that future years will bear out my prophesy for the need for complete interchangeability, but at least we have made a step in the right direction.

We did not adopt the meritorious amendment offered by our distinguished minority leader (Mr. SCOTT) to prohibit by law extension of unsecured credit for services rendered by certain regulated industries. We did, however, adopt a substitute directing the appropriate regulatory agencies to develop rules and regulations to bar such abuse of practices in the future. I only hope that these agencies, when and if this measure becomes law, will act in an expeditious fashion.

We did go the full measure by providing for an independent Federal Elections Commission with the adoption of the amendment proposed by the distinguished senior Senator from Kansas (Mr. PEARSON) with an amendment. I believe that the overwhelming majority vote by which this amendment was adopted provides clear and convincing evidence of the sentiment of the Senate in this regard.

Finally, we have adopted a compromise substitute for the "fail labeling" disclosure amendment proposed by the distinguished junior Senator from Vermont (Mr. PROUTY), which should insure that the general public is put on notice concerning the availability of detailed copies of reports filed by political committees.

In summary, Mr. President, we have made considerable progress. The bill certainly is not what each and every one of us would have desired, but I do believe it represents a substantial improvement over what we had under consideration when we first commenced hearings before the Committee on Commerce on this measure. I trust that as this legislation progresses we will be alert to its proper implementation and be prepared to undertake appropriate remedial amendments when and if necessary.

Mr. PASTORE. Mr. President, first I wish to commend the distinguished Senator from New Hampshire (Mr. COTTON) for his gracious and generous remarks. I congratulate members of our subcommittees, Republicans and Democrats alike. When we started this debate 3 days ago I said there was no partisanship involved. As far as I am concerned, I think the debate that has taken place and the spirit that has prevailed has proven that point. I congratulate the Members of the Senate for the expeditious way we have conducted the proceedings in connection with the passage of the bill.

At this time I pay particular praise to my colleague from Nevada (Mr. CANNON) who worked with me in a very cooperative spirit.

I wish to pay tribute to the members of the staff, Mr. Nicholas Zapple and Mr. John Hardy, and Jim Duffy of the staff of the Committee on Rules and Administration.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I would like to make a unanimous-consent request at this time, with the approval of the acting minority leader and the Senate:

Ordered that immediately after the disposition of S. 382, upon which we will vote shortly—and we do this because we have this evening and tomorrow only—the Senate proceed to the consideration of S. 659, the education amendments of 1971 which the Senate set aside last night; and immediately following the disposition of S. 659, it be in order for the Senate to proceed to the consideration of the following measures:

First, the $1 billion Public Service Act; second, the continuing resolution on appropriations; third, S. 2393, the disaster relief bill amendments; and fourth, S. 2007, the Office of Economic Oppor-

tunity Act amendments. And that it shall be in order at anytime until the recess tomorrow night during the consideration of any of these measures including S. 659 to proceed to have laid before the Senate for its immediate consideration any of these measures or any other measures agreed upon by the majority and minority leaders.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, temporarily, I object until we have an opportunity to consider it.

The PRESIDING OFFICER. Objection is heard.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all time yielded back on the bill?

Mr. PASTORE. All time is yielded back on the bill.

The PRESIDING OFFICER. All time has been yielded back. The bill having been read the third time, the question is, Shall it pass?

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 Oklahoma (Mr. HARRIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE), and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. PEARSON), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from Nebraska (Mr. HRUSKA) and the Senator from Illinois (Mr. PERCY) are absent on official business.

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

If present and voting, the Senator from Nebraska (Mr. HAUSKA) and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 88, nays 2, as follows:

[No. 203 Leg.]

YEAS—88

Aiken	Bellmon	Burdick
Allen	Bentsen	Byrd, Va.
Allott	Bible	Byrd, W. Va.
Anderson	Boggs	Cannon
Baker	Brock	Case
Bayh	Brooke	Chiles
Beall	Buckley	Church
Cook	Inouye	Pell
Cooper	Jackson	Proxmire
Cotton	Javits	Randolph
Cranston	Jordan, N.C.	Ribicoff
Curtis	Jordan, Idaho	Roth
Dole	Kennedy	Saxbe
Dominick	Long	Schweiker
Eagleton	Magnuson	Scott
Eastland	Mansfield	Smith
Ellender	Mathias	Sparkman
Ervin	McClellan	Spong
Fong	McGee	Stennis
Fulbright	McGovern	Stevens
Gambrell	McIntyre	Symington
Gravel	Metcalf	Taft
Griffin	Miller	Talmadge
Gurney	Mondale	Thurmond
Hansen	Montoya	Tower
Hart	Moss	Tunney
Hatfield	Muskie	Weicker
Hollings	Nelson	Young
Hughes	Packwood	
Humphrey	Pastore	

NAYS—2

Fannin	Goldwater

NOT VOTING—10

Bennett	Mundt	Stevenson
Harris	Pearson	Williams
Hartke	Percy	
Hruska	Prouty	

So the bill (S. 382) was passed, as follows:

S. 382

An act to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Election Campaign Act of 1971".

TITLE I—AMENDMENTS TO COMMUNICATIONS ACT OF 1934; LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NON-BROADCAST COMMUNICATIONS MEDIA

EXCEPTION TO EQUAL TIME REQUIREMENTS AND CHARGE LIMITATIONS

SEC. 101. (a) (1) Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315 (a)) is amended by inserting after "public office" in the first sentence thereof a comma and the following: "other than Federal elective office (as defined in subsection (c) of this section),".

(2) Section 315(a) of such Act is amended by inserting after the first sentence thereof the following: "When 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."

(b) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

"(1) during the forty-five days preceding the date of a primary election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period; and

"(2) at any other time, the charges made for comparable use of such station by other users thereof."

(c) Section 312(a) of such Act is amended by striking "or" at the end of clause (5), striking the period at the end of clause (6) and inserting in lieu thereof a semicolon and "or", and adding at the end of such section 312(a) the following new clause

"(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate on behalf of his candidacy.".

EXPENDITURE LIMITATIONS FOR CANDIDATES FOR MAJOR ELECTIVE OFFICES

SEC. 102. Section 315 of the Communications Act of 1934 is further amended by redesignating subsection (c) as subsection (f) and by inserting immediately before such subsection the following new subsections:

"(c)(1) For purposes of this subsection and subsection (d), the term—

"(A) 'Federal elective office' means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress;

"(B) 'use of broadcasting stations by or on behalf of any candidate' includes not only broadcasts advocating such candidate's election, but also broadcasts urging the defeat of his opponent or derogating his opponent's stand on campaign issues;

"(C) 'legally qualified candidate' means any person who (1) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (2) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors; and

"(D) 'broadcasting station' includes a community antenna television system, and the terms 'licensee' and 'station licensee' when used with respect to a community antenna television system, mean the operator of such system.

"(2) Except as provided in section 104 of the Federal Election Campaign Act of 1971, 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—

"(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).

For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire population of voting age for such office within the State in which such primary election is conducted. Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with his primary campaign in any State shall not exceed such limitation for that State.

"(3) Amounts spent for the use of broadcasting stations on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of broadcasting stations by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this subsection, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

"(4) No station licensee may make any charge for the use of such station by or on behalf of any candidate for Federal elective office (or for nomination to such office) unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate paragraph (2).

"(5) Broadcasting stations and candidates shall file with the Commission such reports at such times and containing such information as the Commission shall prescribe for

the purpose of this subsection and, in the case of broadcasting stations, subsection (d).

"(d) If a State by law and expressly—

"(1) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection, and

"(2) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election, and

"(3) has provided in any such law an unequivocal expression of intent to be bound by the provisions of this section, and

"(4) has stipulated that the amount of such limitation shall not exceed the amount which would be determined for such election under subsection (c) had such election been an election for a Federal elective office or nomination thereto;

then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation.

"(e) One who willfully and knowingly violates the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed $5,000 or imprisonment for a period not to exceed five years, or both. The provisions of sections 501 through 503 of this Act shall not apply to violations of such subsection."

LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA

SEC. 103. (a) For purposes of this section, the term—

(1) "Federal elective office" means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress;

(2) "nonbroadcast communications medium" means newspapers, magazines, and other periodical publications, and billboard facilities;

(3) "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors; and

(4) "use of any nonbroadcast communications media by or on behalf of any candidate" includes not only amounts spent for advocating a candidate's election, but also amounts spent for urging the defeat of his opponent or derogating his opponent's stand on campaign issues.

(b) During the forty-five days preceding the date of any primary election, and during the sixty days preceding the date of any general or special election, the charges made for the use of any nonbroadcast communications medium by an individual who is a legally qualified candidate for Federal elective office shall not exceed the lowest unit rate charged others by the person furnishing such medium for the same amount and class of space.

(c) Except as provided in section 104 of this Act, 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—

(1) 5 cents multiplied in 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

(2) $30,000, if greater than the amount determined under clause (1).

For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire resident population of voting age for such office with the State in which such primary election is conducted. Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with his primary campaign in any State shall not exceed such limitation for that State.

(d) Amounts spent for the use of nonbroadcast communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this section, be deemed to have been spent by such candidate. Amounts spent for the use of nonbroadcast communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(e) No person may make any charge for the use of any nonbroadcast communications medium by or on behalf of any candidate for Federal elective office (or for nomination to such office) unless such candidate, or an individual specifically authorized by such candidate in writing to do so, certifies to such person that the payment of such charge will not violate subsection (c). Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate without charge therefor shall be deemed to have made a contribution to such candidate in an amount equal to the amount normally charged for such person for such use. Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate at a rate which is less than the rate normally charged by such person for such use shall be deemed to have made a contribution to such candidate in an amount equal to the excess of the rate normally charged over the rate charged such candidate.

(f) One who willfully and knowingly violates the provisions of this section shall be punished by a fine not to exceed $5,000 or imprisonment of not more than five years, or both.

LIMITED INTERCHANGEABILITY BETWEEN EXPENDITURES LIMITATIONS

SEC. 104 (a) A legally qualified candidate in any primary, runoff, general, or special election for Federal elective office may, at his option, transfer not to exceed 20 per centum of the expenditure limitation under section 315(c) of the Communications Act of 1934 as amended or section 103(c) of this Act between one or the other to be spent on either the broadcast or nonbroadcast media on behalf of his candidacy in such election. Any amount so transferred from the one expenditure limitations to the other shall be deducted from the expenditure limitation upon the media from which such transfer is made.

(b) Any such legally qualified candidate exercising this option shall promptly notify the Federal Elections Commission in writing of the amount so transferred and spent, and shall provide such Commission with such information as the Commission, in its judgment, deems necessary and proper in the exercise of this option.

(c) The Federal Elections Commission is authorized to develop and promulgate appropriate rules and regulations to carry out the purposes of this section.

(d) The definitions contained in section 315(c) of the Communications Act of 1934 and in section 103(a) of this Act are applicable to this section.

COST-OF-LIVING INCREASE IN LIMITATION FORMULA

SEC. 105. (a) For purposes of this section, the term—

(1) "price index" means the annual average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

(2) "base period" means the calendar year 1970.

(b) Commencing immediately after the end of 1971, and after the end of each calendar year thereafter, as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall determine the difference between the price index for the immediately preceding calendar year and the price index for the base period. The amount computed under section 315(c)(2)(A) of the Communications Act of 1934 (as added by section 102 of this Act) and under section 103(c)(1) of this Act shall be increased by such per centum difference (excluding any fraction of a per centum) and rounded to the next highest cent. Each amount so increased shall be the amount in effect for the twelve months following the end of such calendar year.

TITLE II—CRIMINAL CODE AMENDMENTS

SEC. 201. Section 591 of title 18, United States Code, is amended to read as follows:

"§ 591. Definitions

"When used in sections 597, 599, 600, 602, 610, 611, and 614 of this title—

"(a) 'election' means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(b) 'candidate' means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

"(c) 'Federal office' means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

"(d) 'political committee' means any individual, committee, association, or organization which accepts contributions or make expenditures during a calendar year in an aggregate amount exceeding $1,000;

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination

of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

"(3) a transfer of funds between political committees;

"(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee without charge for any such purposes; and

"(5) notwithstanding the foregoing meanings of 'contribution', the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

"(3) a transfer of funds between political committees;

"(g) 'person' and 'whoever' mean an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

"(h) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States."

SEC. 202. Section 600 of title 18, United States Code, is amended to read as follows:

"§ 600. Promise of employment or other benefit for political activity

"Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than $1,000 or imprisoned not more than one year, or both."

SEC. 203. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contributions and expenditures

"(a)(1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) $50,000, in the case of a candidate for the office of President or Vice President;

"(B) $35,000, in the case of a candidate for the office of Senator; or

"(C) $25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(b) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed $1,000, imprisonment for not to exceed one year, or both.".

SEC. 204. Section 609 of title 18, United States Code, is repealed.

SEC. 205. Section 611 of title 18, United States Code, is amended to read as follows:

"§ 611. Contributions by Government contractors

"Whoever—

"(a) entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the latter of (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnisihng of material, supplies, equipment, land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

"(b) knowingly solicits any such contribution from any such person for any such purpose during any such period;

shall be fined not more than $5,000 or imprisoned not more than five years, or both."

SEC. 206. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Limitations on contributions and expenditures.";

(2) striking out the item relating to section 609 and inserting in lieu thereof the following:

"609. Repealed."

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

"611. Contributions by Government contractors.".

TITLE III—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

DEFINITIONS

SEC. 301. When used in this title—

(a) "election" means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees;

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose; and

(5) notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement whether or not legally enforceable, to make an expenditure; and

(3) a transfer of funds between political committees;

(g) "Commission" means the Federal Elections Commission;

(h) "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

(i) "State" means each State of the United States, the District of Columbia, the Com-

monwealth of Puerto Rico, and any territory or possession of the United States.

ORGANIZATION OF POLITICAL COMMITTEES

SEC. 302. (a) Every political commitee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution in excess of $10 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed acount thereof, including the amount, the name and address (occupation and the principal place of business, if any) of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) the full name and mailing address (occupation and the principal place of business, if any) of every person making a contribution in excess of $10, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and mailing address (occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the Commission.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is authorized by such candidate and that such candidate is not responsible for the activities of such committee.

(f) (1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the Federal Elections Commission is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402."

(2) (A) The Commission 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 Commission.

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 303. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1,000 shall file with the Commission a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the Commission at such time as it prescribes.

(b) The statement of organization shall include—

(1) the name and address of the committee;

(2) the names, addresses, and relationships of affiliated or connected organizations;

(3) the area, scope, or jurisdiction of the committee;

(4) the name, address, and position of the custodian of books and accounts;

(5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;

(6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a statement whether the committee is a continuing one;

(8) the disposition of residual funds which will be made in the event of dissolution;

(9) a listing of all banks, safety deposit boxes, or other repositories used;

(10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and position of such persons; and

(11) such other information as shall be required by the Commission.

(c) Any change in information previously submitted in a statement of organization shall be reported to the Commission within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000 shall so notify the Commission.

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

SEC. 304. (a) Each treasurer of a political committee supporting a candidate or candidates for election to Federal office and each candidate for election to such office, shall file with the Commission reports of receipts and expenditures on forms to be prescribed or approved by it. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the Commission may prescribe, which shall not be less than five days before the date of filing except that any contribution of $5,000 or more received after the last report is filed prior to the election, shall be reported within forty-eight hours after its receipt.

(b) Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address (occupation and the principal place of business, if any) of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in an aggregate amount or value of $100 or more, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers;

(5) each loan to or from any person within the calendar year in an aggregate amount or value in excess of $100, together with the full names and mailing addresses (occupations and the principal places of business, if any) of the lender and endorsers, if any, and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt in excess of $100 not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

(9) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an expenditure or expenditures have been made by such committee or on behalf of such committee or candidate within the calendar year in an aggregate amount or value in excess of $100, the amount, date, and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made;

(10) the full name and mailing address of each (occupation and the principal place of business, if any) person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of $100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or candidate during the calendar year;

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the Commission may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the Commission may require until such debts and obligations are extinguished; and

(13) such other information as shall be required by the Commission.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such

year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

REPORTS BY OTHER THAN POLITICAL COMMITTEES

SEC. 305. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of $100 within a calendar year shall file with the Commission a statement containing the information required by section 304. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

SEC. 306. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the Commission in a published regulation.

(c) The Commission may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The Commission shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

REPORTS ON CONVENTION FINANCING

SEC. 307. Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President,

shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Commission a full and complete financial statement, in such form and detail as it may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

DUTIES OF THE COMMISSION

SEC. 308. (a) It shall be the duty of the Commission—

(1) to develop and furnish to the person required by the provisions of this Act, prescribed forms for the making of the reports and statements required to be filed with it under this title;

(2) to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

(4) to make the reports and statements filed with it available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person: *Provided*, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as it shall determine and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as it shall determine and broken down into contributions on the National, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of $100;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as it may deem appropriate;

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title;

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

(b) (1) Any person who believes a violation of this title has occurred may file a complaint with the Commission. If the Commission determines there is substantial reason to believe such a violation has occurred, it shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the Commissioner, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection, subpenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States court of appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

STATEMENTS FILED WITH CLERK OF UNITED STATES COURT

SEC. 309. (a) A copy of each statement required to be filed with the Commission by this title shall be filed with the clerk of the United States district court for the judicial district in which is located the principal office of the political committee or, in the case of a statement filed by a candidate or other person, in which is located such person's residence. The Commission may require the filing of reports and statements required by this title with the clerks of other United States district courts where it determines the public interest will be served thereby.

(b) It shall be the duty of the clerk of a United States district court under subsection (a)—

(1) to receive and maintain in an orderly manner all reports and statements required by this title to be filed with such clerks;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

FEDERAL ELECTIONS COMMISSION

SEC. 310. (a) There is hereby created a Commission to be known as the Federal Elections Commission, which shall be composed of six members, not more than three of whom shall be members of the same political party, who shall be chosen from among persons who, by reason of maturity, experience, and public service have attained a nationwide reputation for integrity, impartiality, and good judgment, are qualified to carry out the functions of the Commission and shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of two years, one for a term of four years, one for a term of six

years, one for a term of eight years, one for a term of ten years, and one for a term of twelve years, beginning from the date of enactment of this Act, but their successors shall be appointed for terms of twelve years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission and one member to serve as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and four members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the money it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

(e) Members of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the Director of the Office of Management and Budget, but not in excess of $100 per day, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers at any other place.

(g) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of section 9 of the Act of August 2, 1939, as amended (the Hatch Act), notwithstanding any exemption contained in such section.

(h) The Commission shall appoint an Executive Director without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, to serve at the pleasure of the Commission. The Executive Director shall be responsible for the administrative operations of the Commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulations or orders of the Commission. However, the Commission shall not delegate the making of regulations regarding elections to the Executive Director.

(i) The Chairman of the Commission shall appoint and fix the compensation of such personnel as it is deemed necessary to fulfill the duties of the Commission in accordance with the provisions of title 5, United States Code.

(j) The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(k) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Executive Director, Federal Elections Commission."

(l) In carrying out its responsibilities under this title, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities, of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General are authorized to make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request.

PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 311. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

PENALTY FOR VIOLATIONS

SEC. 312. Any person who violates any of the provisions of this title shall be fined not more than $1,000 or imprisoned not more than one year, or both.

STATE LAWS NOT AFFECTED

SEC. 313. (a) Nothing in this title shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this title.

(b) The Commission shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

PARTIAL INVALIDITY

SEC. 314. If any provision of this title, or the application thereof, to any person or circumstance is held invalid, the validity of the remainder of the title and the application of such provision to other persons and circumstances shall not be affected thereby.

REPEALING CLAUSE

SEC. 315. (a) The Federal Corrupt Practices Act, 1925 (2 U.S.C. 241–256), is repealed.

(b) In case of any conviction under this title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

TITLE IV—MISCELLANEOUS

EXTENSION OF CREDIT BY REGULATED INDUSTRIES

SEC. 401. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.

EFFECTIVE DATE

SEC. 402. Except as provided for in section 401 of this Act, the provisions of this Act shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act, whichever is later.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any necessary conforming and technical change in the enrollment of the bill and that the bill be printed as it has passed the Senate.

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

Mr. MANSFIELD. Mr. President, with the final approval of the Federal Election Campaign Act of 1971 I wish to express my respect for, and amazement of, the ability of the senior Senator from Rhode Island (Mr. PASTORE). To hear his booming voice almost always signals an interesting and educational debate. His ability to manage the bill on the floor of the Senate—however intricate, complicated or controversial—is without equal. His legislative prowess not only deters dilatory tactics but invites cooperation and assures enactment.

The Senate is indebted to Senator PASTORE for his agile and intelligent handling of this far-reaching and long-overdue piece of electoral reform legislation.

Assisting Senator PASTORE throughout this lengthy debate was the able Senator from Nevada (Mr. CANNON). His complete knowledge of all the aspects of this bill, assured a concise and accurate debate on the many amendments. His help is most appreciated.

I believe the Senator from Rhode Island (Mr. PASTORE) mentioned the Senator from Vermont (Mr. PROUTY) earlier, but I would like to express my personal thanks for his generous contributions and many helpful suggestions. It was with Senator PROUTY's help that this political reform measure remained a bipartisan effort. His wise counsel on many different points through the course of debate this last week created a spirit of cooperation that will certainly be noted by the President and the American people. I thank the Senator.

The distinguished and able minority leader (Mr. SCOTT) paid close attention to the progress of this bill. His thoughtful suggestions about various aspects of reporting campaign expenditures were most helpful. And I think the cooperation extended by the managers of this bill typify the true bipartisan nature of this reform measure.

The Senator from Kansas (Mr. PEARSON), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Colorado (Mr. DOMINICK) should all be thanked for their help in assuring the high quality of reform this measure represents. On the other side of the aisle the Senator from Florida (Mr. CHILES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. HART), and the Senator from Illinois (Mr. STEVENSON) all contributed their own views that led to further understanding of various aspects of this reform act.

Mr. President, the most important and telling aspect of the legislative history of S. 382 was that the final passage vote was 88 yeas and only 2 nays. This, to me, represents such a total sense of agreement that it is difficult to conceive of how this legislative measure could favor one party or the other. In fact, to me it represents a move, at long last, toward the spirit of cooperation that is so desperately needed in our society. All of the Senators recognized that there was a serious problem with the spiraling cost of elections, and through the cooperative and bipartisan support we have witnessed in this chamber for the last week, we have enacted a progressive reform measure to begin checking campaign costs. I thank Senator PASTORE, Senator

CANNON, Senator PROUTY, Senator BAKER, and all of those that have cooperated in successfully guiding this through the Senate.

IN PRAISE OF PASSAGE

Mr. CHURCH. Mr. President, the Senate has taken today a most constructive action by approving a campaign financing reform bill governing elections for Federal office. I hope that the House of Representatives will soon take a correspondingly affirmative position in order that the remedial provisions of the legislation will be in operation during the 1972 elections.

Legislative action in this problem area is necessary. The escalating cost of campaigning has inhibited the ability of able men and women of modest incomes to seek elective office. This consequence has generated suspicion, even cynicism, among Americans toward politics as a preserve for big-money interests.

The U.S. Senate has now acted to help correct this situation by approving a bill which attacks the problem in three ways.

First, it establishes a ceiling on the amount of money that a candidate for Federal office may spend on publicity in primary and general elections, in the form of billboards, newspaper advertisements and radio or television "spots." Within this overall spending ceiling, the bill places limits on the amount of money a candidate may spend on television and radio commercials, customarily the largest single cost item. In addition, the bill limits the amount of money a candidate may spend from his own personal funds or those of his immediate family.

Second, the legislation requires detailed disclosure, both during and after elections, as to the sources of contributions and the purposes for which the money is spent. In this connection, the bill creates a presidentially appointed six-member commission to supervise the campaign financing provisions of the bill.

Third, the bill seeks to broaden the base of political financing by authorizing modest tax credits and tax deductions to those who are able to make only small contributions to candidates of their choice. I have long advocated this change in our tax laws to encourage small contributions to our political process. For too long, too many candidates have been too dependent on large contributors. This has made for a polarization of our policies between big business, on the one hand, and big labor on the other, a condition which is unhealthy for the people as a whole.

MESSAGE FROM THE PRESIDENT

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

REPORT ON STATUS OF NATIONAL WILDERNESS PRESERVATION SYSTEM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92–156)

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

To the Congress of the United States:

Today I am transmitting the 7th Annual Report on the status of the National Wilderness Preservation System. The Report spells out the substantial progress which has been made in the Wilderness System, a System which now encompasses more than 10.1 million acres—an increase of over 200,000 acres in the last year.

On April 28, 1971, I transmitted fourteen new wilderness proposals to the Congress. If approved, these proposals would enlarge our Wilderness System by an additional 1.8 million acres. Again, I urge quick and favorable congressional action on these proposals as well as on thirteen other proposals which are also before the Congress and which would add over a million acres to the System. Wilderness designation of all these areas is vital if we are to preserve their natural environment for future generations of Americans.

RICHARD NIXON.

THE WHITE HOUSE, *August 5, 1971.*

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, without amendment, the bill (S. 2296) to amend sections 107 and 709 of title 32, United States Code, relating to appropriations for the National Guard and to National Guard technicians, respectively.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 2587) to establish the National Advisory Committee on the Oceans and Atmosphere.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance, and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 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; that the House receded from its disagreement to the amendments of the Senate numbered 1, 15, 49, and 50 to the bill and concurred therein; and that the House receded from its disagreement to the amendments of the Senate numbered 30, 37, and 41 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 4263) to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order.

EDUCATION AMENDMENTS, 1971

Mr. MANSFIELD. Mr. President, in accord with the understanding of yesterday, I ask unanimous consent that the Senate return to the consideration of Calendar No. 342, S. 659, on a temporary basis.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate resumed the consideration of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes.

Mr. MOSS. Mr. President, almost anywhere you turn in our great land these days you are likely to run into talk and concern about the plight of the colleges, the crisis on the campus as it is often phrased.

Our citizens should, of course, be troubled, and deeply so, about this crisis. In my view if our colleges are in trouble, then the country is in trouble.

As we ponder what college opportunities have meant and now mean to life patterns and standards in our civilization, and further contemplate the vast stream of discoveries and progress which the universities and colleges generate, no other conclusion seems possible. The campus disorders are in substantial measure the mirror of the larger disorders in our society.

And for those larger disorders, we look now and in the future, as we have in the past, to the campus to help us produce solutions.

We have been talking long and loud in Congress about the crisis on the campus. At the same time, we have the responsibility to play a role, to take a hand in meeting it. And this we do, Mr. President, in the measure before us. S. 659 is an impressive and broad-gaged response to it.

The bill considerably increases the

Federal commitment to the citizens, individually and collectively, who carry their studies beyond high school, particularly the low-income youth; and to the institutions and programs that serve them.

Never before have we developed such a diversified, yet orchestrated, package for higher education.

The crisis in part is financial. And S. 659 will sharply increase the flow of Federal funds to the typical college. To the nontraditional college, such as the community college with a high low-income enrollment, the increase can be still sharper.

The crisis in part, too, has been a matter of focus. S. 659 puts the emphasis where it belongs—on the student, not on the institution; on the consumer, and not on the educator.

This is reflected not only in the bill's new concept and approach to student finances, but in the increased emphasis on such areas as the long-neglected field of consumer education—at least, long neglected on the campus—and vocational education, particularly in comprehensive programing on the community college level.

Mr. TAFT. Mr. President, the Education Amendments of 1971, which I cosponsor, represent a firm and positive reaffirmation of the Federal Government's support of our Nation's educational system.

If there is to be a keystone in the bridge across this Nation's social and economic problems, it must surely be education. By augmenting educational opportunities for all Americans, we make a major thrust in the direction of better jobs and in turn better housing.

Without reviewing the provisions of this bill in detail, I must commend its commitment to higher education contained in title I.

In my judgment, it is not only important for higher educational opportunities to exist for all young Americans, but it is vital that our young people grow up with the recognition of those opportunities. In that way they can develop the motivation and course preparation in high school so that they may avail themselves of the opportunities for higher education which are theirs.

The basic education opportunity grant program, the supplemental education opportunity grants, the grants to States for State scholarships, the student loan marketing association, the expanded work-study programs, and the special program for students from low-income families contained in this measure, firm up the higher education opportunities available to our young people.

No less important is the additional assistance for community colleges which in Ohio and other States have proven to be such vital and valuable components of our educational system. These colleges bring educational opportunities to the hometowns of thousands of young people who might not otherwise be able to attend college in a more distant place. By allowing young men and women to live at home and work in their off-hours, we greatly expand the educational horizons of those who would have otherwise been financially foreclosed.

I am delighted that title II adds industrial arts to the vocational education program. For too many years some of the educational elite have tended to look down their noses at vocational education. In our high schools we have generated the notion that getting into college is the all-important goal, and that somehow it is a step down to embark upon vocational training. We have let this reach the point where many young people feel that they will become failures in life if they do not go on to college. The downgrading of carpentry, plumbing, and other crafts, for example, has been nothing short of tragic. It is just as important to be a good electrician or a good toolmaker, as it is to be a good lawyer or a good teacher. Our young people must be encouraged to understand that what is important is doing a good job, enjoying one's work, and taking pride in that work, whatever it may be.

Regrettably, our colleges have become crowded with many students who are there only because of social pressure. Their interests and talents might very well lie in other directions.

Students of vocational training make an enormously valuable contribution to American life, and the expanded definition of vocational training in this measure begins to give recognition to their contribution. By giving greater recognition to vocational education, we can give a new sense of importance to those young people who would prefer to be creative and work with their hands than bore themselves in the dusty pages of Greek mythology.

Finally, I am pleased that this measure extends the law school clinical experience program which has proven so effective. This program is adding a vibrant and practical dimension to legal education which the casebooks alone can never provide. It reflects the social awareness of our law students and prepares them to meet legal problems in human terms rather than as mere theoretical exercises.

And certainly all of this reflects the mood and concern of America about higher education—if not the wishes of the university establishment.

Those smaller, private colleges, as well as the very large universities, which have slipped into deep financial trouble, though they are generously served by this bill, would do well to heed the public mood. If they worried a bit less about whether they were "living up" to the university tradition, and cared a bit more about "living with" the community, their futures could be brighter.

Traveling the traditional, narrow academic track—or waving the banner of academic freedom while ignoring the community interest, otherwise known as education for education's sake alone—could well be the road to oblivion.

This bill, let me say again, conveys that message.

Finally, the crisis also in part is a matter of planning, a matter of accountability. S. 659 gives strong emphasis to both.

I note this comment in the July 1971 issue of a newsletter from the Western Interstate Compact for Higher Education—WICHE:

> Education is a billion-dollar industry, yet it has operated largely without detailed cost analysis, management systems, and effective evaluations. Pressure is applied to administrators to justify programs, develop new ones, and discard old ones primarily on the basis of their own subjective experiences rather than with the sophisticated analytical tools used by executives in business and industry.

The bill gives strong support to the States to plan for greater accessibility and convenience in higher education, and to develop community colleges as necessary to meet that objective. This section holds great promise for my own State of Utah, which presently has no comprehensive community colleges, yet like many other States is taking a hard look at its geographic distribution and balance in occupational programs and other postsecondary opportunities.

This bill taps much of the vision and thrust of the original comprehensive community college bill as authored by Chairman Williams. Greater Federal recognition and support for this booming segment of our educational network has been long overdue, and as one of the original sponsors of the Williams bill, I am proud and delighted to see S. 659 move in this direction.

To Chairman WILLIAMS and to Chairman PELL, the author of S. 659, and to the full memberships of the Education Subcommittee and Labor and Public Welfare Committee I express my respect and appreciation. From more than a year's diligent investigation of the State and the needs of higher education has emerged this truly profound measure. It is a monument to their leadership, and I hope the Senate will unite in the adoption of it.

ECONOMIC DISASTER AREA RELIEF ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that S. 659 be temporarily laid aside, and that the Senate proceed to the consideration of Calendar No. 333, S. 2393. I do this so that it will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

> Calendar No. 333, a bill (S. 2393) to amend the Disaster Relief Act of 1970 to make areas suffering from economic disasters eligible for emergency Federal aid, to improve the aid which would become available to economic disaster areas, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, before I yield to the distinguished Senator from Mississippi, who I understand has a conference report which he is prepared to have the Senate give some consideration to, I should like, with his permission, and without this being taken out of the time on the pending business, to yield 3 minutes to the distinguished Senator

from Idaho first, and then to the Senator from Mississippi.

Mr. STENNIS. That is satisfactory.

AIDING AND ABETTING A TERRIBLE MASSACRE

Mr. CHURCH. I thank both Senators for this intervention for the purpose of making an insertion in the RECORD.

Mr. President, the U.S. Government is aiding and abetting a terrible massacre on the part of the West Pakistan military regime.

After 18 weeks of widespread hunger, pestilence, and bloodshed, victimizing millions of Bengalis, the President of the United States yesterday at last made a statement relating to this tragedy. The President, however, did not declare his abhorrence at what has happened in East Bengal, nor did he announce that he was stopping any further shipments of the $18 million in arms still scheduled to go to Islamabad from the United States. He did not express any concern about the right of self-determination for the East Bengalis, who crave autonomy, and who constitute a clear majority of the whole population of Pakistan.

Instead, the President said he favored continuing economic assistance to West Pakistan, American money which will help make possible further violence by the Pakistan Army, largely trained and equipped by the United States. Perhaps, in a psychological slip, the President revealed some realism when, instead of referring in his press conference to the "Government of Pakistan," he said:

> We are not going to engage in public pressure on the Government of West Pakistan.

This is the same phrase used by the supporters of an independent East Bengal.

The President and his advisers, favoring Yahya Khan's ruthless regime, stand alone in America today. The House of Representatives on Tuesday voted to cut off all U.S. assistance to Pakistan. The Senate has consistently voiced its outrage at the utter wrongness of America's present policy toward Islamabad, which has reduced our influence on the subcontinent to an alltime low. Indeed, 36 Senators are sponsoring the Saxbe-Church amendment to suspend all economic and military assistance to Pakistan. The Nation's newspapers, with unprecedented unanimity have denounced the shocking suppression in East Bengal, and called for changing U.S. policy there.

Nevertheless, the President yesterday gave a green light to the brutal rule of Yahya Khan, thereby countenancing the continuation of the nightmare in Bengal. He thus did nothing to discourage the hawks in Islamabad, Dacca, and Delhi. With the monsoon ending next month and war clouds gathering, the possibility of an India-Bengal-Pakistan war can no longer be ignored.

And all this, Mr. President, amidst the specter of spreading famine this autumn in Bengal, and a growing horde of 7½ to 8 million refugees, homeless, jobless, and hostile, crowding into neighboring India.

As writer and editor Alvin Toffer of Future Shock fame, just returned from Eastern India, puts it:

> A planetary catastrophe is taking place . . . a human disaster so massive that it could bathe the future in blood, not just for Asians, but for those of us in the West as well.

I ask unanimous consent that the President's statement and articles regarding the ominous threat of war on the subcontinent be printed in the RECORD.

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

PART 1. UNITED STATES-SOUTH ASIA RELATIONS

PRESIDENT NIXON'S NEWS CONFERENCE

[From the New York Times, Aug. 5, 1971]

WASHINGTON, August 4.—Following is the transcript of President Nixon's news conference today:

OPENING STATEMENT

Ladies and Gentlemen, I wanted to begin this with a brief résumé of the conversation I have just had with the Secretary of State, because I know the subject will probably come up in any event.

This is in regard to the Pakistan refugee situation, to recap what we have done. Insofar as the refugees, who are in India, are concerned, we have provided $70-million to date for the refugees, and we are prepared to provide more. That, incidentally, is more than all the rest of the nations of the world put together, so it is a substantial amount.

As far as those in East Pakistan themselves are concerned, whereas you know there are prospects of famine, in the event that the crop reports are as bad as they seem to be, at this time we have 360,000 tons of grain ready for shipment there. We have also allotted $3-million for the chartering of ships for the purpose of getting the grain into the overcrowded ports.

As a further step, the Secretary of State has worked out, with my very strong approval, a plan to go to the United Nations next week to talk to the responsible and appropriate members of the United Nations, including the U.N. High Commissioner in that office, to see what additional steps can be taken on both fronts to help the refugees in India from East Pakistan, and also to help those who are in East Pakistan and are presently confronting famine situations.

With regard to a problem that was addressed by the House yesterday, we do not favor the idea that the United States should cut off economic assistance to Pakistan. To do so would simply aggravate the refugee problem because it would mean that the ability of the Government of Pakistan to work with the U.N., as it presently has indicated it is willing to do so in distributing the food supplies—its ability to create some stability would be seriously jeopardized.

We feel that the most constructive role we can play is to continue our economic assistance to West Pakistan and, thereby, to be able to influence the course of events in a way that will deal with the problem of hunger in East Pakistan, which would reduce the refugee flow into India and which will, we trust, in the future look toward a viable political settlement.

We are not going to engage in public pressure on the Government of West Pakistan. That would be totally counterproductive. These are matters that we will discuss only in private channels.

[From the Baltimore Sun, Aug. 5, 1971]

NIXON OPPOSES "PUBLIC PRESSURE" ON PAKISTAN

(By Adam Clymer)

WASHINGTON.—The United States will not put "public pressure" on Pakistan to ease the situation in East Pakistan, President Nixon said yesterday. And he disagreed with Tuesday's House vote to halt all aid to Pakistan, saying a ban would hinder relief efforts.

But as he was speaking, all the East Pakistani diplomats in the United States were holding a press conference of their own, announcing that they had gone over to the rebels and renouncing their allegiance to a regime whose Army, they said, is burning, murdering and raping their countrymen.

CONSTRUCTIVE ROLE

Mr. Nixon told his press conference, "The most constructive role we can play is to continue our economic assistance to West Pakistan and, thereby, to be able to influence the course of events in a way that will deal with the problem of hunger in East Pakistan."

This, he said, "would reduce the refugee flow into India" and point to "a viable political settlement."

But one of the seven defecting diplomats, A.M.A. Muhith, until yesterday economic counselor at the Pakistan Embassy here, contended that with a cut-off of aid, "the lunacy of the present regime would get a serious setback" because the Pakistani economy depended on foreign aid, and other aid-giving nations were withholding assistance.

Mr. Nixon apparently misspoke himself when, instead of referring to the "government of Pakistan," he said:

"We are not going to engage in public pressure on the government of West Pakistan. That would be totally counter-productive. These are matters that we will discuss only in private channels."

The leader of the East Pakistani group used the same phrase, but deliberately.

MILITARY JUNTA

"The government of Pakistan now is a military junta of West Pakistan desperate to retain its stranglehold over the country. . . . Its authority rests totally on its military strength, and its control is limited by the range of its artillery. . . . It has also destroyed the Pakistani nation," said Sayyid A. Karim, until yesterday Pakistan's deputy permanent representative at the United Nations.

Mr. Nixon cited American efforts to feed the refugees in India, saying "we have provided $70 million . . . and we are prepared to provide more." He said this was more than had been provided by "all the rest of the nations put together."

And, noting "prospects of famine" in East Pakistani, the President said William P. Rogers, Secretary of State, would go to the U.N. next week to see what else could be done to help those facing food shortages in the East.

The East Pakistani diplomats, one of whom (the deputy chief of mission at the Embassy here) was absent in a hospital, were joined by seven other non-diplomatic employees of Pakistan missions in the United States. A Pakistani Embassy spokesman said today that "one or two" East Pakistani clerks remained at work there.

Mr. Karim discussed the U.N. in a different light. He said he had been called in last week by Secretary General U Thant (because the Pakistani permanent representative was in Geneva) and told that Mr. Thant feared war between India and Pakistan. According to Mr. Karim, Mr. Thant indicated he feared the conflict would be started by Pakistan.

The East Pakistanis said they were seeking political asylum in the U.S., and would be prepared to serve the rebel "Bangla Desh" government in any way it directed.

A State Department spokesman said 10 had sought a change of status from the Immigration and Naturalization service yesterday, but indicated no decision was imminent on their requests.

Their actions apparently took the Pakistani Embassy completely by surprise, though the State Department was briefly forewarned.

Pakistan's ambassador, Agha Hilaly, said the group had done a "great disservice," and

blamed all the troubles in East Pakistan on Sheikh Mujibur Rahman, the Bengali leader who won a majority in December's national elections.

Mr. Hilaly charged that Sheikh Mujib had sought secession and his followers had begun the civil war. The sheikh is now believed to be imprisoned in West Pakistan.

[From the New York Times, Aug. 5, 1971]

THE RAVAGED PEOPLE OF EAST PAKISTAN

(By Alvin Toffler)

A planetary catastrophe is taking place in Asia, a human disaster so massive that it could bathe the future in blood, not just for Asians, but for those of us in the West as well. Yet the response of the global community has been minimal at best. In the United States, the official response has been worse than minimal and morally numb.

I have just returned from Calcutta and the border of East Pakistan, where I conducted interviews with refugees avalanching into India as a result of the West Pakistani's genocidal attack on them. Since March 25, West Pakistani troops have bombed, burned, looted and murdered the citizens of East Pakistan in what can only be a calculated campaign to decimate them or to drive them out of their villages and over the border into India.

Part of the time I traveled with a Canadian parliamentary delegation. We saw babies' skin stretched tight, bones protruding, weeping women who told us they would rather die today in India than return to East Pakistan after the tragedies they had witnessed, total wretchedness of refugee camps, and the unbelievable magnitude of this forced migration—6.7 million refugees pouring into India within a matter of four months.

I saw Indian villages deluged by masses of destitute refugees, every available inch crammed with bodies seeking shelter from the blistering sun and the torrential rain. I saw refugees still streaming along the roads unable to find even a resting place. I saw miserable Indian villagers sharing their meager food with the latest frightened and hungry arrivals. I saw thousands of men, women and babies lined up, waiting patiently under the sun for hours to get their rations. These pitiful few ounces of rice, wheat and dahl provide a level of nutrition so low that it will inevitably create protein breakdown, liver illness, and a variety of other diseases in addition to the cholera, pneumonia, bronchitis that are already rampant. I saw Indian relief officials struggling heroically, and with immense personal sympathy, to cope with the human tidal wave—and to do so on a budget of one rupee a day—about 13 cents per human.

It is now clear that famine will further devastate East Pakistan this fall, and that millions more will seek refuge in an India already staggering under the burden.

Under these circumstances, one is forced to protest the callousness and stupidity of American policy. On the one hand we promise India $70-million in relief funds. On the other, we continue to supply arms to the same West Pakistani generals who launched the bloodbath, so that they can terrorize even more of their subjects into fleeing across the Indian border. The House vote this week to suspend aid, including military sales, to Pakistan is belated recognition of our sorry role.

In terms of *realpolitik*, the continuation of military aid to West Pakistan is supposed to buy us influence with the ruling junta, and help offset Red Chinese influence. (Ironically, the Red Chinese are also aiding the West Pakistani generals.)

Yet the heaviest stream of refugees is pouring into West Bengal, which is not only India's poorest and most overcrowded state, but the most politically unstable. Between Calcutta and Bongoan on the border, some 50 miles distant, I saw scarcely a house that didn't have a hammer and sickle painted on it. Maoists, anarchists, and conventional Marxists attack each other and the less radical parties with violence as well as rhetoric. Strikes, demonstrations, and political assassinations are already a daily occurrence. West Bengal, even before the invasion of refugees, seemed about to explode.

By shipping arms to the West Pakistanis, we are partially responsible for pouring millions of hungry, sick and angry refugees directly into this tinder-box. This vastly increases the likelihood of a bloody upheaval on the Indian side of the border as well, in which the power of Maoist movements could only grow. Thus, even if one unquestioningly assumes the necessity to halt the spread of Chinese Communist influence, our policy seems idiotic. We hang on to the shreds of influence in West Pakistan at the cost of losing it in India. Worse, we pave the way for a bigger, bloodier and even more bitter Vietnam in Asia.

But there is a simpler, less political reason why our aid policy must be changed. On grounds of simple humanity, the failure of our Government to express official concern for the ravaged people of East Pakistan, its alliance with the undemocratic generals of Islamabad, and its cruel insistence on sending still more arms to the killers, is morally repulsive.

The emergency in East Pakistan demands a more than minimal response. We need to pump immediate life-saving baby food, powdered milk, antibiotics, anticholera vaccines and similar supplies into India. But beyond that, decency and political realism both demand an immediate end to the arms shipments.

[From the Chicago Sunday Sun-Times, July 18, 1971]

PAKISTAN: MYTHS AND REALITIES

It is interesting, even a little sad, to note that White House foreign policy expert Henry A. Kissinger used as his jumping-off place for his Peking trip the capital of Pakistan.

Among others, we have been critical of the Nixon administration in its policies toward Pakistan. We believe that practical as it may be to have Pakistani good will to aid the United States in its welcome negotiations with the People's Republic of China, the administration is occupying in Pakistan a lonely, untenable, immoral and indefensible position. It has supported there a government which has butchered tens of thousands of its citizens in civil strife which can only be called genocide.

On Page 13 of this section, Martin Woollacott of The Guardian of England writes of the myths and realities surrounding the situation in Pakistan. Some background to this conflict—and the American role in it—is in order.

CHANGED PARTNER

Nearly two decades ago, Sec. of State John Foster Dulles, desperately seeking allies in his crusade against "Godless communism," roped avaricious governments into paper pacts on the promise of American arms. Among them was Pakistan, which, as soon as it had acquired American arms, became more violently anti-Indian and less staunch an anti-Communist "partner" of the United States.

Moslem Pakistan is partitioned. Between its West Wing, with 55 million souls, mostly Punjabis, and the East Wing, with 75 million, mostly Bengalis, is 1,100 miles of India—volatile, shaky and controlled by Hindus.

The East Wing has festered since Partition in 1947 under the dominance—political, economic and social—of the Moslem West. Last December, in the first free elections in Pakistan's "guided democracy," the East Pakistanis, under Sheik Mujibur Rahman, won a large majority.

But Mujib, riding high on a euphoric wave of victory, could not or would not come to any terms with Pakistan's President Agha Muhammad Yahya Khan, who saw the West Wing's dominant position threatened. Hope of settlement disappeared as both haughty sides refused to give ground. It was Yahya Khan, however, who made the first moves to restore the old *status quo*.

In the violent military reaction which followed, the slaughter by West Pakistani troops of East Bengalis began and is continuing. In addition to the countless dead, some 6.5 million East Bengalis have fled to India for shelter, where they are creating serious economic, social and political problems for Prime Minister Indira Gandhi.

An 11-nation consortium, working through the World Bank, has for several years been aiding Pakistan. But a report by the bank's fact-finding mission proposed last week that all aid be suspended until Yahya Khan creates a stable civil authority in the East Wing.

LEGALISMS AND SLAUGHTER

The United States has refused to deny aid to Yahya Khan, even though it is patently obvious that aid is going to bolster the tottering economy of the authoritarian West, at the expense of the suffering East.

Even worse, Washington is using contractual legalisms to justify continuing a trickle of arms aid to Yahya Khan, even though—again—it is patently obvious that by so doing, America is arming mass murderers. Indeed, the House Foreign Affairs Committee voted last week to withhold all military aid both to Pakistan and Greece, which is ruled by military junta.

To halt the arms shipments completely, says the administration, would mean that Yahya Khan would turn to "other sources of supply"—i.e., Peking. This is a peculiar rationale, since Pakistan already receives the bulk of its arms from China.

If all aid is halted, the prognosis for Yahya Khan's iron regime is about six months, after which he would probably be replaced by a more moderate government, one presumably less repressive of the East Bengalis.

DRY TINDER

But if American aid—military as well as economic—continues, Yahya Khan may decide that to unify his palsied nation, it will be necessary to provoke or begin a war with India. In addition, the lack of moderate leadership plays into the hands of the radicals in the East Wing, many of whom would like nothing better than a military confrontation with India, out of which they hope will come a Bengali state, composed of East Bengal and the contiguous, ever-simmering West Bengal, the Indian state which includes the anthill city of Calcutta. Thus India is threatened from both east and west, and the tinder grows drier by the day. Border incidents leading to a full-scale war could occur at any time.

The Nixon administration has only one choice, even given the fact that Pakistan has been helpful in the overtures toward China: Washington must join the other consortium nations in putting all pressure, including suspension of aid to Yahya Khan, to force an end to the massacres and the establishment of a responsible, decent civil authority in the East Wing.

This is not merely the only policy to serve long-range American and Pakistani national interests; it is the only policy which is moral and humane.

[From the New York Times, July 27, 1971]

UNITED STATES-INDIA RELATIONS: A NEW LOW

(By Sydney H. Schanberg)

NEW DELHI.—"There's no place to go but up," said one pro-American Indian the other day, referring to the depths into which rela-

tions between India and the United States have recently plunged.

The newspaper disclosure last month that American arms shipments to Pakistan were continuing despite a previously announced embargo stung Indians as a personal betrayal. The disclosure came just as the Indian Foreign Minister, Swaran Singh, returned home from a Washington visit during which, he said, he had been assured by the State Department that no new arms would be sent to the Pakistani military regime.

Since then, scarcely a day has passed when the United States has not been villified in Parliament and the press. The Government of Prime Minister Indira Gandhi—though rejecting Opposition party demands for refusal of United States aid, confiscation of American assets in India and recall of the Indian Ambassador in Washington—has repeatedly denounced the Nixon Administration in Parliament.

The Government charged again Monday that the supply of military assistance to the Pakistanis after March 25—the day Pakistan began her military offensive against the Bengali secession movement in East Pakistan—"amounts to condonation of genocide in Bangla Desh and encouragement to the continuation of atrocities by the military rulers of Pakistan."

"Bangla Desh," meaning "Bengal Nation," is the name adopted by the East Pakistani autonomy movement.

The continuance of shipments of military goods "also amounts," Foreign Minister Singh said, "to intervention on the side of the military rulers."

Further, Indian officials have drawn a pointed contrast between the United States' policy and that of the Soviet Union. Moscow has stated that no Soviet arms have gone to Pakistan since April of last year.

Henry A. Kissinger's secret flight from Pakistan to Peking after a two-day visit in India has only exacerbated Indian-American relations. Indian officials and private citizens feel that Mr. Kissinger's short stopover in New Delhi—described as a fact-finding visit—was merely a "cover" and a "stage-prop" for his visit to Peking.

This view was buttressed by the White House acknowledgment that the timing of the Peking visit influenced the scheduling of the rest of the Kissinger trip—which included stops in South Vietnam, Thailand, India, Pakistan and France.

Moreover, since Pakistan maintained secrecy on Mr. Kissinger's movements, facilitated his flight to Peking and might have been instrumental in arranging his meeting with Premier Chou En-lai, Indian public opinion believes this may explain the continuance of United States military aid to Pakistan and the refusal of the Nixon Administration to issue a public denunciation of the military repression in East Pakistan.

PEKING ARMS AID REPORTED

Indian officials are also now drawing attention to the similarity of American and Chinese policy regarding the East Pakistani crisis. Peking has supported the Islamabad regime and is reportedly supplying sizable arms aid.

Washington's current tattered relations with New Delhi are a very tender subject at the United States Embassy here. Embassy officials are obviously unhappy, but they are not talking. Other Americans and United Nations officials, who clearly reflect the embassy mood, are not similarly inhibited.

"Our credibility will be zilch for some time," said one such American. "This has set us back just as things were beginning to look up."

"It doesn't mean our relations are damaged for all time," said another, "but the longer the Bangla Desh thing drags on, the longer it will take us to come out from under."

The Indian resentment over the arms shipments is intense.

The East Pakistani upheaval—which has driven seven million Bengali refugees into India and raised the possibility of another Indian-Pakistani war—has revived for Indians all the searing images of the bloody religious rioting that accompanied the partition of the subcontinent in 1947 into Pakistan as a Moslem homeland and India as a secular but predominantly Hindu nation.

MORAL QUESTION SEEN

For the Indians, it has become a moral question of good versus evil—a Bengali people seeking freedom and a military regime suppressing them with bullets. The Americans, in the Indian mind, have lined up with evil.

"It's Armageddon to the Indians," said one American. "It wouldn't matter if the arms consisted of only one nut or one bolt or one armature for a weapon."

In this atmosphere, Washington's argument that the amount of the current arms aid is insignificant and that its continuation is necessary if the United States is to be able to exert any private leverage on Pakistan for a peaceful settlement in East Pakistan has made no impression on New Delhi.

With emotionalism high in India, a national debate is raging, largely in private circles, over whether to go to war against Pakistan. But the debate is still mostly rhetorical and there is no war hysteria.

NO TOP OFFICIAL URGES WAR

While many in the Indian intelligentsia talk constantly of teaching the Pakistanis a lesson—and some even use the argument that a war would be less costly than supporting the millions of Bengali refugees—no one at the top in the Indian Government is recommending a war, and no war preparations are visible.

Still, with the prevailing tinder-box tension, officials acknowledge that war remains a real possibility.

Mrs. Gandhi is reported to view war as a last resort and has said her Government would not "embark on any adventurist policies." But both she and the Pakistani President, Gen. Agha Mohammad Yahya Khan, have declared that if a war were forced on them, they were fully prepared to fight.

[From the Washington Post, Aug. 4, 1971]

HOUSE CURBS AID TO GREECE AND PAKISTAN

(By Richard L. Lyons)

The House passed a $3.4 billion foreign aid authorization bill last night after going on record in opposition to giving further aid to Greece and Pakistan.

The vote was 200 to 192. Such a close margin in the House on foreign aid is not unusual.

No attempt was made to knock out the ban on the administration's $225 million aid request for Pakistan. The Nixon administration said the aid would be resumed only after the President reported that Pakistan was permitting refugees from East Pakistan to return to their homes and to reclaim their property. An attempt to delete the ban on the $118 million aid request for Greece was easily defeated, 122 to 57.

The ban on foreign aid to Greece written into the bill by the House Foreign Affairs Committee states that no aid can be given unless the President finds that "overriding requirements of the national security of the United States" justify waiving the ban. It was placed in the bill to prod the Greek military junta into carrying out its promise to hold elections.

In the Senate, meanwhile, all foreign aid is being blocked by Sen. J. W. Fulbright's Foreign Relations Committee to back up its demand that Defense Secretary Melvin R. Laird turn over copies of his department's classified five-year plan for military assistance to foreign governments.

House Minority Leader Gerald R. Ford (R-Mich.) announced that because of the escape hatch in the House provision on Greece, the administration would accept it.

But Rep. James A. Burke (D-Mass.) tried on his own to knock out the ban and got into a heated exchange with the tart-tongued author of the provision, Rep. Wayne Hays (D-Ohio), who at one point shouted at Burke to "sit down and be quiet."

Burke said that America's days of being "policeman of the world" should be over. "I'm against our telling the Greeks how to live," said Burke. He added that people could walk the streets of Athens safe from robbers and muggers, which is more than could be said of Washington, D.C.

According to the Associated Press, U.S. Ambassador to Greece Henry J. Tasca told a closed House subcommittee hearing earlier in the day that opposition inside Greece to the military regime is growing.

Sources told the AP that a State Department official accompanying Tasca told the Foreign Affairs Subcommittee that when Washington asked the junta for permission to use its bases for U2-type flights over the Suez Canal to check on Soviet surface-to-air missile sites there, the Greek government failed to reply in time, and another base in the Mediterranean area was used.

Assistant Secretary of State Martin J. Hillenbrand later told the subcommittee in open session that a "power vacuum" could be created on NATO's southern flank if Washington holds back on its support for the Greek government. To open a power vacuum and create temptation would be the most unwise thing to do," he said.

Hillenbrand was asked how come such countries as Norway and Denmark feel they can advocate the expulsion of Greece from NATO while the United States supports the regime. It's the difference between how a superpower has to act and how a small country has the luxury to act," he replied.

Hays said he had no intent to tie the President's hands but to "give him a little leverage to tell the colonels to keeps their commitment to hold elections." The language provides ample leeway for the United States to carry out NATO commitments if Greece is threatened by attack, said Hays.

The overall bill provides $1.37 billion in military assistance for the fiscal year that began July 1. It also authorizes $3.5 billion in foreign aid for next year.

The House committee proposed a two-year authorization to let it devote next year to study of the President's proposal to reform the aid program. This bill sets spending ceilings and policy guidelines. The funds must be provided later in an appropriation bill.

All attempts to cut the funds were easily defeated, but with fewer than 100 members on the floor. Also rejected, by voice votes, were amendments by Rep. Ronald V. Dellums (D-Calif.) to increase the program to $9 billion and another to cut off aid to Brazil until the President reports that its government is not torturing political prisoners.

[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 In-

dia. 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, through, 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 Christian Science Monitor, July 31, 1971]

THE AGONY AND THE DANGER

We have been clinging as long as possible to the hope that somehow the government and people of Pakistan would grope their way back to a tolerable relationship between the two separate parts of their bleeding and burning country, but with the greatest regret we must face the prospect that it is now too late for reconciliation.

The official government of Pakistan four months ago unleashed a military fury upon the people of what was then known as East Pakistan. The results make up one of the horrors of history.

Some seven million people from East Pakistan have taken refuge in India from the ruthlessness of the West Pakistan Army. At least a quarter of a million people have died. Estimates range up to a million. Cholera has been rampant. Famine is now taking its toll both among refugees in India and among those still clinging to the wreckage of their homes and lives. The refugee problem in India is beyond the capacity of India.

One measure of the meaning of what has happened is that people talking about the place where all this happened again call it Bengal, which is what it has been called down through the ages except for the few years from 1947 until now.

There was a theory, back in 1947, that because a majority of the people in the Punjab and in Bengal were Muslim these two segments of the subcontinent could be linked into a single nation although separated by 1,100 miles of territory under the Government of India.

It might have worked had the people of the two parts of the proposed new state of Pakistan been of the same language, race, and culture as they were of religion. It might have worked in practice had the fewer Punjabis been willing to let the more numerous Bengalis share fairly in the combined government and in the enjoyment of the resources of the two provinces.

But in practice the Punjabis have dominated the government and have taken the lion's share of the wealth of Bengal to the Punjab. The attempted union of the two-in-one state called Pakistan turned out in practice to mean the domination and the exploitation of the 75 million people of Bengal by the 56 million people of the Punjab, or West Pakistan.

The treatment of Bengal was a logical progression from history. The West Pakistanis of today descend from the Persian, Afghan, and Pathan hill tribes who came down from the mountains of the northwest some 800 years ago and imposed their rule and their Muslim religion on the physically smaller and less warlike peoples of the valley and delta of the Ganges.

But the two peoples never became one people in anything but religion. The Punjabis have always been the conquerors, the Bengalis the conquered.

Last March that status of conqueror and conquered was put to the test. The Bengalis won at the polls the right to take over the government of Pakistan. They had the majority of the votes. But when it came to working out the constitutional consequences the Punjabis turned loose their Army in the middle of the night and began one of the great slaughters of history. It was an effort to reassert the conquest of 800 years ago.

Today, four months later, the Pakistan Army controls the main cities of Bengal, but not the countryside. Resistance is increasing. The guerrillas have been able twice to knock out the power stations serving Dacca, the capital. They frequently cut the rail lines from Dacca to the other cities. The occupying Punjabi (West Pakistan) Army faces precisely the same prospect in Bengal that the Thieu regime in South Vietnam faced back before massive American intervention—the prospect of a pacification program stretching endlessly into the future.

This tragic and dreadful condition leaves everyone concerned with two problems. There is the immediate problem of how to put an end to the horror and misery in Bengal. The Punjabis must give up a military repression policy which is atavistic, self-defeating, and in bringing into being the very thing it was designed to prevent; the existence of a separate Bengal.

But it very much seems that this can happen only if some progress might be made toward the solution of the larger problem; the problem of the relations of the great powers to Pakistan.

There is no effective pressure on the official government of Pakistan at Islamabad to abate the terror in Bengal because China and the United States have chosen not to risk intervention whereas Russia is becoming the main outside friend of India. Washington refuses to do anything which might alienate Gen. Agha Mohammad Yahya Khan who was involved in the breakthrough in Sino-U.S. relations. The Chinese, naturally, cling to their advantage in Pakistan. And everyone is aware of how dangerous an apple of discord an independent Bengal would be. It could trigger a war between Russia and China.

The theoretical solution is easy. All it requires would be an agreement between Russia, China, the United States, and India that Bengal should be free and untroubled by either China or Russia.

That's "all" it would take, but getting it appears to be presently impossible. China must be greatly tempted at the possibility of acquiring control of the Ganges basin with an outlet on the Indian Ocean. Russia certainly would go to great lengths to prevent any such thing.

Meanwhile war could break out again between India and Pakistan at any moment. It is almost more than India can bear to have so many of its Hindu kinfolk being killed by Punjabi Muslims just over the border.

India's Prime Minister, Mrs. Indira Gandhi, deserves highest marks for her own restraint and the restraint she has imposed upon her generals.

But the fragile peace which still prevails among the surrounding powers is being bought at the price of the misery of the Bengal people.

The only faint hope we can see for a long-term settlement would be from a meeting of those countries with vital interests in the results. Prime Minister Chou En-lai of China has proposed to President Nixon a conference to consider the Vietnam problem. A conference which included China, Russia, India, and the United States could also do some quiet work on the side about Bengal and Pakistan.

The tragedy and the danger underline the need for a new "concert of the great powers." Nothing else has ever yet been invented which could manage a problem of such proportions and complexities.

[From the New York Times, Aug. 1, 1971]

HIMALAYAN CONFRONTATION?

Pakistan's role as the jumping off point for Dr. Henry Kissinger's recent secret flight to Peking may help to explain—though not excuse—the Administration's shocking support for the Yahya Khan Government during the first few months of the vicious military crackdown in East Pakistan. But now that

the door to China has been opened, it is impossible to excuse or explain Washington's continuing supply of arms to Islamabad and its persisting ambiguity in the face of a deepening tragedy that threatens to erupt before the year is out into a major international conflict.

Reports from Pakistan indicate that President Yahya and his military supporters are still determined to pursue their policy of military repression in the East, having failed to rally any significant number of Bengali politicians to their side. President Yahya has threatened to try in a secret military court and possibly to execute Sheikh Mujibar Rahman, the imprisoned Bengali leader who remains the best hope for a political settlement of the civil conflict.

Meanwhile, there is imminent threat of widespread famine in the stricken eastern province, where planting has been neglected and shattered communications lines hamper the movement of available food stocks. Refugees continue to pour over the Indian border by the tens of thousands daily, creating problems that a Red Cross official has described as catastrophic.

Resistance in East Pakistan continues, with bombings a daily occurrence in the capital of Dacca and communications throughout the province seriously disrupted. The Bengalis are said to be training tens of thousands of guerrilla fighters in camps along the Indian border in preparation for a major effort in the fall when the monsoon rains end. If this should occur, the guerrilla activity almost certainly would lead to a confrontation between India and Pakistan, even if Indian Prime Minister Indira Gandhi succeeded in the meantime in resisting rising pressures for immediate military intervention.

It is not necessary to agree wholly with India's over-righteous attitude to recognize that President Yahya's ruthless policies in Bengal are putting New Delhi in an increasingly difficult position. India simply cannot support—economically, socially or politically—a flow of refugees from East Pakistan that already exceeds seven million. Even more serious, the systematic slaughter, rape and expulsion of Hindus from East Pakistan could touch off communal violence throughout India, with its substantial Moslem minority. It is no wonder that Indians are appalled and angry over United States Government policies that give aid and comfort to the Yahya regime while seeming to disregard the horrible implications of events in East Pakistan.

Under persistent prodding of members of Congress, the Administration appears to be altering its position somewhat. There have been vague assurances that no new arms or economic aid will be granted to Islamabad for the present. The planned dispatch of an American police adviser to Dacca has reportedly been canceled. But American arms continue to flow to Yahya's troops under old licensing agreements and the exact Washington position on other aid is by no means clear.

It is time all American aid to the Yahya regime, excepting relief assistance, was unequivocally stopped. The reported American-backed plan to station United Nations observers in East Pakistan could help ease the plight of the Bengalis but it falls far short of the political accommodation that is needed to head off an explosion on the Indian subcontinent that could precipitate an American-Chinese-Soviet confrontation in the Himalayas.

[From the New York Times, July 31, 1971]

U.S. Aid to Pakistan Questioned

To the Editor:

As one who has endeavored to promote Indo-American friendship for the last several years, I am outraged by the policy of the United States Administration on arms supply and economic aid to Pakistan.

The justification for military aid in the 1950's was the Dulles concept of building up a grand alliance against Communism. But now, what is the reason for continuance of military aid to a country which has used it not only against India but also against its own people?

It has been contended that if Pakistan is denied aid by the West it would go over to the side of China. But after the recent conciliatory gesture of President Nixon to Peking this argument can hardly be sustained. We are also told that what is happening in East Pakistan is an "internal matter." Surely, genocide is a question of international concern. I have been told recently by two distinguished press representatives in Delhi—one a Briton, the other an American—that they have seen war, witnessed atrocities in Vietnam, but have not seen anything so horrible as in East Pakistan.

I found during my recent visit to the United States that public opinion as represented by the news media has rendered meritorious service in exposing the gruesome events in East Pakistan and in rousing international opinion in regard to the moral responsibility of the United States and the United Nations. I also found that several important and liberal Senators felt equally strongly about this continuance of arms aid to Pakistan.

In defiance of such enlightened public opinion and ignoring the terrible sufferings of poor, innocent people in East Pakistan, the Nixon Administration is continuing its military aid and seems also determined to provide economic aid despite the fact that some other Western countries have decided not to do so.

The point is not the quantum or value of arms supplied or its character but the approach and policy of a Government prepared to bolster a regime that can only be characterized as barbarous. As the report of the World Bank team shows, economic aid also would be of little avail where the infrastructure in the eastern wing has broken down and economic life paralyzed while in the western wing trade and industry are disorganized. Humanitarian aid should be given for relief and rehabilitation, provided this is done under proper international supervision.

The question is one of simple humanity. If the conscience of the American nation is alive, it must realize what a grevious wrong is being done through the present policy of its Government.

G. L. Mehta.

Bombay, India, July 23, 1971.

(The writer is former Indian Ambassador to Washington.)

Part 2—Danger in South Asia

[From the Manchester Guardian, June 29, 1971]

Yahya's Threadbare Package

Yahya Khan's nightmarish dreamworld shows no signs of crumbling. It is a "matter of satisfaction" to this "simple soldier" (in his latest broadcast) that in the difficult situation his country has faced recently "the reaction and response from an overwhelming number of countries has been of sympathy and understanding of the problems we are facing and trying to resolve." If Yahya believes that, if Yahya can brush aside the nausea of all Western reaction, then he may truly believe anything: even the field report of his generals in Bengal. His faith in what his aides tell him is touching, but tragically pathetic. He has no real plans now. The proposals he unveiled yesterday for a return to democratic government are a bathetic sham. If the aid givers of the world relent in their shocked disdain towards Pakistan it will not be because of an "expert panel" conjuring up slick formulae for subjugating Dacca once again.

Yahya's present strategy is based more on boredom than anything else. Fiddle away for a while, make a show of liberal sorrow and gruff sentiment, and hope that a harassed "international opinion" will yawn and pass on to other problems. So we have the experts and their constitution for "four months or so." Then we have a National Assembly stripped of the Awami League (which has a total majority in it) and all top leadership: incarcerated, shot, or exiled. Vague phrases blur even the powers of this castrated body, but significantly the President no longer talks bluntly of his longing to get back to barracks. Martial law continues indefinitely. If Mr. Bhutto wishes to rule in the West he must snuggle up to the military again. If anyone wishes to lead Eastern reconstruction he must stand in the shadow of Tikka Khan, a stooge in peril of assassination every time he shows his face. Yahya, in fact, can offer only the gauze of legality or autonomy to Bengal. He will be hard put to make it work for six months, never mind six years. As independent reports now coming from inside East Pakistan make clear there is resistance and terrorism and galloping poverty; there is Bengali determination not to forget, not to jettison aspirations. The refugees will not come back en masse to face Tikka's tender mercies. Politicians of character will steer away from collaboration. Those educated Bengalis who remain in the East will lie low.

And nowhere, in all the intellectual wasteland of Yahya's master play, is the central question asked. Does Pakistan exist any longer? Does unity matter any longer? What precisely have the Punjabi legions achieved? In Islamabad's book the regime snipped a budding plot between Sheikh Mujib and Mrs. Gandhi—a plot to wreck the pure State of Jinnah and deliver half of it into the evil hands of New Delhi. That, seriously, is what Yahya claims—the same Yahya who allowed Mujib to win an unrigged election, to bargain long and hard over a Constitution: the same Mujib who waited quietly at his home for the army to take him away, who—far from leading a premeditated coup—was patently stunned when the generals attacked.

Defending the Sheikh and his scattered henchmen may, at this juncture, seem a redundant exercise. Too much blood, too many refugees have flowed since Mujib disappeared for Pakistan to be magically put back together again. Yet his reputation remains unsullied and important. He won an election. He did not, and has never publicly, declared UDI. The excesses of his Bengali followers were precipitated by army action—not the reverse. He remains, just possibly, the one man who can persuade the five million who fled to return; and—equally vital—those Bengalis who remained not to wallow in communal strife. Mujib, in short, is Pakistan's last chance of a little peace. Perhaps Yahya's advisers, examining this new threadbare package, begin to realize it. Perhaps the rich of Karachi and Lahore, groaning under the latest straitened national budget, begin to lose faith in their ludicrously naive leadership. But the time is late and the reality is nowhere yet to be found. Yesterday's pronouncements should strengthen the Aid for Pakistan consortium and the World Bank in their resolve not to bend to blandishments or evasive promises. The stronger that resolve, the weaker the Rawalpindi regime appears.

A Regime of Thugs and Bigots

(By Murray Sayle)

The Pakistan military regime last week repeated its claim that East Pakistan is rapidly returning to "normalcy" after its prolonged military operation against "rebels and miscreants" and that the way was now open for refugees to return from India and resume their normal lives.

I spent last week touring one of the areas from which many thousands of refugees fled and found that this is untrue: that in fact a

repulsive political system is rapidly taking shape which may well make it impossible for them to return.

If the refugees do ever go home, it will be to places like Lotapaharpur village, a collection of mud-brick houses with palm-thatched roofs six miles north of Khulna, East Pakistan's biggest river port. Lotapaharpur stands a little way off the main road between Khulna and Jessore which last week was busy with military traffic, big shiny American trucks full of soldiers from West Pakistan, armed incongruously with Chinese automatic rifles, and an occasional civilian carrying a .303 Lee-Enfield rifle.

I drove along a side road perched high on an embankment, across a landscape looking like a green and silver chessboard, lush standing crops alternating with ponds and flooded fields.

Here and there a few farmers were ploughing the wide wet prairie with cows and water buffaloes; but there seemed very few people at work for such a crowded country.

Then I stumbled on Lotapaharpur. It was just off the road, up a muddy track which twisted through the palm trees. The village is like any other in East Pakistan. A score or so of houses stand in a neat circle on an earthen platform a few feet above the flood-plain. But there were no men in loincloths, no women in bright saris, no brown children and ginger dogs playing among the banana trees.

I have seen many East Bengal villages which have been burnt, or which seem to have strangely few people. This was the first I saw which was seemingly undamaged and completely deserted.

With my interpreter I looked around. A coloured picture of the elephant-headed god Ganesh, the remover of obstacles, showed that this had been a Hindu village. But why had the villagers gone? There was no clue in the empty houses. Then, timidly, a woman in a tattered sari, with three young children at her heels, came forward.

She was a Muslim and a refugee herself. Her husband had been killed and she had run away and found this empty village, as we had, by accident. She had been living on some rice the Hindus left behind. But it was finished and she was at her wit's end to feed her children. She did not want to go to the authorities because she was afraid they would find out her husband was "Joi Bangla"—"Victory to Bengal," the slogan of the banned and smashed Awami League.

Then more people came up, Muslim farmers from a village a few hundred yards away named Aramghata. The story they told was like many I have heard in the past week.

Two local men named Ali Hamed and Shaukat both claimed possession of a corrugated iron shed. Some time in April Hamed had returned to the village accompanying two truck loads of West Pakistan soldiers. An argument broke out between the soldiers and the villagers, there was shooting by the soldiers, and six villagers were killed.

Two of the dead were members of the local council: Indu Babu, a farmer, and a relative, Profulla Babu, head master of a local high school. Both are Hindu names. The other 150 Hindus in the village fled with a few belongings as soon as the soldiers went.

I asked them why they were telling me about this incident. They said I had not heard the end of the story. Some Muslims from their village had come up to see what was going on. The soldiers grabbed four of them and told them to recite something from the Holy Koran.

They said the four Muslims were terrified but managed to begin *"Bismillah irrahman irrahim . . . "*: the opening words of the Koran. They said the soldiers shouted "These are not Muslims! They have been taught to say this to trick us!" They then shot all four.

The villagers told me they were angry about this, as they had never had any trouble with their Hindu neighbours. Hamed, they said, now had the iron shed. They said he carried a rifle and they thought he was a *"razakar"* (volunteer), a term we meet again.

What had happened to the Hindus' land? The villagers pointed to the surounding emerald green fields. It was a standing crop of linseed, a valuable cash crop. In June some people from the Martial Law Administration, had conducted an auction of 2,000 acres in the absence of the owners.

It was normally worth 300 rupees an acre. It had been sold for one and a half rupees an acre. But the buyers had not got much of a bargain. They could not hire people to harvest most of it and the rest was now flooded and worthless.

Lotapaharpur summarised for me the true position about the refugees. No one here really expects them to return in any numbers, because there is an atmosphere of terror in East Pakistan, because the material difficulties in the way of their returning are almost insuperable, and their homes, farms, crops, small businesses, and other assets are being transferred under paper-thin legal devices to people who have strong motives to make sure they never come back—in fact to their political and religious enemies. But the military administration has indeed opened "reception centres" and "transit camps."

I drove up to Benapol, close to the Indian border to inspect these preparations. I was received by the officer in charge of the whole Khulna district, Lt.-Colonel Shams-uz-Zaman, in his headquarters near the frontier. Colonel Shams said there were frequent mortar exchanges with the Indian troops over the border—always, he said, begun by the Indians.

"They certainly need us here to defend them," he said. "These Bengalis don't know how to fight. Now I come from the North-West Frontier, where fighting is in our blood. I have been using a rifle since I was ten. We've got guts."

Colonel Shams directed the military operation of the past three months in this area, beginning with the securing" of Khulna town during the period March 25–29. He told me that it was only in the past month that his troops had been able to get the upper hand all over the district from miscreants and rebels."

It appears that it was Shams who began the system of *razakars* by distributing police rifles to civilians in Khulna—"good chaps, good Muslims and loyal Pakistanis," he explained.

There are now, according to the military authorities, 5,000 *mazakars* in East Pakistan, 300 of them in Khulna district. They are paid three rupees a day (25p at the official rate) and receive seven days training which appears to consist entirely of learning how to shoot a police Lee Enfield rifle. Their work consists of "security checks"—guiding the West Pakistan troops to the home of supporters of the Awami League. They are suppose to be under the orders of local "peace committees" which are selected by the military authorities on a similar basis of "loyalty to Pakistan." These people are, in fact, representatives of the political parties which were routed at the last elections, with an admixture of men with criminal records and bigoted Muslims who have been persuaded that strong-arm methods are needed to protect their religion—a mixture weirdly reminiscent of the Orange Lodges, "B specials" and political terrorists of Northern Ireland.

But at least there are a lot of Protestants in Ulster. The election results in Khulna district show how minute the non-criminal political base of the Peace Committees and *razakars* really is: the now banned Awami League won all eight seats in the district and scored 75 per cent of the total vote cast. The three branches of the Muslim League got 3 to 4 per cent between them and the fanatical Jamat-i-Islam 6 per cent.

I asked Shams whether he expected refugees to come over the border at Benapol—the main road from Calcutta to Dacca, opposite some of the biggest refugee camps in West Bengal—when his men had blocked the road with a truck and were covering it with machine guns?

He said they would have no trouble coming by "unauthorised routes" which included rowing down rivers and wading through rice fields. "Miscreants, rebels and Indian infiltrators" could not, however, sneak across so easily because he was maintaining constant and vigilant patrols. "Let them come, we're ready for them," he said.

My notes leave it unclear whether he meant the Indian Army, or the refugees.

I walked back with a captain assigned to me by Colonel Shams from the border to Benapol refugee reception centre, about a mile away.

"We have a problem here" said the captain who wore a heavy upcurving moustache and parachutist's wings. "Look at them," he said, indicating Bengali farmers in conical straw huts squatting to plant rice in the flooded green fields. "They all look the same to us. How can we tell the miscreants and rebels from the ordinary people?"

The entire population of Benapol reception centre was five forlorn dogs.

The captain said the centre was probably closed because of its proximity to the border and directed me to a camp further back at Satkhira. I drove to this camp and found that there were 13 refugees in residence, three of them Hindus. The number tallied with the arrivals and departures noted on the camp's admission board. As I walked around I got a snappy military salute from two *razakars*, two young men armed with shotguns. I was told that they were there to guard the camp (from whom? from miscreants, rebels, etc.) and to help with security checks. I was asking the people in charge of the camp (ordinary Bengali municipal workers whose sincerity I fully accept) whether the presence of unknown armed men asking about people's political views was, in the climate of East Pakistan, the way to make a returned refugee feel at ease when the sudden arrival of another 100 refugees was announced.

These people looked well fed and dressed and told me they had all come from the same place in India, Hasanabad, just over the border, had all been there the same time, 22 days, and had all come back together.

None of them could produce an Indian ration card because, they said, they had not been given any. I asked the people in charge of the camp, which has enough room in an old schoolhouse and adjoining buildings for 2,000 people, whether refugees who had not actually been over the Indian border were eligible for help at the Satkhira centre. I was told they were not.

From Satkhira I proceeded to Khulna, administrative capital of the district. On the way I passed a bridge being hastily rebuilt. It had been blown up by saboteurs ten days ago—presumably by members of the Mukti Fauj the "Freedom army," which now claims to be operating underground. Local people told me—I thought with some glee—that the bridge had been defended by 25 *razakars* who had fled at the first burst of gunfire. I was unable to confirm this when I later met the *razakars* high command.

A quarter of the population of the whole district, which was more than three million at the last census, is missing, dead or gone to India. The local civil authorities estimate that one half of the land in the district is not being cultivated. On orders of the Government in Dacca arrangements are being made to put abandoned land, shops and property in the hands of "caretakers" who are to be selected by the Peace Committees.

The ordinary work of civil administra-

tion is close to a standstill. The Senior Magistrate, Rajendra Lal Sarkar (a Hindu) is missing, believed killed, while Khulna was being "secured."

The senior Muslim magistrate, Chaudri Senwar Ali, has been arrested by the army and his whereabouts is at present unknown.

The police chief, Superintendent Abdul Akib Khondaker has been transferred and the District Commissioner, Nurul Islam Khan, has been informed that he will be transferred.

This is part of the game of administrative musical chairs going on in East Pakistan. Officials of Bengali origins like all the above men are being moved about at dizzying speed.

Of the 300 clerical workers employed by the local authority, 66 were Hindus. Only two are now left and the rest, if still alive, have been automatically suspended.

I have been repeatedly told that there exists a confidential directive that "members of the minority community"—official jargon for Hundus—are to receive a "stringent security check" before being given a government job, which would amount to a thinly veiled blacklist.

This is officially denied. However a young Hindu, Arabanda Sen came first among 600 entrants in the competitive exams for clerical jobs with the Khulna administration last February. He was still unemployed last week, although the administration is desperately short-handed.

The work of the Khulna civic authorities has been severely hampered by army requisitions of their equipment. All the launches of the district administration used for food distribution, flood control work, and similar needs (half the district can only be reached by boat) have been taken over by the army and navy who have mounted .50 calibre machine guns on them and are using them on river patrols for "miscreants." The civil authorities are urgently trying to get them back, or get new boats, as there are alarming reports that farmers downriver have not been able to repair many dykes round low lying islands. If salt water were to flood this land it would ruin it for many years to come.

A tugboat belonging to Pakistan River Services was sunk by a shell from a Pakistan Navy gunboat in the centre of the town. The local naval chief, Commander Al Haj Gul Zarin, told me that his men had to sink the tug because miscreants had seized it and were attempting to ram a naval vessel. Local boatmen said the normal crew were aboard the tug but failed to answer a challenge, never having heard one before, as they steamed noisily past the naval base.

The work of the local Peace Committee and *razakar* high command could hardly be said to have achieved "normalcy" either. Two of its members, Ghulam Sirwar Mullah, Vice-chairman of the District Council and Abdul Hamid, Vice-chairman of the Khulna municipality, were killed by unknown masked assailants within the past month. And the official records indicate that 21 members of local Peace Committees throughout the district have been killed in the same period, while 12 are in Khulna hospital at the moment suffering from gunshot wounds and four with puncture wounds caused by knives or daggers.

But a *razakar* field commander, Abdul Wahab Mahaldar, aged 31, whom I met leading his platoon to an operation, told me he believed that 200 *razakars* and Peace Committee members had been killed in Khulna district in recent weeks. Mahaldar said that his own group had a body count of two "miscreants" killed.

This may correspond to two allegations of murder which have been lodged with the Khulna city police against *razakars*. The police were informed that two schoolteachers were shot down without warning or provocation.

The police cannot, however, investigate these cases as a military directive states that complaints against *razakars* are to be investigated by the military authorities. Nor can the Khulna civil police proceed with the investigation of charges brought against Moti Ullah, a non-Bengali member of the Central Peace Committee of Khulna, of possession of explosives on the day before the army began "securing" the town.

Ullah has previously been charged with aggravated assault and demanding money with menaces and was actually on bail on the explosives charge when appointed to the Peace Committee. There was an explosion at the back of his house where neighbors alleged he was storing dynamite for use in riots. The same man has been refused a gun license on grounds of bad character, and a police report describes him as a "goonda"—a professional criminal specialising in violence.

I have been unable to arrive at even an estimate of how many people have been killed in rioting and army security operations in Khulna and the surrounding district. One observer, a magistrate confined to his riverside home by the army-imposed three-day curfew, counted 48 bodies floating down the river in one 10-minute period during the height of the operation. There are many areas in the town which have been burnt out—in what is described by the authorities as "slum clearance"—and one road leading to the Khulna newsprint mill has been completely demolished on both sides for more than a mile.

Colonel Shams told me he had a hard fight with "rebels" but had not used heavy weapons. He told me that large holes in reinforced concrete buildings had been caused by miscreants using petrol bombs. Army casualties during the operation in the town were reported to me (not by Colonel Shams) as none killed and seven wounded.

In the period around the army operation in Khulna, hospitals admitted 159 cases of bullet wounds, 25 gunshot wounds and 70 puncture wounds of the kind caused by knife, dagger or bayonet. It is likely that some of the deaths were caused by fighting or massacres of non-Bengali by Bengalis, as well as by non-Bengalis killing Bengalis and by the army operation. But it seems clear the army had all the firepower. The truth may never be known as no official inquiries are under way about casualties or damage, in sharp contrast to the normal practice of the Pakistan police who have to submit a written report every time they fire one round and may only do so with the permission of a magistrate.

Even more obscure is what happened in the downriver port area of Mangla, which is reached by boat from Khulna. The whole waterfront and market area of this small port has been burnt out, and shell holes can be seen in some waterfront buildings of brick and reinforced concrete.

The local police chief, Sub Inspector Hadi Kahn is a non-Bengali promoted in the past month from a job not requiring an examination test of literacy to one that does, although there have been no examinations. He told me that the damage, proportionately the worst I have seen so far, was caused by an accidental fire ignited when a lamp overturned in the market place, "or something like that."

But Commander Zarin of PNS Titumir said: "We had a sharp engagement with the miscreants at Mangla. The rascals opened up on us with a shore battery—a big homemade gun made out of some sort of iron pipe. But it blew up when they tried to fire it, and burnt half the place down!"

The commander laughed heartily at this reminiscence. He could offer no explanation for the shell holes in waterside buildings. I could not pursue the matter in Mangla because on this occasion I had to put up with the unasked and unwanted presence of two soldiers wished on me for my "security." They clung to my heels like leeches and in their presence local people shrank away.

It would be wearisome to catalogue any more of the weird explanations offered by the Pakistan military authorities of what has evidently gone on and is still going on.

On the refugees issue, it is clear that only a very brave or very foolish refugee would even try to return as things are, and that his welcome would be very doubtful if he did. Only a peaceful joint operation by India and Pakistan will get any substantial number of refugees home and this seems totally out of the question as things stand.

Even more alarming is the development, with the Peace Committees and razakars, of two parallel governments in East Pakistan: one the normal civil administration, which is well intentioned, reasonably efficient, but now speedily approaching complete impotence; the other a regime of paid informers, bigots and thugs answerable to no one and apparently above whatever law is left in East Pakistan.

The pacification methods used on the North-West Frontier by the British of long ago, burning villages and gunning down their inhabitants, are bad enough when imported into a heavily populated and peaceful place like East Pakistan. The introduction of the political methods of Hitler and Mussolini even less defensible.

[From the Armed Forces Journal, July 19, 1971]

As Seen From India: The Military Balance in the Indian Subcontinent

(By Ravi Rikhye)

Prior to 1962 the military balance in the Indian sub-continent was the concern only of its two major powers, India and Pakistan. Since 1962 China has dominated events there as much as if it was itself a part of the area. The Indian Ocean has become the newest arena of great power rivalry. Though the Chinese are several thousand miles away by sea, they are engaged in an effort to enter the Indian Ocean as a full fledged great power contestant. The sub-continent is vital to them as it dominates the Indian Ocean.

Indo-Pakistan rivalry provided China the initial wedge in the sub-continent. The revolt in East Pakistan, the insurgency in Ceylon, strained relations between India and Nepal, and the long standing insurgency in Burma, all give new opportunities to China in pursuing its endeavors in the region. Though the military balance there is strictly an India-Pakistan/China balance, the smaller states are nonetheless important to China if they can be used to weaken India.

China has already neutralized India, employing less than a tenth of its military forces and exploiting the Indo-Pakistan split. This is no mean achievement, since in the long term, 30 to 50 years, it is probably not Japan, the Soviet Union or the United States, but India that poses the greatest threat to Chinese ambitions and power. China can further neutralize India by using the smaller states.

India today has the world's second largest population and tenth largest economy. It has the world's fourth largest army, the sixth largest air force, and the fifteenth largest navy. In view of this, the assertion that India can barely hold its own in the subcontinent may come as a surprise.

The reason for this is, of course, that the military balance is not a simple Pakistan-India balance as most think, but a China/Pakistan-India balance. Even against Pakistan, India is not as strong as is generally assumed.

This misconception about the relative strength of India and Pakistan arises from a superficial assessment of their military manpower: 970,000 for India, 350,000 for

Pakistan. Because of India's considerably longer lines of communication, the superiority in deployable army units is two to one. India has 25 divisions (two tank, 10 mountain and 13 infantry) and nine independent brigades (one tank, two parachute and six infantry). Pakistan has 14 divisions (two tank and 12 infantry). In the air too there is a two to one superiority: India has 34 combat squadrons (three bomber, 11 fighter bomber, 16 interceptor, three tactical recon and one maritime recon). Pakistan has 20 combat squadrons (three bomber, 16 fighter bomber, one tactical recon). India's interceptor and fighter squadrons are larger than Pakistani squadrons.

On the sea India does have a decisive superiority: four submarines, one light carrier, two cruisers, 18 destroyers/frigates and 40 other ships, boats and craft to Pakistan's four submarines, one cruiser, seven destroyers and 20 other ships, boats and craft. Since, however, any war between the two countries will be of short duration due to logistic constraints, the navies of the two countries will not play a significant part in the conflict, and as such his superiority does India little good.

When China's 11 or 13 divisions on India's northern frontiers are added to the Pakistani total, India has a bare equality on the ground. Because China can base several hundred aircraft within range of India on its bases in Western Sinkiang, Tibet, Western Kunming and Western Chengtu, India is definitely inferior in the air. When the enemy can muster 25–27 division at points of his choosing, and India has about 25 divisions to defend a 9,000-mile frontier, the talk cannot be even of equality, but only of inferiority.

It is important to note that Pakistan by itself has equality with India in offensive power. Armour, strike aircraft and submarines are three main weapons of strike on land, in the air and in the sea. Pakistan has four submarines to India's four (Pakistan is reported acquiring another four or five, India, another four); Pakistan has 19 bomber and fighter bomber squadrons of Mirage 3/5s, whereas India's most capable and modern planes are Sukhoi-7Bs. India has 1,100 medium tanks to Pakistan's 800-1000, but many of India's tanks are in the Central and Eastern sectors because of China, while Pakisan can concentrate its tanks on a single front. Pakistan also has the advantage in mobility: It has APCs and SP artillery, while India is just beginning to bring in APCs and has no SP artillery. Pakistan also has first class communications and air defense ground environment for its air force, while India has still to procure these.

There are three reasons why India cannot use its China front divisions to reinforce the Pakistani front in times of need. First, the mere threat of Chinese intervention will keep those divisions tied up. Secondly, communications in the Himalayas are among the worst in the world. These divisions could not be moved to the plains in time to affect a short duration conflict.

Third and most important, the mountain divisions are organized for low intensity, prolonged conflict at high altitudes. They would be cut to pieces in the high intensity armour environment of the Western plains. India can also no more move its divisions facing Pakistan to the China fronts than the United States can move 7th Army divisions to Vietnam in an emergency.

India has its own special problems with China. China now has all weather four lane road connections with Pakistan through Sinkiang. This provides China its access to the sea in the West, and opens up the possibility of joint Chinese-Pakistani action against India in time of war. China has 11–13 divisions of India's northern frontiers, but can bring many more from the interior to to reinforce these, whereas India has no reserves.

India's entire position in the East depends on securing the 40-mile wide Siliguri neck: if China succeeds in cutting this narrow strip, all of India's forces in the East will be isolated. East-West communications between India's forces in the Himalayas are marginal. India's troops are disposed along the most likely routes of Chinese advance. The Chinese could ignore these and break through to the plains or they could concentrate their forces and overwhelm isolated units one by one. Until India obtains airmobility, its northern forces are in a precarious position. At present India has less than 10 helicopters for each of its 25 divisions.

This is not to imply the Indians are not aware of these problems and are not constantly striving to correct them as resources become available. The Pakistanis and Chinese, however, do not sit still either. India exists on a slim margin in war. Its entire strategy is based not on its own unassailable strength, but the mistakes of its enemies. In a war with either Pakistan or China, India could probably hold its own.

It is the possibility of joint action, however, that bodes ill for India. Its forces against Pakistan in particular are finely balanced. To the United States 200 surplus tanks and 500 APCs may seem like a marginal accruement to Pakistan's strength. To India they could make the difference between stopping the Pakistani at the border or outside Delhi.

India probably needs a minimum of six armoured and infantry divisions and airmobility for at least two divisions to give it some margin to allow for the vagaries of fortune in war. With its already heavy requirements to modernize its armor, artillery, tactical aviation, transport fleet and navy, and also to keep open the nuclear option, India could find this money only at the expense of further slowing down its economic development, the true long-term basis for its security. In the last eight years already India has trebled the number of army divisions and doubled its combat squadrons. This was done at a time national income increased about 33% and population about 20%.

There are two reasons why the breakup of Pakistan will not necessarily help India militarily. One is that unless India makes the correct choices, it could be faced by a hostile communist government in the East when it finally breaks away. This would compound the already considerable problems India has in the area. The second reason is Pakistan has ways of offsetting the reduction in its resources.

Pakistan spends $600-million or 3.5% of its GNP on defense. With the loss of the East, the GNP base will be halved, so now 7% will have to be spent. Several poor countries—Iraq, Jordan, Syria, the UAR, Laos, North Korea, North Vietnam, South Vietnam and KMT China—spend more than 7% of their GNP on defense.

The true constraint on a poor country's armed forces is not GNP but foreign exchange to buy sophisticated weapons. The above mentioned countries get their arms on easy terms from the United States or USSR. Pakistan already has a third of its air force, a fourth of its armour and several infantry divisions equipped with Chinese weapons. It can turn further to China. It can obtain aid from its rich Arab and Muslim friends like Iran, Saudi Arabia, Kuwait and Lybia.

Saudi Arabia is believed to have assisted with the recent purchase of 30 Mirage 5s. Iran has recently sent 18 helicopters to Pakistan. It is a simple matter for these countries and China to give Pakistan the $100-million or so it would need annually to continue its modernization of its armed forces

If Pakistan lost the East its defense problems would be simplified. It can concentrate in one geographical area alone. Even in the short term India does not gain: Pakistan is reported to be raising two infantry divisions (one report says one armoured division) to replace troops sent to the East.

The number of infantry divisions and men is not as important as the numbers of tanks, strike aircraft and submarines. As long as Pakistan keeps parity with India in these three items, it remains a great threat to India. Significantly, Pakistan doubled the size of its army and air force (in terms of deployable units) after the cutoff of United States military assistance. Ordinarily the assumption would have been that Pakistan was irrevocably crippled as the United States was the sole supplier of cheap weapons. As long as the world's great powers remain hostile to one another, Pakistan will always find one power willing to arm it.

The situation in Ceylon is confused at present. The one observation that can be made is that the rebels are definitely anti-India. For any entry into the Indian Ocean, Ceylon is the country of greatest importance to China, especially in view of the naval base at Trincomalee. The Chinese have been wooing Ceylon assiduously. Until, however, it is clearly known who is behind the current insurgency it is impossible to draw any conclusions except that, whether the rebels succeed or not, India will be harmed.

Ceylon is deeply worried about India, and its allowing Pakistan to move troops through its territory is directly attributable to its fearing a breakup of Pakistan, and a consequent weakening of Pakistan as a counter to India. If the Chinese are not behind the insurgency, China will be able to continue expanding its influence in Ceylon. If China is behind the insurgency, the conditions which made it possible will not disappear no matter what happens to this group of rebels. China can always build up new movements, cadres and subvert Ceylon.

Burma is not inclined towards the Chinese, and sees India as a counter to China. The insurgency there shows no signs of diminishing in intensity, and if one day the communists do succeed, it will be to India's detriment. The Chinese are devoting a great deal of effort to Nepal and are now building a North-South road through it. Militarily, if Nepal were subverted it would make little difference to India. China can already slice through Nepal anytime it wishes.

The possibility that India may one day be encircled by a host of small, unfriendly countries dependent one way or another on China definitely exists. None of these countries (except Pakistan) is going under to China overnight: Burma has so far contained its insurgency, Ceylon is bringing its under control. Nepal faces problems in exchanging Indian domination for China's; a communist government in East Bengal will not necessarily be anti-Indian.

Nonetheless, the situation in the Indian subcontinent gives China ample opportunity to weaken India and to enter the Indian Ocean in its bid to expand its power and influence.

[From the England Times, July 13, 1971]

"WAR IS SERIOUSLY BEING CONSIDERED IN THE MOST RESPONSIBLE CIRCLES IN INDIA": SHADOW OF WAR ON THE INDIAN SUBCONTINENT

(By Peter Hazelhurst)

While the Indian Prime Minister continues to exercise restraint, many of Mrs. Gandhi's compatriots, from within and without the ranks of government, believe that the refugee problem can only be solved now by military action and such a national debate is raging on the pros and cons of war.

The hawks, for instance, maintain that the cost of the 1965 Indo-Pakistan conflict amounted to only a fraction of the continuing cost of the upkeep of six million refugees. The doves argue that the cost of a war cannot be measured in financial terms alone for it is likely that China would intervene on Pakistan's behalf. However, the hawks are confident that in its present mood Peking is unlikely to make any dramatic

thrust into Indian territory and in any event the risk of a showdown must be taken.

In this prevailing atmosphere of uncertainty India's Institute for Defence Studies and Analyses has compiled a comprehensive document dealing with the cost of and feasibility of war, the balance of military power in the region and India's ultimate objectives.

The document which comes to the alarming conclusion that India has no alternative but to go to war was prepared by the Director of the institute, Mr. Subrahmanyam, and was presented to a closed door seminar of senior editors, officials and representatives from the Indian intelligence services.

In a nutshell, after examinng all aspects of the situation in West and East Bengal the Subrahmanyam report suggests that India should carve out a portion of East Bengal in which the refugees can be settled. At the same time Mr. Subrahmanyam suggests that if a certain section of East Bengal is wrested from the control of the Pakistan army the provisional government of Bangla Desh could be set up in the area with all the de facto and de jure attributes of sovereignty.

"There is no doubt that the Security Council would meet to call upon both nations to end the fighting. Whether the fighting should be ended immediately or continued for a period of time is a matter for India to consider. At this stage, it should be India's endeavour to get Bangla Desh as one of the recognized parties to the dispute.

"In fact, this is the appropriate way to win the international recognition for Bangla Desh. It should be made clear that the cease-fire cannot be signed in the Bengal sector, unless the Bangla Desh commander is recognized as an independent sector commander for the purpose of cease-fire and Bangla Desh government is recognized as a party to the dispute as a whole."

While one may not agree with Mr. Subrahmanyam's conclusions the document does reflect the growing mood of impatience in India and it certainly demonstrates that war is seriously being considered in the most responsible circles in India.

Before coming to his conclusions Mr. Subrahmanyam deals exhaustively with all aspects of an armed conflict: the cost, alternatives to war, Pakistan's military capability, the factors against and in favour of Indian action and the possibility of Chinese intervention.

The lengthy documents, entitled *Bangla Desh and India's National Security—the Options* for India, first deals with the viewpoint that it would be better to absorb the six million refugees with international financial assistance than embark upon militant action which would lead to a full scale war.

"Is the problem only a question of absorption of the refugees?" It is clear that the Pakistani military regime is going to perpetuate its colonial type of rule in Bangla Desh and the partisan war is likely to continue.

"This again confronts India with the question whether this country will be able to stay uninvolved. . . . The sympathy of the Bengal people is wholly with the partisans. Consequently, the attempt to prevent the people of Bengal from giving sanctuaries to the partisans and helping them out in various ways will create major problems for India.

"If with a prolonged partisan struggle in Bangla Desh, the leadership becomes more and more left oriented, it could have long term repercussions on the situation in West Bengal".

The document goes on to claim that under the circumstances Pakistani troops would certainly chase the partisans across the border in hot pursuit and India might drift into war which is not of India's choosing or timing.

"A policy of wait and see can only result in continuous insecurity along the Bangla Desh border with a high potential for escalation into a full-scale conflict at any time. There is every possibility of our being compelled to deploy a large force around Bangla Desh and incur additional expenditure on such deployment. Pakistan is likely to keep the strength of its army in Bangla Desh at between four and five divisions on a permanent basis and has already started to replace these divisions there."

Mr. Subrahmanyam claims that even if the economic aspect of the refugee problem is absorbed by the outside world India will still have to face even more onerous threats to her security.

In the first place he chides the Government for creating a sense of commitment in India to the cause of the East Bengalis.

"Our going back on these commitments is likely to have an adverse impact on the credibility of the government within the country as well as outside and this erosion of our credibility is likely to compound our security problem in future."

This is an obvious allusion to possibility that ruling Congress Party might suffer heavy losses when several large states go to the polls next year.

He also points out that the large concentration of refugees in West Bengal is likely to create tension in the sensitive and turbulent state.

The document also points towards the danger that the situation in East Bengal and the stories of refugees might spark off widespread religious strife between Hindu and Muslim communities in India.

He goes on to claim that if the present situation is not resolved both India and Pakistan will have to increase their already astronomical defense budgets. "If Bangla Desh does not come about, and Pakistan continues the colonial rule, tension between India and Pakistan will continue to persist and this in turn would result in increased amount of defense outlays in both countries. After bringing the Bangla Desh situation under some sort of control, it is quite likely that Pakistan might retaliate by creating difficulties for India in Kashmir."

Dealing with the illusion that either the world community would enforce Yahya Khan into a realistic political settlement or that the Liberation Army would defeat the West Pakistanis, Mr. Subrahmanyam says that "all of these unrealistic hopes have been belied now."

"It is now obvious that the Pakistani economy has absorbed the cost of Bangla Desh operations and also the extra cost for raising two new divisions The Pakistani rulers have exercised their choice in favour of colonial domination over Bangla Desh even if it meant a slower pace of development in West Pakistan. The monsoon has shown itself not neutral between the Pakistan Army and partisans, but generally compounding the difficulties of those who have less facilities. The western powers have shown their inability to suspend aid for which they already made commitments. The world community is not in a position to do more than what it has so far done, so long as the issue of Bangla Desh is treated as an internal issue of Pakistan and a refugee problem for India.

"The world community feels itself constrained to act in the absence of internationalization of the problem, despite grave provocations to India. In fact it is the restraint exercised by India which, to a very great extent has put a limit on what the world community can do. It is, therefore, unrealistic for India to expect the world community to treat the problem as an international one, when she herself has so far not done anything to give it an international dimension.

"Consequently, there appears to be no chance of a solution to the Bangla Desh problem being found by international pressure. Those who plead for a nonaction policy have not appreciated this aspect."

The document goes on to deal with the balance of military power, the fears that Indian cities would be vulnerable to air strikes and the Pakistan Air Force's ability to neutralize the Indian Air Force.

"For a country like Pakistan, which has no aircraft industry and limited means of maintaining its aircraft in operation, any diversion or effort away from its main objective—namely neutralizing the Indian Air Force—is wasteful and will reduce to that extent its capability against the Indian Air Force. This is not to rule out completely irrational acts on the part of some desperate men at Islamabad, but the total effect of such efforts is not likely to be of a significant order.

"The same holds good for Pakistan naval effort too. They are reported to have three ocean-going submarines in their waters now with a fourth one likely to join in the next few days. In addition, it is believed that they may have a dozen or more smaller underwater craft which could be used for coastal mining, harbour sabotage and torpedoing ships close to the coast. But these vessels have very limited ranges and will have to be deployed very near Pakistan waters.

"It is doubtful whether Pakistan can attempt the latter action on a large scale or the former type of action can produce significant damage. Eighty per cent of India's trade, including most of its oil, comes in foreign bottoms and Pakistan is not in a position to impose a blockage on India.

"On the other hand hostilities between India and Pakistan will prevent East Bengal from being reinforced and will bottle up the forces there without much chance of their being supplied.

Mr. Subrahmanyam attempts to assess the likely stance of Pakistan's military allies in the event of another conflict. "The United States is not likely to intervene, not after the Vietnam disclosures. The Soviet Union is not likely to do so—in any case not on the side of Pakistan. Pakistan's partners in Cento, Turkey, and Iran, through in a position to render some assistance by way of supplies, cannot, in view of limited industrial capacities and stockpiles, supply significant quantities."

Mr. Subrahmanyam then examines the question which haunts the mind of every Indian hawk. Will China intervene as she did in 1965? According to the institute's assessment, China is maintaining about 100,000 troops in Tibet and their strength can be increased at short notice.

However, Mr. Subrahmanyam comes to the conclusion that Chinese intervention can be ignored. "Even if we assume that China can double its present troop strength only a portion of that can be deployed in battle across our northern borders. In fact the forces that can be deployed will be limited by the logistic capacity of the famous passes into India to maintain the troops in battle. Against this we deploy about nine divisions on our northern borders. (Our divisions are bigger than Chinese divisions in Tibet.)

"Granting it is not possible to keep every inch of the border guarded, and also admitting that some Chinese incursions could take place, in case they decide to intervene there is still the problem for the Chinese to stay in this side of the Himalayan border after the passes close in the winter.

"In 1962, when the Chinese met only limited resistance for various reasons, it took them a full month to come down from Thagla to the foothills. The damage that China can do within a period of two to three months, when Indian-Pakistan hostilities take place, can therefore be only limited to

some incursions in certain parts of Nena and Ladakh.

"There is not the same risk of the Chinese cutting off Assam as there was in 1962 since in the course of hostilities the northern Bangla Desh is likely to be overrun by the Indian forces and the communication lines with Assam will be broadened rather than narrowed down or closed.

"In any case, logistically the Chinese cannot bring in heavier equipment across the Himalayan passes and therefore even if the Chinese come down they will be meeting the Indian armed forces equipped with heavy weapons. Further, this time there should be no reluctance to commit the Indian Air Force into battle on the Northern Border, unlike in 1962.

"Considering therefore the comparatively limited stakes the Chinese have in this issue, it does not appear to be militarily meaningful for the Chinese to undertake this type of operation involving such high military risks."

The institute estimates that India will lose about 40,000 men if she goes to war. "War is abhorrent but those who advocate a policy of non-action have not put forward any reasonable solution to our problems."

[From the Washington Star, July 26, 1971]

A Dangerous Game—India Nurtures Pakistani Guerrillas

(By Henry S. Bradsher)

Calcutta, India.—India is deep into a dangerous game of supporting—in fact, of making possible—an effort to overthrow the rule of West Pakistan over East Pakistan.

While justifiably complaining about the immense financial burden of refugees from East Pakistan, India has also taken upon itself the burden of financing the exile "Bangla Desh" government of East Pakistan and its guerrilla force.

India is arming and training the guerrilla "Mukti Bahini" (Liberation Army) and providing it with sanctuaries along East Pakistan's borders. Sources vary on the size of the force being armed and trained. One of the best informed Indian sources says the plan is to have 20,000 well trained hard-core guerrillas supplemented by 10,000 or more militia supporters. The latter would spread clandestine propaganda in East Pakistan and occasionally toss bombs.

Much of the training in camps established along Pakistani borders is done by East Pakistan soldiers who escaped in the crackdown by the army which is predominantly from the northwest frontier regions of West Pakistan. But the Indians have been needed to teach some things in which easterners are not trained, according to sources. There are at least four reasons for India's becoming so deeply involved in a neighbor's internal affairs.

One is hope that Mukti Bahini can force the Pakistani army to give up the eastern part of the divided country and leave Bangla Desh free so that 7 million refugees now burdening India will return home. How realistic this hope is remains to be seen.

Another reason is the Bangla Desh exile government and Mukti Bahini have a conservative middle class outlook which India finds congenial. It fears that failure of this group, based on the Awami League party of East Pakistan, to mount an effective guerrilla challenge to the Pakistani army would mean growth of influence for the Pakistani Communist guerrillas. The third motive is simply sympathy with the Bengali people of East Pakistan. They are closely tied by culture and tradition to India's own 40 million Bengalis whereas various West Pakistani peoples are mostly distinct people from any major Indian group.

There also is the motive of traditional antagonism between India and Pakistan since the two countries were created out of British India in 1947. They have fought two wars since then and never have been good neighbors.

Off and on for years, reaching a peak almost a decade ago, Pakistan armed and trained Naga and Miz tribesmen from eastern India. They have conducted smoldering rebellions against the Indian government in hopes of obtaining independence.

Pakistan's objective seemed to be simply to create a nuisance for its enemy. There never was any prospect of Nagas or Mizos obtaining independence.

What India now is doing could be viewed as a reply in much stronger terms.

India has had some experience with this. In 1961–2 it mounted a guerrilla campaign of ousted Nepali democrats against Nepal's King Mahendra without success. Since its 1962 Himalayan war with China it has maintained a force of Tibetan guerrillas.

But now stakes are higher and so is the level of effort.

COULD REIGNITE KASHMIR

The Indian government realizes that the logical Pakistani reply to Mukti Bahani activities would be another effort to start a guerrilla war inside the Indian part of the disputed Kashmir state. It was such a Pakistani effort to wrest Kashmir away from India by guerrilla warfare that touched off the 1965 war between the two countries. The home ministry in New Delhi which is responsible for internal security has warned that trouble in Kashmir is likely. Its police forces and also the Indian army are strengthening defenses in Kashmir.

Three has been a lot of speculation in both countries in recent months on the chances of war.

Some usually sober and responsible Indians have even advocated war with Pakistan to liberate East Pakistan and turn it over the friendly Bangladesh government.

Calcutta's most important Bengali language newspaper asked Prime Minister Indira Gandhi in a front-page letter seven weeks ago: "Why can't you send in troops to end the humiliation of humanity, strangulation of democracy, shooting of unarmed people and ravaging of women? Why not war? For fear of huge expenses?

"Aren't expenses on account of refugees double the amount needed for war?"

Supporting refugees is now costing India about $4½ million a day and the number of refugees is still growing. The 1965 war cost India roughly $525 million, according to advocates of action now. They contend another war would be cheaper than feeding refugees forever.

ARMY BELIEVED PREPARED

Well informed Indian sources say the Indian army has drawn up plans and made some preparatory moves for the invasion of East Pakistan and from other sources there are reports of army talk of not stopping short of total defeat of Pakistan if there is another war, unlike the inconclusive 1965 clash which United Nations pressure halted.

But those Indians in a position to know say military planning and moves are only a contingency effort in case Pakistan touches off a war. They say Mrs. Gandhi is firmly opposed to war.

Instead India will go on helping Mukti Bahini in hopes it can do the job.

When the first help was given shortly after the army crackdown began in East Pakistan March 25 and some Eastern soldiers sought refuge in India, this country was very cautious. It supplied only those types of weapons which already were in use in Pakistan and therefore could not be identified as having newly come from India.

This caution has disappeared. India now is supplying Mukti Bahini with guns and such other things as land mines that are made here.

Spokesman for India's external affairs ministry briefed Indian reporters last week with a defiant line on this.

CHARGE AGAINST THE U.S.

He reiterated the general Indian feeling that the United States is supplying weapons to the Pakistani government for suppression of East Pakistan. This is based on the U.S. governments' refusal, despite congressional and foreign pressure to cancel some military equipment licenses for Pakistan.

If the United States can arm the Pakistani army, the spokesman argued, then there is no reason why India should not help the Muki Bahini.

One newspaper quoted an unidentified source of its inspired story on this as saying. "It is not India but those powers which supply arms to central authorities in Pakistan that are guilty of interfering in affairs of Pakistan."

At the same time, the spokesman said it would be an "unfriendly act" for any country to suggest positing of United Nations observers in India in connection with refugee movements.

The strength of India's reaction to the idea, which has not been officially proposed to the United Nations, raised a question in some foreigners' minds—whether India is concerned with observers possibly interfering with guerrilla operations.

[From the New York Times, July 27, 1971]

Rebels Tell East Pakistanis To Flee Dacca

(By Malcolm W. Browne)

Dacca, Pakistan, July 26.—Handbills prepared by Bengali separatist guerrillas appeared in Dacca today warning the population to begin evacuation of the city in preparation for a terrorist campaign against the Pakistani Army in East Pakistan.

The handbills were distributed in the Maghbazaz District of the city a few blocks from the Intercontinental Hotel.

The warning, signed by the Mukti Bahini (Liberation Army), advised residents to move out by 6 P.M. local time.

The public was also warned that vehicular traffic, including taxis and rickshaws, should be off the streets at night from July 28 onward, and that the entire city should be evacuated after Aug. 1.

Bombs have exploded in Dacca every night for the last two weeks, and gunfire often accompanies the explosions. Detonations heard last night could not be immediately explained.

Actions have included the mining of roads in the outskirts of Dacca and bombing attacks against power stations, the city gas supply, homes of persons regarded by the guerrillas as enemies, army installation, bridges and communications.

ARMY REACTS SWIFTLY

Reaction by the Pakistani Army is generally rapid and forceful and there have been many arrests of suspects. There also is a steady flow of casualties, according to witnesses, although no estimates of numbers are available.

Army patrols move constantly through Dacca and its environs and military guards are stationed at most important buildings.

Despite this, guerrillas have caused considerable dislocation of essential services since their campaign began two weeks ago and have killed a number of persons.

The Mukti Bahini guerrillas are believed to have been trained in camps in India since March 25, when Pakistani troops attacked in East Pakistan to quell an autonomy movement.

The Pakistan Army is made up mainly of officers and troops from the Punjab in West Pakistan who speak Urdu. Many Bengalis

regard these troops as outsiders and even foreigners.

INDIAN SHELLING REPORTED

KARACHI, PAKISTAN, July 26.—The Indian armed forces today shelled the town of Comilla on the eastern border of East Pakistan, killing several civilians and injuring many more, it was officially announced today in Islamabad, the capital of Pakistan.

[From the New York Times, July 29, 1971]

AWAMI LEAGUE'S MANDATE

To the Editor:

The July 3 letter "U.S. Aid to Pakistan" by Hamid Jalal, press counselor of the Pakistan Mission to the U.N., is yet another futile and self-defeating attempt by the West Pakistani colonial regime to confuse the real issue in Bangla Desh.

The West Pakistani official says that the electoral mandate received by the Awami League led by Sheikh Mujib in the December 1970 elections was for provincial autonomy and not for secession. But he conveniently forgets that the Awami League had never wanted secession and that the basis of the autonomy program of the Awami League was the six-point formula that had clearly envisaged defense and foreign affairs as federal subjects.

It is absurd to say that the majority in a democracy would want to secede. The Bengalis had not wanted independence in the beginning because they expected that they would be able to decide their future within a democratic framework in the federation of Pakistan. It was only after the West Pakistani Army started its campaign of genocide against the Bengalis that they declared the independence of Bangla Desh.

Mr. Jalal refers to the Awami League leaders as extremists but completely forgets that it was Mr. Bhutto, the West Pakistani leader, who had threatened to boycott the National Assembly if it met on March 3 as scheduled by General Yahya after repeated demands for its meeting by Sheikh Mujib.

The Pakistani Government (now clearly representing West Pakistan only) is not only at war with the people of Bangla Desh (who constituted the majority of the population of East Pakistan) but it is guilty of the crime of genocide against unarmed, peaceful and helpless men, women and children. The excuse put forward by Mr. Jalal that his Government was only trying "to put down a mutiny and an armed attempt at the dismemberment of Pakistan" is pathetically hollow and does not carry General Yahya anywhere.

Mr. Jalal has spoken of the needs of a larger part of Pakistan's population. Who represents the people of Bangla Desh? Is it Sheikh Mujib, who won 167 out of 169 parliamentary seats in the December elections, or is it General Yahya, who is in power only by virtue of force?

Finally, Mr. Jalal has argued that foreign aid would help and induce the return of the seven million refugees to their homes. On the contrary, any amount of aid to the West Pakistani Government would be used to buy more arms and to continue the campaign of genocide. The possibility of the return of the refugees under the present circumstances is at best wishful thinking.

MAHMOOD ALI,
New York Representative,
Bangla Desh Government.

[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 assistant 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 blood bath.

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 impossible 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.

[From the New York Times, July 30, 1971]

PAKISTANI REGIME IS PREPARING FOR LONG GUERRILLA WAR IN EAST

(By Malcolm W. Browne)

DACCA, PAKISTAN, July 29.—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 said 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 suppress 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 Baltimore Sun, July 31, 1971]

FORTY THOUSAND REFUGEES A DAY ARE SWARMING INTO INDIA

(By Pran Sabharwal)

NEW DELHI.—India's serious problem of how to accommodate Bengali refugees grows graver as they continue to pour across the border at the rate of 40,000 to 50,000 a day.

There are over 100,000, recent arrivals, trudging from camp to camp in the monsoon rains in search of shelter and food, and the number is swelling rapidly.

With an imminent total of more than 7,350,000 refugees, there is not enough high land left in the Ganses pain of West Bengal, where most of them are staying.

DAMAGE TO CROPS

And in eight of the 17 districts of West Bengal, heavy rains followed by floods have caused widespread damage to crops, property and livestock.

For the weary and exhausted refugees from the interior of East Pakistan the present ordeal—after their 10-to-12 day trek—has added to their misery.

If the refugees do not find shelter soon, there is a danger of more severe outbreaks of bronchitis and pneumonia, which are already on the increase.

While food has not yet become a problem in the states of West Bengal, Assam and Meghalaya, it is a major problem for landlocked Tripura, where the refugee population is 1,170,000 and the local population 1,556,882.

This isolated area needs about 8,000 metric tons of food a month to feed the refugees. The United States airlift in four weeks flew 23,165 refugees out of the state and brought in 1,758 tons of food. Now that the American airlift has ended, the state administration is using all available transport but still remains short of essential supplies.

ON THE LOW SIDE

In New Delhi, the Indian minister of relief and rehabilitation, R. K. Khadilkar, told Parliament yesterday that the entire refugee budgetary allocation of $86 million has been spent. He admitted the government calculation that there would be only 6 million refugees and these would go back home in six months has proved false.

Now the government expects there will be 8 to 10 million refugees by the end of the year and they will stay longer, Mr. Khadilkar said.

To meet the increased cost, the government will seek next week additional funds for the refugees, he added.

Like Prime Minister Indira Gandhi, Mr. Khadilkar also complained that international aid for refugee relief "is very, very meager."

NO OBSERVERS

Of the total estimated cost of $400 million for 6 million refugees for six months a little over $133 million has come from abroad. Of this, $73 million is the United States contribution.

According to an Indian government decision, foreign relief workers are to be replaced by local people tomorrow. This step is being taken because "India has sufficient numbers of medical personnel."

Last night, the Indian government again reiterated that it will not be pressured by any one, including the United Nations, to accept U.N. observers on Indian soil.

The suggestion was proposed by the United Nations high commissioner for refugees, Prince Sadruddin Agha Khan, and was supported by the United States. Later, U Thant, the Secretary General, in a letter to the president of the Security Council, supported the measure and asked for Indian and Pakistani co-operation.

U Thant's fear is that the war in East Pakistan is having international consequences, and hence it is no longer an internal matter.

India's opposition to the proposal is backed by the East Pakistan Bengali Liberation force which fears that the presence of the 60 observers, proposed by the United Nations would demoralize the Bengali population in East Pakistan.

Liberation force commanders threaten physical liquidation of "any foreigner daring to come on behalf of" General A. M. Yahya Khan's regime. He is the president of Pakistan.

They charge that the flurry of activity in the United Nations now is designed to contain the liberation forces, who, they claim, are achieving success in their fight against the Pakistani Army.

[From the Christian Science Monitor, July 31, 1971]

MILITARY BUILDUP ON INDIA-PAKISTAN BORDER?

(By Razia Ismail)

NEW DELHI.—With tensions rising on the sensitive western Indian-Pakistani border, both Asian powers appear to be in a state of military preparedness.

The announcement that the entire Indian defense apparatus along the western border went on alert July 21 parallels reports of Pakistani trench building in the Punjab.

In the meantime, with shiploads of American armaments on the high seas bound for West Pakistan, the man-in-the-street opinion of U.S. policy could hardly be worse.

In Indian eyes, the United States has revived the chilling specter of gunboat diplomacy to make an already volatile situation even worse. Predictably, the popular myopic conviction that armed action is the need of the hour is finding echoes in Parliament—in both the ruling and opposition camps.

The recent parliamentary debate on the budget demands of the External Affairs Ministry was dominated by heated demands for a drastic overhaul of India's foreign policy.

The policy as it exists stands accused of being timorous, foot-dragging, and impotent.

Opposition members have called for the recognition of Bangla Desh (as East Pakistani secessionists call their region), nuclear armament, overtures to China—and a long hard look at India's foreign image.

The right-wing Jana Sangh leader, Atal Behari Vajpayee—whose party regularly exhorts the ruling Congress to give up its neoreligious commitment to nonalignment—has called for India to "stand on its own feet" and recognize Bangla Desh. It also insists that India reject American aid as long as Washington persists in dispensing alms with one hand and arms with the other.

He has said that while "one angle of the Pakistan-American-China axis is aimed at India's heart and another at Moscow's," this does not mean that India "should go and sit in Moscow's lap." But his statements reflect his party's current disenchantment with the Nixon administration.

The Jana Sangh wants the country to "help free Bangla Desh" if West Pakistan attacks India's western borders. Pakistani threats change the equation: They say they will attack on the west if India annexes any territory in East Pakistan.

SHOCK WAVES FELT

Perhaps the only country to suffer direct shock waves from the new fluid situation, India is only one of many that may have to seek new footholds and find new allies.

Mr. Swaran Singh's August mission will take him to some of these countries. His statement of July 21 saying there was a possibility of new tensions emerging is significant. He said India would not be a passive onlooker to third-country interference in the internal affairs of Asian countries.

Right-wing elements in the opposition do not seem to think India has any powerful friends to bolster its own morale, let alone bolstering anyone else's. In a vociferous debate in the Rajya Sabha (upper house) on July 21, Jana Sangh and Swatantra party leaders needled the government to "name five countries—or even one—that would come to India's help." The government has not named any.

Sections of the local press have said quite openly that if American arms continue to find their way to West Pakistan, and the rest of the world continues to let them find their way there, India is justified in arming the Mukti Fauj of Bangla Desh.

A political commentator has even said that the disintegration of Pakistan was not formerly in India's interest, a reunited Pakistan with its ruling junta as the main instruments of an unholy alliance of superpowers, is too dangerous for India to endorse.

The fact that Islamabad rather than Warsaw, Belgrade, or Bucharest was chosen as the jumping-off point for U.S. presidential adviser Henry A. Kissinger's undercover journey to Peking has given President Yahya Khan a welcome bonus of reflected glory at just the time that New Delhi was hoping he would be chastised.

Whatever immediate or future blessings the Chinese-American détente may bestow upon the United States, the concern expressed here last weekend that the move would affect the Bangla Desh situation adversely appears to have been well founded.

The apparent concern then centered on the feeling that—with all eyes on the proposed Peking visit—world attention would be diverted from the urgency of a just solution to the Bangla Desh problem. The main concern now is that—whether the world's eyes are on the subcontinent or further east—Pakistan is feeling confident that it will be strongly backed if it resorts to arms.

[From the Washington Evening Star, July 31, 1971]

"VERY NEAR WAR WITH INDIA," PAKISTAN'S PRESIDENT SAYS

KARACHI.—President Agha Mohammad Yahya Khan of Pakistan today accused neighboring India of continued artillery attacks along the border with rebellious East Pakistan and said: "We are very near to war with India."

Yahya told newsmen of six foreign television teams invited to Karachi for a 2½ hour interview, "I am watching the situation. If the Indians have the idea of taking a chunk out of East Pakistan, it would mean war.

"We are very near to war with India," he said. "Let me warn them (India) and the world, it means total war."

"I am not looking for war and am trying to avoid it," he said. "But there is a limit to my patience."

Yahya referred to the five-month-old civil war in which the rebels in East Pakistan, separated from West Pakistan by more than 1,000 miles of Indian territory, have established the so-called government of Bangla Desh.

Yahya said India, whose northeastern section has been the refuge of some 7.5 million Bengalis fleeing from an army crackdown in East Pakistan, is continuing to shell the borders of East Pakistan.

Yahya said he will not be pressured by nations threatening to cut aid to Pakistan to force a political settlement in East Pakistan.

He said the cutting or slowing down of economic aid would affect 70 million East Pakistanis for the "sake of a few millions who had been used as political pawns."

Yahya charged foreign countries which had offered aid but are now withholding it have done so for ulterior and not humanitarian motives.

Yahya said there still is food for three months to feed East Pakistan but transpor-

tation is needed to move it to needy areas.

Although the United Nations has promised aid, Yahya said, Pakistan is still waiting for it to come.

THANT WARNS COUNCIL ON WAR

UNITED NATIONS.—Secretary General U. Thant has warned the Security Council in a secret memorandum that the festering border situation between India and Pakistan could lead to a war beyond the subcontinent, it was disclosed yesterday.

The memorandum was sent July 20 to Ambassador Jacques Kosciusko-Morizet of France, this month's council president, for circulation to the other members.

[From the New York Times, Aug. 1, 1971]

EAST PAKISTAN: SHADES OF THE VIETNAM WAR

(By Malcom W. Browne)

DACCA, PAKISTAN.—The Government's army is largely confined to the towns and roads. The guerrilla rebels in the countryside get help from across the border. A clandestine radio transmitter reports "liberation army" successes and predicts eventual victory.

A visitor to East Pakistan can drive through much of the region without observing anything abnormal. Yet many foreign diplomatic observers have been tempted to compare the Bengali situation with the opening phase of the Vietnam war, and some of the parallels—such as those listed above—are unmistakable.

Neighboring India from the outset has provided a haven, training and material support for the Bengali rebels, as North Vietnam did for the Vietcong. Even the lush, rice-growing terrain of the Ganges River delta, making up most of East Pakistan, is similar to that of the Mekong River delta in Vietnam. Rebel posters blossom briefly in Dacca and other towns, warning civilians to leave before the Liberation Army (Mukti Bahini) opens a bloody new offensive.

But if a guerrilla war in East Pakistan is under way, it has a long way to go before reaching the level of effectiveness seen in East Asia during the past few decades. Behind the volume of propaganda on all sides, not very much seems to be happening.

Some kind of war is unfolding in East Pakistan. At least a few people are getting killed and many others are suffering. But in this passion-wrenched land it is as difficult to verify a fact as it is to find a dry place to stand in the current monsoon rains.

Along East Pakistan's eastern border, Pakistani and Indian artillery thunder away at each other, and both sides have augmented their forces in the region during the past week. Military men and ordinary people expect a surge in violence during the next few weeks, possibly timed to coincide with Pakistan's National Day of Aug. 15.

The 60-mile road between Dacca and the important frontier garrison of Comilla is open. There is little to show that the Government is having any difficulty maintaining this strategic link. One mine was planted on the road recently, and the rebels dynamited a key bridge on the road, but traffic was detoured over a rickety wooden bridge a few hundred yards away.

In Dacca, guerrillas have made their presence felt during the past two weeks by knocking out the city gas supply and damaging the electricity supply badly enough so that there are frequent blackouts. There are nightly sounds of explosions and gunfire. Neighborhoods that were blasted and burned out in March are still flat. But Dacca is again full of people, rickshaws and commerce and looks as though it is nearly back to normal.

In many populous areas in the countryside crops are growing, and if there are serious food shortages they are not evident.

The political background to this strife is easy enough to trace. East and West Pakistan, separated from each other by 900 miles of Indian territory, share a belief in the Muslim faith but little else. The Bengalis of the east speak a different language from the Urdu of the west; they have different cultural and social traditions and even look different. The Bengalis have long regarded the Punjabi of West Pakistan as economic exploiters of the eastern region.

Latent Bengali yearning for autonomy from West Pakistan came to a head last March and some Bengali leaders called for outright secession and the creation of a new Bengali nation, Bangla Desh. On March 25, West Pakistan's army—East Pakistan military units had joined the rebels—moved into Bengal as an invasion force. They have applied an iron hand to the administration of the region ever since.

Just how many persons were killed in the process remains one of the many persisting controversies. The Government forces have never disclosed their own estimates, saying only that "enemy dead are not counted, they are thrown into the river." Estimates range all the way from 10,000 to several hundred thousand killed. In any case, West Pakistan's three regular divisions now control every aspect of life in East Pakistan, apart from hinterland zones they do not take the trouble to occupy.

And the prevailing impression remains one of despair on the part of the Bengalis rather than challenge. For many observers here, the saddest and most significant fact is that somewhere near seven million people have fled to India, and the refugee flood continues.

[From the Evening Star, Aug. 2, 1971]

BENGALI EXODUS—INDIA FEELS PINCH OF REFUGEE COSTS

(By Henry S. Bradsher)

NEW DELHI.—Civil war in East Pakistan has created problems for India which could prove to be a major drag on economic development. The Pakistani situation which has so far sent 7 million refugees into India began just two weeks after India's parliamentary elections. Prime Minister Indira Gandhi won them on broad promises of "abolishing poverty".

Election results in early March provided a "massive mandate for change—peaceful change that must swiftly and visibly alter the picture of poverty and alienation in our land," according to President Varahagiri V. Giri in a speech written for him by Mrs. Gandhi's government.

LITTLE SIGN OF CHANGE

Four months later, there is little sign of change for the impoverished masses of India's 555 million persons.

More cynical observers here are saying that the refugee problem has provided an excuse for the government's failure to fulfill Mrs. Gandhi's election promises that were never capable of being fulfilled.

Government supporters on the other hand say that problems of poverty are so massive that quick solutions were never expected, whatever hopes the campaign speeches may have raised.

A cautious middle position taken by some observers is that it is too soon to judge, that the government is trying, but by the nature of the situation here improvements are glacially slow. Whether the glacial speed of advance is politically adequate is another question.

There is no doubt that the refugees have become a massive burden for the Indian government. The size of the burden is uncertain.

With 7 million already in India the number who might yet come is unknown.

A top refugee official in Calcutta estimated that it cost 3 rupees a day per refugee.

The government initially set aside 480 million dollars for refugees but this is running out and more funds will have to be found.

The government also is known to be financing "Bangla Desh," the exile government claiming to represent East Pakistan and guerrillas operating there. No estimates of these amounts are available.

Perhaps even more important than money is the time expended on Pakistani problems.

TIME, ENERGY SPENT

Instead of buckling down to the tough economic problems, the newly reconstituted government of Mrs. Gandhi has had to spend much time and energy on the Bangla Desh.

Ministers who should have been working on new programs have been touring or lobbying against West Pakistan suppression of East Pakistan and for refuge relief.

An official close to Mrs. Gandhi said the intention had been to work out within their four months after elections detailed economic plans based on the election manifesto.

But there has been no time available to do it, he said because so much time is taken up by the Pakistan problem.

"We are not planning ahead as we should be," the official said. The new minister of planning appointed by Mrs. Gandhi, Childambaram Subra-education, taxation and the economy generally, but we have been diverted into making various contingency plans for the Pakistan problem," Subramaniam said.

He feared that as time goes on this might become a political problem within India further leading the country away from its basic problems. "There are people on this side (of the Pakistan border, besides refugees) who do not even get two rupees a day or free shelter or medical care, that the Indian government is giving refugees," he said.

There is already tension among laborers who fear refugees will be competition for jobs, Subramaniam said. There is increasing resentment among Moslem refugees, he added.

President Giri's speech which opened the new parliament said the government is "convinced that land reforms are vital for promoting an egalitarian social order and for maximizing agricultural production."

A generation of economists had felt that land reform and taxation of farm income—which at present is exempt from the kind of taxes other incomes pay—are essential for the basic economic progress needed here. But Giri said nothing about the politically touchy subject of agricultural taxation.

Asked what has been done toward land reform, Subramaniam came up with the same old tired answers about the problems involved.

RELUCTANT TO PUSH

Reform and farm taxation are powers of India's 18 states rather than the national government under the constitution. State governments are more subject to pressure of big landowners who form the backbone of Mrs. Gandhi's Congress party than the national government is.

Even under her father, prime minister Jawaharal Nehru, government in New Delhi has been reluctant to push the states into important reforms. Now with at least 11 states having elections next February there are political reasons for failing to use Mrs. Gandhi's huge national mandate to coerce state governments.

The states have continually been allowed to get away with running up debts on the national treasury rather than levying taxes recommended by New Delhi.

Subramaniam talked also of the importance of creating more jobs. The massive employment and underemployment problem is not adequately measured by any statistics.

1,000 NEW JOBS AIM

In January the program was begun to create 1,000 new rural jobs in each Indian district—the average population of a district is 1.6 million—so as to alleviate unemployment. Subramaniam talked of other

things like minerals surveys to employ hundreds of thousands of educated jobless, but finding new jobs is made difficult by general industrial problems. While agriculture has been doing well in recent years, industry has never recovered from the slump which began with a drought in the mid-1960s.

India is in the unusual position of having industrial shortages alongside underutilization of factory capacities.

Steel has been the worst example, with shortages hampering other industries, but because of labor troubles and other problems the steel industry itself is running far below capacity. Since winning reelection Mrs. Gandhi has shown herself to be pragmatic in some ways by speeding up issuance of licenses for new industrial ventures. But the socialistic climate here of restrictions on big business and tax limitations have made investors cautious. It is unclear whether licenses are being used very fast.

India is burdened with large repayments of foreign aid loans of earlier years. In the last year it has actually paid back more to the Soviet Union, some East European countries and Japan than it received in new aid from them.

[From the New York Times, Aug. 3, 1971]

THANT WARNS COUNCIL OF INDIAN-PAKISTANI CLASH

UNITED NATIONS, N.Y.—Secretary General Thant warned today that a major conflict could break out between India and Pakistan, which "could all too easily expand."

The warning was made in a memorandum for Security Council members made public today amid growing pessimism among diplomats and officials about the situation.

Lack of progress in Mr. Thant's private efforts in recent months was reflected in the Secretary General's remarks. He said:

"I am deeply concerned about the possible consequences of the present situation, not only in a humanitarian sense but also as a potential threat to peace and security and for its bearing on the future of the United Nations as an effective instrument for international cooperation and action."

The memorandum reflected concern about the danger of big-power involvement if the deteriorating situation erupted into fighting and Pakistan turned for support to China and India to the Soviet Union.

MOST OUTSPOKEN STATEMENT

The statement is Mr. Thant's most outspoken on the crisis, which has followed the West Pakistani Army's campaign, begun March 25, to crush the separatists in East Pakistan and which has sent seven million refugees fleeing into India.

With the memorandum, Mr. Thant put on record his behind-the-scenes efforts to persuade India and Pakistan to accept United Nations representatives on their territory to facilitate repatriation of the refugees. He has seen delegates of the two sides almost daily.

Pakistan agreed on July 20 to accept representatives of the United Nations High Commissioner for Refugees at two or three selected areas "on both sides." India today responded formally and expressed "total opposition" to the plan, which she complained would only divert world attention from unabated Pakistani oppression of the East Pakistanis.

In short, neither Mr. Thant's approach to the Council nor his negotiations with the two parties has so far yielded results.

At Mr. Thant's request, Jacques Kosciusko-Morizet of France, who is Council President for July, canvassed the members and reported that sentiment did not favor an open public meeting, mainly because of fear of exacerbating tensions.

Moreover, there is growing anxiety that the situation is worsening daily, with border clashes, raids and sabotage becoming more frequent. There is concern that the refugee situation should not be permitted to stagnate as happened on a reduced scale with the Palestinian Arab refugees in 1949.

Mr. Thant's warning to the Council stresses that outside relief would not suffice to resolve the problem and that a political settlement was required. The assistance program for East Pakistan, to which the United States on Friday pledged $1-million, is a separate operation from the plan for repatriating the refugees now in India with the aid of the High Commissioners.

Mr. Thant pointedly declared today that his request for the acceptance of United Nations staff "on both sides" was not an attempt to introduce a peace-keeping operation such as the United Nations had in the Middle East and Congo and still maintains in Cypress.

Diplomats here hope that the presence of civilians serving under the United Nations auspices would help reduce incidents and lessen tensions.

India, in a reply to Mr. Thant, renewed her argument for a political settlement acceptable to the East Pakistanis.

She said she would "welcome any action by the U.N. which would insure and guarantee, under adequate international supervision, that the refugees' lands, houses and property will be returned to them in East Pakistan and that conditions are created there to insure their safe return under credible international guarantees without threat of reprisal or other measures of repression from the military authorities in West Pakistan."

CLASHES IN EAST REPORTED

DACCA, PAKISTAN.—Clashes and incidents between Pakistani Government troops and Bengali guerrillas were reported by various sources to have occurred over the weekend throughout most parts of East Pakistan.

There are indications that military action between the separatist Ukti Bahini, or liberation army, and the national army is increasing rapidly.

Bengali sources said that on Saturday night Pakistani Army troops moved into the port area of Dacca and began firing blank cartridges to scare people away from a dock.

Some Bengali observers who remained in the area, according to the account, saw servicemen unloading the bodies from a vessel.

In Dacca there were many civilian arrests over the weekend.

Universities throughout East Pakistan reopened today with heavy contingents of troops in evidence, but attendance could not be immediately estimated.

A reliable foreign traveler reported that a major bridge on the key road between Dacca, the provincial capital, and Comilla, a major town to the east on the Indian frontier, was blown up by guerrillas over the weekend.

[From the New York Times, Aug. 4, 1971]

EAST PAKISTAN'S TEA PLANTATIONS HEARS THUNDER OF NEARBY WAR

(By Malcolm W. Browne)

SYLHET, EAST PAKISTAN.—The tea planters of Sylhet whose way of life for the past century has symbolized the majesty of the British empire in a colonial land, have been dealt a series of blows by war in the past few months. An institution may be ending.

Pakistan has been an independent nation since 1947, and, despite their English names, the tea companies have largely passed into Pakistani hands. The tea is no longer exported to Britain, since Pakistan herself has become a nation of tea drinkers and consumes all the tea she grows.

But despite the changes, the typical tea garden here is still run much as it was a century ago. The British or Pakistani manager still lives in a handsome mansion with flower gardens, a swimming pool and has plenty of native bearers. He also commands an army of tea packers, who live at the other end of the social scale.

A PARADOX OF PARALLELS

The Pakistani planter has almost as little in common with Pakistani workers as did his English predecessor.

Typically, the planter is a Moslem and either a West Pakistani or a non-Bengali who has settled in East Pakistan. About 90 per cent of his tea pickers are Bengali Hindus whose lives are not materially different from what they were in the days of empire.

Consequently, Pakistani and British planters are now in much the same position and both are badly frightened.

Sylhet District, bordering the Indian state of Assam, is a strategic frontier region. The border zone thunders every day with artillery fire from Indian and Pakistani gunners. There is a steady flow of casualties.

But as the planters drive through rain-soaked hills where waxy green tea bushes stretch as far as the eye can see, the main danger is the guerilla.

TWO PLANTERS ARE MISSING

On June 2 Phillip J. Chalmers, an English planter for Duncan Brothers Pakistan Limited, was kidnapped while driving through his tea gardens near here. Tea pickers who had recently crossed the border from India reported seeing Mr. Chalmers held by Indian troops. The Pakistan army believes he is dead.

Another Englishman, James Boyd, was seized from his plantation bungalow on June 16 and is also believed dead.

On March 25, the Pakistan army moved into East Pakistan to suppress the Bengali separatist movement here. At first, organized opposition to the army appeared to have been stamped out.

Millions of Pakistanis, especially Hindus terrified by the fire-and-sword tactics of the Moslem army from the west, fled to India. Those from Sylhet District took most of the tea plantation cars and trucks with them. The pursuing army seized the rest when it arrived.

70 MILES TO DINNER

"We planters have always been a bit isolated," one manager said, "but we always had very active social lives. Until March, we thought nothing of driving 70 miles to have dinner with some other planter and coming back the same night.

"But the vehicles are gone now, the roads are often mined, and there are guerrillas. Life has certainly changed."

The tea gardens within five miles of the Indian border normally produce 60 per cent of the Sylhet tea crop. These are the plantations hardest hit.

Bangla Desh (Bengali Nation) guerrillas have avoided damaging the tea plants, but factory installations have been systematically sabotaged, some of them by dynamiting.

Tea company officials estimate that fewer than half of their workers are on the job. The crop this year will be so bad that Pakistan is being forced to spend desperately needed revenue from foreign exchange to import tea from Ceylon and China.

Some plantation managers have given up completely and moved to East Pakistan's capital, Dacca. Some Englishmen have gone home. Other planters, who live in especially dangerous areas, have moved to the quarters of the Rev. Joseph Lehaine, a Roman Catholic priest from New Jersey.

"Father Lehaine has been a friend to all of us," one planter said. "Probably some of

us owe our lives to having been able to stay with him."

[From the New York Times, Aug. 5, 1971]

FEAR PARALYZES A TOWN IN PAKISTAN NEAR INDIA

(By Malcolm W. Browne)

COMILLA, PAKISTAN.—A Danish agricultural mission here, the last foreign advisory team stationed in the field in East Pakistan, is considering ending its mission because of shelling and a paralyzing atmosphere of fear.

Comilla, which is six miles from the Indian border, is a battleground between the Pakistani Army on one hand and the Bengali separatist guerrillas and Indians on the other.

An important district capital with 100,000 residents, Comilla has been shelled twice in the last two weeks and people here say that, in the attack on Monday, a dozen were killed and about 30 others wounded.

"We would like to continue our work here but we are not being paid to risk our lives," a Danish dairy expert said. The expert, Kund Klausen Kristensen, has worked here for the last year and a half as a representative of the Danish International Development Agency.

FARM COOPERATIVE CREATED

In cooperation with the Pakistan Government, the Danish team created a farm cooperative with 1,200 members, a model creamery, cold-storage facilities and tractors, as well as an agency for farm credit.

"Two of our four Danes have left," Mr. Kristensen said. "At this point most of our local people are too frightened to go out into the countryside. We have a milk-truck driver who is still working although he's had one bullet through his truck."

The immediate new problem, Mr. Kristensen said, is the shelling of the city, although in the last few weeks Mr. Kristensen's vehicle has been repeatedly shelled on the road.

"South of here on the road to Fenny," he said, "the road comes within a few hundred yards of the Indian border. You can see India quite clearly because Pakistan is flat at this point while India rises in hills past the border.

"About two weeks ago I had a flat tire and stopped near a bridge. While we were trying to get it fixed a mortar on the Indian side opened up on us—we could see it—and shells started landing. Luckily they didn't hit anything."

On the other occasions, Mr. Kristensen said, he saw Indian gunners firing at buses and other civilian vehicles along the Fenny road but ignoring army trucks.

"If they are trying to win the support of local civilians it certainly seems the wrong way to go about it," he said.

But the shells striking Comilla itself, which is about 60 miles from the province capital of Dacca, have apparently not all been fired from across the Indian border.

Large shells, apparently fired from howitzers, landed this week in the vicinity of Comilla airport, the army's vital link to the town from Dacca. These were presumably fired from across the border.

But the most serious casualties caused by shelling on Monday were at a corner market stall when a mortar shell hit the corrugated iron roof of the building.

Although five persons were said to have been killed by the shell, the hole in the roof was only about three feet in diameter, indicating that the shell was of small caliber, possibly 61-mm. Such a mortar could not be fired from six miles away, the distance to the Indian border.

"IT COULD BE ANYONE"

"I don't know who is firing shells," one city resident said, "it could be anyone. Some say it is the army itself. But we have no protection and naturally we are frightened. Some wanted to put sandbags on roofs, but the army won't let us because they say such fortifications could be used by the Mukti Bahini [Bengali guerrillas]."

Army patrols are constantly in the streets and a curfew is rigidly enforced.

But the vast jute and rice fields of Comilla district are flooded by monsoon rains and look like gigantic lakes. The army, reliant on trucks, will be circumscribed throughout the monsoon season.

"The Mukti Bahini have said they will carry out their offensive during the monsoon. I think there will be a lot of bloodshed in the next two months," a storekeeper said.

The hamlets and fields between Dacca and Comilla look peaceful and normal, apart from the bridges that were dynamited by Bengali rebels last April and still have not been repaired. But people seem to feel something in the wind.

ORDER TO VITIATE CONTROLLED TIME ON THE ECONOMIC DISASTER AREA RELIEF ACT OF 1971

Mr. MANSFIELD. Mr. President, is my understanding correct that the Disaster Relief bill is under controlled time?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. And, therefore, is the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the controlled time be vitiated temporarily, so that the distinguished Senator from Mississippi may have the floor.

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

The Senator from Mississippi is recognized.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

Mr. STENNIS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. SPONG). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of July 30, 1971, at pp. 28400–28405.)

Mr. STENNIS. Mr. President, I will be brief in an opening statement about the report, after which I will ask for agreed time, and I hope all Senators will be receptive to the idea.

This bill is well remembered by Senators, I am sure. We had thorough hearings beginning last February. It was debated 7 weeks on the floor of the Senate. Sixty-six votes were taken on amendments offered, and the bill passed the Senate by a vote of 72 for and 16 against. In conference, there were 28 differences with the House, and we agreed on 27 of them within 4 or 5 days.

The Mansfield amendment, relating to the fixing of a date, was actively considered in conference, in a great number of meetings over a period of 29 days. Then we finally reached an agreement that was signed by all the Senate conferees except the Senator from Missouri and the Senator from New Hampshire, exercising their rights, and it was signed by all conferees on the part of the House.

Mr. President, the conferees were in sharp disagreement over the Mansfield amendment for one reason. The House had voted on the identical measure more than once, and the most recent vote on it—that is, on tabling a motion to instruct the conferees—was 219 to 176.

With its far-reaching implications, frankly—without paying any compliment to the conferees—I was very glad, indeed, that we were able to get as far as we did on it.

I will just touch the highlights very quickly, the items that were in disagreement, and those that were settled, and then I will say a word on the Mansfield amendment.

We had a marked adjustment to make in the different pay provisions of the bill, and we finally reached an agreement that gave consideration to all the major phases of both pay schedules that were in the bill.

On the overall issue of military pay, a compromise was reached. First of all, the Senate position substantially prevailed on a major issue which, although it did not involve large expenditures, was thought by many to be the key provision in the President's program for the all-volunteer army: the initial enlistment bonus. The House conferees were at first strongly opposed to this provision, but it nevertheless was eventually retained in a modified form. I believe that this retention marked a significant accommodation to the Senate's position.

Second, the basic pay rates in the House billl were accepted by the Senate conferees.

Third, a compromise was reached on the rates for quarters allowances and the Dependents Assistance Act. Under this compromise 85 percent of the FHA standard was accepted as an across-the-board rate for all pay grades. The House bill had increased these rates to 100 percent of the FHA standard. The Senate bill had included no improvements in quarters allowances and smaller increases in Dependents Assistance Act payments.

Thus, on these three major issues we reached compromises—some issues were monetary, other were issues of principle, such as the enlistment bonus. But the result was a fair balance between the two versions.

Mr. President, I would like now to address myself to the specific pay provisions of the conference report. It took

much deliberation and analysis before the conferees reached agreement on the pay provisions. I think the pay provisions are an excellent compromise between the original Senate and House pay proposals. Let me explain why I think this is so.

The conference pay proposal: is well balanced in that it provides for attraction of first term personnel as well as for retention of vitally needed career personnel.

Is eminently fair in that it eliminates the inequitable treatment of enlisted personnel with under 2 years of service.

Provides for a badly needed housing allowance increase for all military personnel.

Raises military families above acceptable poverty guidelines.

Let me talk to each of these points in turn.

BALANCED PAY PROGRAM FOR ALL MILITARY PERSONNEL

The conference pay proposal also provides a balanced program for all our military personnel. While $1,573.8 million or 86.2 percent of the $1,825.4 million increase in basic pay under the conference agreement goes to personnel with under 2 years of service, the careerists—the backbone of our military services—are not ignored. The House conferees insisted that, if the all-volunteer force is to ever become a reality, then it is vitally important that we continue to hold the valuable and skilled personnel we already have in the services and not neglect these personnel while going all out for the attraction of new personnel. They were adamant that there must be a balance between attraction and retention of qualified personnel if we are going to maintain the credibility and capability of our military services.

The conference pay proposal is indeed very comprehensive. It provides increases for 80 percent of the active duty force which is 134,000 more members receiving increases than the bill approved by the Senate. In fact, the only personnel not benefiting from the conference proposal are senior officers and senior enlisted personnel living in base housing.

ELIMINATES INEQUITABLE TREATMENT OF UNDER 2 YEARS OF SERVICE PERSONNEL

Some have looked at the conference proposal as giving increases to the senior enlisted and officer personnel. This could not be further from the truth. As a matter of fact, the conference proposal totally eliminates the inequitable treatment of the "under 2" years of service personnel which had evolved since 1952. If we include the conference increases in basic pay, the cumulative basic pay increases since 1952 for enlisted personnel with less than 2 years of service will amount to 189 percent compared to 151 percent for the "over 2" years service enlisted population.

This more than makes up for the fact that enlisted personnel with under 2 years of service did not receive any basic pay increases from 1952 to 1965. The House conferees were completely unwilling to go further than this 189 percent increase. But as these figures clearly show we have not neglected the "under 2" years of service personnel—the first termers.

The conference proposal will result in an average increase in basic pay for the first termer of 68 percent while entry basic pay for the E–1—recruit—will increase 100 percent from $134 monthly to $268. Because of rapid promotions the average individual can expect to attain the grade of E–4—corporal—within 2 years. In this pay grade the average married individual with under 2 years service will receive $6,316 in total annual regular military compensation—which is the sum of his basic pay, basic allowance for quarters—BAQ—and basic allowance for subsistence—BAS.

Under the original Senate bill the regular military compensation of a married E–4—corporal—with under 2 years service would be $6,433—only $117 or $10 a month more than under the conference proposal. Why is this so? Because the conference proposal provides greater economic improvement for our military personnel than the $2.38 billion cost indicates. Although the conference proposal costs $2.38 billion, it provides an additional $287 million in economic improvement because it puts money into nontaxable allowances rather than into totally taxable basic pay. In other words, for an expenditure of $2.38 billion, under the conference proposal, military personnel will receive $2.67 billion in economic gain.

ELIMINATES HOUSING ALLOWANCE INEQUITY

As far as increasing the retention of vitally needed career personnel the conference proposal takes a major step in eliminating the inequity which now exists between the 1.6 million members living on post and the 1.0 million who are required to secure their housing on the civilian economy. This is accomplished by a significant increase in the housing allowance which has remained at 1963 levels while housing costs have soared. The rates proposed by the conference achieve 85 percent of a Federal Housing Authority—FHA—standard for housing expenses on a national basis. Without these housing allowance increases members living on the economy are required to divert significant portions of their basic pay to meet their housing needs. The housing increases are substantial, for example, a married E–4—corporal—would have his housing allowance increased from $90.60 to $121.50; a married E–6—staff sergeant—from $110.10 to $150; a married O–3—captain—from $130.05 to $195.60.

VIRTUALLY ELIMINATES MILITARY PERSONNEL FROM WELFARE

Under the President's Proposed Family Assistance Plan—an accepted poverty guideline—only 95 military families would be eligible to receive welfare payments under the conference pay proposal. These would be in pay grade E–1—recruit—with family size of 6 or more. Certainly these are the very exceptional and oftentimes are disciplinary cases—men who have been broken in rank. With the rapid promotion policies—a man will be in pay grade E–1 only for about 3 months—a man can expect to attain the rank of E–4—corporal—in the Army within a year and 4 months where his total regular military compensation will be $6,316 which is significantly over the President's Family Assistance Plan poverty level of $2,720 for a family of two.

SUMMARY

In summary then, we can take great pride in the conference pay proposal because it is well balanced in that it provides for attraction of first-term personnel with sizable pay increases without neglecting the vitally needed and expensively trained career personnel; it more than eliminates the historically inequitable treatment of the "under 2" years of service personnel; it provides a badly needed housing allowance increase for all personnel and virtually raises all military families above accepted poverty guidelines.

We settled the differences about the manpower levels, in which the Senate largely prevailed. We settled the other differences in, I thought, a rather satisfactory way, and I have not heard any real complaints about it. Certainly, it represents a bill that has been through the legislative gristmill of both Houses for months of hearings and weeks and weeks of debate and a very exhaustive consideration by the conferees.

I do not know how far Senators have gone in examining the Mansfield amendment which, as passed, related mainly to the date for withdrawal from Vietnam and to the return of prisoners of war.

On this issue in the conference we were in deadlock to start with because the respective Houses had voted differently on the same amendment. It was not a case of a House amendment as against a Senate amendment. There were opposite votes on the same amendment. But we were able to retain clear language in this bill with reference to a withdrawal by a date certain. The House did not want that provision, but it is there. If the conference report is adopted by the Senate, it will become law.

If approved, this amendment will stand as the first congressional mandate with respect to winding down the tragic war in Vietnam.

In the second place, the language ties the withdrawal of U.S. troops to the release of U.S. prisoners of war. That, of course, was the central feature of Senator MANSFIELD's proposal.

Third, the provision for troop withdrawal and POW release is quite separate from the additionally stated goal of a cease-fire in Indochina.

Finally, Congress says in the revised amendment that it wants to end the U.S. involvement in this war at the earliest practicable date. It urges the President to negotiate the POW release at a date certain. This certainly clearly reflects, in strong language, the position for expeditious action.

Mr. President, it goes without saying that there is a difference of opinion with respect to this measure, but it is highly important—and I believe most of us realize it is necessary that something be done—that some law be passed. It is necessary to secure—during an interim period, anyway—the necessary manpower to fill our national security needs. This is not manpower for war somewhere else but for our own security, our ships and submarines at sea, our planes in the air, our ground troops.

I have a letter dated today from the President of the United States, relating to the urgency of this legislation, and a statement with reference to its representing a compromise. These are not idle words coming from the President. They are not idle words in this conference report. I am sure everyone agrees to that. The letter is addressed to me as chairman:

DEAR JOHN: I want you to know how much I appreciate the careful consideration the Senate-House conference committee gave to the Draft bill. The measure represents responsible compromise between differing viewpoints and remains consistent with the objectives sought by the administration in Southeast Asia.

I think that is going a long way, Mr. President, in saying that this is difficult, that we have done the best we could. There is a legislative policy running here and an administrative policy running, certainly if not perfectly parallel, at least together to a large degree.

The next paragraph states:

Most Congressmen have agreed to the necessity of extending the draft while at the same time raising military pay as we move toward zero draft calls and all-volunteer armed service concept. Therefore, I am hopeful that the Senate can quickly adopt the report so that I may sign it before the Congress takes its month-long summer vacation.

So, Mr. President, I hope that we can debate this matter. The points are well known. They have been gone over here before the Senate dozens of times. I am ready to outline, and others are, what we did and why we did it. Anyone who can raise points that he might wish is welcome to do so. Thus, I hope that I am not moving too fast but would like to say that I propose—

Mr. President, I ask unanimous consent to have the entire letter of the President printed in the RECORD.

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

Hon. JOHN STENNIS,
U.S. Senate,
Washington, D.C.

DEAR JOHN: I want you to know how much I appreciate the careful consideration the Senate-House conference committee gave to the Draft Bill. The measure represents responsible compromise between differing viewpoints and remains consistent with the objectives sought by the Administration in Southeast Asia.

Most Congressmen have agreed to the necessity of extending the draft while at the same time raising military pay as we move toward zero draft calls and the all-volunteer armed service concept. Therefore, I am hopeful that the Senate can quickly adopt the report so that I may sign it before the Congress takes its month-long summer vacation

Best personal regards,
Sincerely,

———.

Mr. THURMOND. Mr. President, the conference report on H.R. 6531, presented by the distinguished chairman of the Senate Armed Service Committee, Mr. STENNIS, deserves early consideration and approval by the Senate.

This bill will extend the Selective Service Act of 1967 for an additional 2 years, this act having expired last July 30, 1971.

Since July 1 the Nation has been without authority to induct young men into the Armed Forces although our military forces are still engaged in a war in South Vietnam.

Apparently there will be efforts here in the Senate to block passage of H.R. 6531 because all of our forces have not been withdrawn from South Vietnam.

The Senators who would take part in such an effort should remember that the men now in South Vietnam may have to remain there longer than the usual 12 months if the manpower pipeline remains shut.

The opponents of this bill apparently feel their opposition will hasten our disengagement from South Vietnam. They are wrong on this point; the effect will more likely endanger the men presently there because of the interruption in the manpower supply which will eventually be felt in Vietnam.

To further endanger the safety of our men in Vietnam will be a heavy burden I would not choose to bear. The consequences of delaying this bill are extremely serious, and I urge those who would block it to reconsider their position carefully. No Senator in this Chamber wishes to increase the danger to our men in South Vietnam. The Senate should remember that disengagements cannot be safely accomplished overnight.

To say that this bill has not been adequately considered is also a weak position. The Senate began debate on this bill last May 6, and scores of amendments were introduced, many of which were called up and acted upon by the Senate.

Passage did not come until late in June when extended debate was broken on the first attempt at cloture. That vote indicated the Senate recognized the importance of this legislation.

Mr. President, the Senate conferees fought for the Senate provisions of this bill for nearly a month. In so doing we delayed the likely passage of this bill until September, thus allowing a 3-month break in the manpower pipelines.

Certainly the critics of the draft will recognize that the Senate conferees fought a good fight and brought back a bill that represents the best solution between the two bodies of the Congress.

The Mansfield amendment remains in the bill, although changed to meet the objections of the House conferees whose Members instructed them not to accept it.

The pay provisions have also been compromised. However, I believe the Senate will find them well balanced and designed to correct deficiencies in present pay.

These money changes increase substantially the pay for first term enlisted men, yet at the same time they offer something to the career man who must be retained. Further, the Senate accepted some increases in housing allowances which I consider most important to the morale of our service personnel.

Mr. President, this conference report and bill deserve quick action by the Senate. The House approved it by a 297 to 108 vote Wednesday, nearly a 3 to 1 margin. I urge the Senate to consider H.R. 6531 promptly and give it a favorable vote as soon as possible in the interest of our national defense.

VIETNAM AND THE DRAFT

Mr. GRAVEL. The rising strength and present leverage of Senators who believe our country will be stronger and more secure—not less so—when we withdraw from Vietnam, and when we abolish the draft and replace it with a volunteer army, was described in a most perceptive article in the Washington Post the other day by Spencer Rich.

Highly effective and skillful leadership that has been brought to bear on these vital issues in the Senate by the distinguished majority leader, Senator MANSFIELD, by Senator ALAN CRANSTON of California, and by others of both parties.

I ask unanimous consent to include the article in the RECORD at this point.

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

THE GREAT CHOICE ON VIETNAM AND THE DRAFT

(By Spencer Rich)

An elaborate game of legislative "chicken" is being played on Capitol Hill over the two-year draft-extension bill and the Mansfield end-the-war amendment.

The question is who will back down first: the Nixon administration, or the soft-spoken but redoubtable Senate Majority Leader, Mike Mansfield (D-Mont.)?

The military draft expired June 30 and the administration wants it extended for two years. But the bill is deadlocked in a House-Senate conference because the President insists that the Mansfield amendment—expressing Congress' desire to end U.S. participation in the war within nine months provided prisoner release can be arranged—be dropped from the final measure.

The Mansfield amendment is not absolutely binding on the President in a legal sense, because it would not cut off funds for U.S. operation in Indochina once the nine-month withdrawal deadline is reached. But the presidential signature, as the price of letting the draft continue, would constitute a moral commitment which Mr. Nixon could contravene only at his grave political peril.

The Nixon administration position has been that any deadline would make it unnecessary for Hanoi to negotiate and would thus destroy the U.S. bargaining position in Paris. The Mansfield camp responds that the time has come to get out, as fast as possible, before the war destroys the cohesion of U.S. society, without waiting until the future of South Vietnam has been guaranteed.

Speculation on Capitol Hill is that renewal of serious negotiations in Paris, plus the President's surprise announcement of a planned visit to mainland China, may somewhat weaken Mansfield's hand. They may lend fresh credence to the President's claim that no congressional deadline is needed because he is moving toward an Asian settlement.

It is possible that the conferees, who are to meet again Tuesday, might simply mark time for a while to allow negotiations to go forward in Paris. Some real progress there might make the Mansfield amendment superfluous—or might even move Mansfield to withdraw it.

But that is off in the future. Mansfield said Friday that the China announcement is not causing him to back down.

Right now, Senate conferees, duty bound to uphold the Mansfield amendment which passed the Senate 57 to 42 on June 24, are at an impasse with the House conferees who, with strong backing from the administration, have refused to accept any language which has a definite end-the-war date.

In the struggle, Mansfield holds several powerful cards. He, himself, has consistently voted against extension of the draft, which he regards as unfair and unnecessary. Therefore, he is immune to appeals that he jettison his amendment in the interest of getting the Selective Service extended.

Further, the Majority Leader stands to benefit from a newly awakened love of the filibuster on the part of Northern Democrats and liberals of both parties.

At one time, the filibuster was the tool primarily of Southern opponents of civil rights legislation. But William Proxmire (D-Wis.) used it at the end of last year to kill the supersonic transport plane. And a bloc of doves employed it at that time to force into law provisions barring use of U.S. ground combat troops in Laos, Thailand and Cambodia and restricting U.S. financing of foreign "mercenaries" fighting in those countries.

Mansfield himself is neither leading nor directly encouraging any filibuster against the draft bill. During initial Senate debate on the measure, Mansfield helped engineer the cloture vote that ended a seven-week talkathon. But it is highly questionable that he would do so on the conference report if his amendment were emasculated in conference.

It is widely believed in the Senate that if the draft bill returns from conference without end-the-war language acceptable to Mansfield, it may be impossible to obtain cloture against a possible new filibuster led by Alan Cranston (D-Calif.) and Mike Gravel (D-Alaska). Enough Senators may be angry enough either about the draft or the war to simply refuse to allow a final vote. This is by no means certain, but it is a strong possibility.

"We have leverage to either get the Mansfield amendment or delay the draft endlessly," said Cranston in an interview.

"I'm going to stay right in there and filibuster and they'll have to get a cloture vote to stop me," said Gravel. He said he is so opposed to the draft that he will filibuster whether the Mansfield amendment is retained in conference or not. But he conceded that, if Mansfield is satisfied with the final version of the bill, the administration's chance of breaking the filibuster would be very good.

A complicating factor, however, is the anger of some Senators over the fact that the draft bill conferees rejected the Senate's military pay raise scale, adopting the lower scale proposed by the House.

Administration loyalist Gordon Allott (R-Colo.), sponsor of the Senate version, said he will try to send the bill back to conference to get the higher pay scale adopted.

If Mansfield has some strong trumps in the head-to-head combat, so does the President. The longer the impasse over the draft bill lasts, the more the administration may be tempted to mount a campaign accusing Mansfield and others of (1) threatening the success of the Paris peace talks by holding out the hope to Hanoi that Congress will give it, in the Mansfield amendment, all it wants without having to bargain, and (2) endangering the nation's security by holding up the draft.

Although some Capitol Hill sources with access to the Pentagon report the armed forces able to get along nicely for months before feeling any draft "crunch," the argument is likely to be made that "things are getting tight" and "we need the draft urgently now." The administration does have power to draft up to 5 million men, up to 35, who were previously settled men with jobs and families and this would be politically difficult. The White House has declined so far.

In the absence of a breakthrough in Paris, what the struggle basically comes down to is how long each side can afford to hold out. At some point, the argument that Mansfield is selfishly holding up the draft in order to force his own amendment into the bill will begin to have some political impact in the Senate. Mansfield will then start feeling the heat, particularly since the majority leader is supposed to advance legislation rather than hold it back.

At the same time, there is some feeling among senators that the Nixon administration has been stalling the conferees to avert a defeat. Some believes they may even try to stall for months, for fear the amendment could harm President Thieu's chances in South Vietnam's October election. Moreover, even some Senators who oppose the Mansfield amendment don't consider it so damaging to the administration that, if the need for the draft became truly pressing the amendment couldn't be accepted with "reservations."

"It's a sense of Congress thing and therefor the administration is only in as much of a bind on the draft as it wants to be. Any time the President wants, he can take the amendment and announce that it's only an expression of sentiment and not binding," said one Senate source.

This outcome is not likely to appeal to the administration. The Mansfield language still sets a date for the world to see, even if not binding. So unless the Paris talks show real progress, the game of chicken on Capitol Hill will probably have to be played down to the end; a cloture vote to see who has the muscle. Then, perhaps, a real search for a compromise will begin.

Mr. HATFIELD. I would like to ask the distinguished Senator from Mississippi in the one part of the conference report which has to do with what he has just talked about, what the conference committee report did as to the pay scale in relation to what was passed by the House and what was later passed by the Senate in the Allott amendment, what was the conference committee's stand or agreement on the pay scale?

Mr. STENNIS. Let me be quite brief there. The conference pay proposal is well balanced in that it provides for attraction of first-term personnel as well as for retention of vitally needed career personnel;

It is eminently fair in that it eliminates the inequitable treatment of enlisted personnel with under 2 years of service;

It provides for a badly needed housing allowance increase for all military personnel;

And it raises military families above acceptable poverty guidelines.

This is one of the most complicated matters I have ever dealt with. I held hearings in 1958 on this same subject, so I have been through the mill on it.

We took the two pay provisions, and took what we thought was the soundest of each. We kept the enlistment bonus pay, for instance, that the Senate had in the bill. That is a part of the volunteer plan. In the other provisions—just let me hit this briefly—$1.5 billion of the $1.8 billion increase in basic pay, 86.2 percent is for personnel with under 2 years of service.

That is an amazing fact—86.2 percent.

Mr. HATFIELD. Was the conference pay scale higher or lower in its overall provisions than the House-recommended pay scale?

Mr. STENNIS. The way it came out, the basic pay is equal to the Senate version. In housing, the scale was in between the two versions.

Mr. HATFIELD. But in the overall pay scale, is it not true that the conference committee report is lower than the Senate's and lower than the House vote?

Mr. STENNIS. Yes. That is the way the total figures added up. There is no sin in that. I do not see that there is much excuse to "poor mouth" the pay increase here—$2.4 billion. Let me emphasize that this money is in entirely separate categories and we balanced off the categories, dealt with each separately, and improved on the bill, I think.

When we add up all the different categories of the figures, it came out in an odd way—the Senator is right.

Mr. HATFIELD. I agree with the Senator from Mississippi, the chairman of the Armed Services Committee, that this is a very important, a very serious and profound question that is now posed to the Senate.

I want to assure the Senator that I am willing to stay here beyond the so-called recess period tomorrow night in order to dispose of this legislation and act upon it one way or the other.

But I can assure the Senator from Mississippi that I will object to any time agreement that will be attempted to be set here on this issue before tomorrow night.

I shall do so because I think there are fundamental changes which have taken place in the bill as we last considered it in the Senate. I think we should have an extended period of time to discuss these points of change, especially the fact that the Republic still stands and we still have not had any draft inductions.

Mr. STENNIS. If the Senator will let me make my proposal first, before he objects.

Mr. CRANSTON. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I should like to make my proposal first, but I yield to the Senator from California.

Mr. CRANSTON. I would simply like to ask one question related to the conscientious objectors amendment which I offered and which was adopted by the House but was dropped in conference. That was an amendment designed to deal with the court decision which changed the status of young men who were not aware of the fact that they should seek conscientious objector status before they received their induction notice and under the court ruling they were not allowed to do so. I believe they had first to accept the induction notice and then, within the Army, apply for conscientious objector status. This violated the religious principles of many people in Pennsylvania and the principles of others elsewhere in the country and has confronted many young people with the choice of violating the law or violating their religious principles.

I had hoped that the amendment would stand through the conference, but it did not. However, I would deeply appreciate a brief explanation from the Senator from Mississippi as to what happened.

Mr. STENNIS. The Senator will recall that we accepted the Senator's amend-

ment and I made the statement that I would take it in good faith, act on it, and do everything I could to get it accepted, without leaving a hole that a lot of others could get through. We made the effort. It was totally rejected by the House conferees. Therefore the Senate receded, but, as the conference report states:

With the understanding that in unusual cases, local boards would have discretionary authority of extending to all such registrants a hearing on their late claim if circumstances so warranted, (p. 22).

The position is that the local boards in these areas especially affected would, under the encouragement of the Director of Selective Service, make an exception and perhaps give some advance notice of some kind and give these people a chance to be heard. But the idea is right. The amendment was hard law, opening up the whole issue, and we were not able to get that adopted. It was virtually impossible to get it.

Mr. CRANSTON. I would appreciate it if the Senator could explain what the hole was that they were concerned about, since Mendel Rivers was the original sponsor of the measure that did prevail until the court decision. I find it hard to believe that it was a provision that would have opened up a vital gap in the Selective Service Act.

Mr. STENNIS. All through the conference we made many efforts, not once but several times. We deferred it and carried it over again. I think the record will check that out. My recollection is that the Senator is in error as to what Mendel Rivers did. The Director's authority, I believe, is important. We considered that in working out the language in the joint statement—that the local boards could be encouraged, in those special cases, to follow a little different rule—not at all times—but under the leadership of the director.

I say to the Senator again that I will see the Director and take it up with him and get him to go as far as he will. Frankly, I have not had time to do that since this report came out, but I will.

Mr. CRANSTON. I thank the Senator from Mississippi very much.

Mr. STENNIS. I know the Senator's earnestness about this matter.

Mr. CRANSTON. I know that the Senator did make an effort about this point. and I know that he will make an effort with the Director, but I am reluctant to leave this totally at the whim of the local boards, because many of them have been highly arbitrary in this matter.

Mr. STENNIS. I thank the Senator for his comments.

Now, Mr. President, unless someone wishes me to yield——

Mr. SCOTT. Mr. President, may I ask the Senator from Mississippi whether after he proposes his request he will still hold the floor.

Mr. STENNIS. Perhaps for a few minutes.

Mr. MANSFIELD. Mr. President, I would like to be heard, too, at that time. However, I suggest that the request be made first.

Mr. SCOTT. Mr. President, I will withhold my request.

Mr. STENNIS. Mr. President, the committee having considered and disposed of this conference report, I ask unanimous consent that the time for debate be limited to 2 hours to the side, under the proper procedures as to the control of time, and that at the conclusion of that time or when the time might be yielded back, we proceed to a vote on the adoption of the conference report.

Mr. GRAVEL. Mr. President, reserving the right to object, and I shall object, I would like now to permit the majority and the minority leaders to speak. Or does my objection stop further debate on this?

Mr. MANSFIELD. Not at all.

Mr. GRAVEL. I reserve the right to object, and I want to announce that I shall object.

Mr. STENNIS. Mr. President, may I propose in lieu of the original proposal that if anyone has any suggestion as to what time they think would be more proper, I would be glad to consider it and perhaps agree to it. I ask unanimous consent that we have 3 hours of debate on each side.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Mr. President, reserving the right to object, I think it is rather late in the day and late in the first phase of this session to bring a conference report of this magnitude before the Senate.

I would point out that my figures are not up to date. Unfortunately, the Defense Department has not forwarded to me the weekly casualty list for the past several weeks. I am sure that it was an oversight. However, as of July 10, less than a month ago, 300,871 Americans were wounded; 45,373 Americans died in combat; 9,653 Americans died in noncombat capacities—55,026 Americans dead in Vietnam, in Southeast Asia; 355,897 American casualties as of July 10, 1971.

Just lately I received some information relative to the number of amputee casualties because of the war in Southeast Asia.

In 1966, there were 88.

In 1967, there were 203.

In 1968, there were 439.

In 1969, there were 609.

In 1970, there were 312.

From January to April 1971, there were 72.

There have been a total of 1,723 amputees.

In regard to the number of servicemen in Southeast Asia who are addicted to drugs, I am informed by the Assistant Secretary of Defense for Health and Environment:

We are now engaged in an enlarging testing program to determine the extent of drug addiction there. Based on available data, the number of addicted servicemen appears to be considerably fewer than 40,000. We anticipate more accurate estimates as the detection program proceeds. The highest priority attention is being given to control of drug traffic, detection of addiction, and treatment and rehabilitation of servicemen who become victims of drug addiction.

It is high time. It is long past time.

This is the longest war, I believe, in the history of this Republic. It is the second most costly war in the history of this Republic. This war has cost us around $120 to $130 billion conservatively speaking. Not only do the cities of Southeast Asia burn, but the cities at home also burn because of riots and poverty and ghettos.

So, we have the casualties, 355,000 Americans, and we have the cost which will be doubled and redoubled into the next century. And we have the growing drug problem. Yet a Senate amendment, which the Senate adopted by a vote of 61 to 37, calling for a total pullout of U.S. troops within 9 months if at the same time all POW's are released and all missing in action wherever possible are identified or found, was vitiated in a conference between the two Houses.

Of course the amendment is better than nothing, but that is not saying much. If we mean what we say, that our main objective before we will withdraw is to bring about the release of our prisoners of war, why do we not proceed on that basis? Madame Binh, the chief Vietcong negotiator, Xuan Thuy, the chief North Vietnamese negotiator, and the No. 5 man in the North Vietnamese politburo, Le Doc Tho, have made a proposition that they will consider a withdrawal in line with the prisoner release on a phase basis and apart and separate from the other five points in the seven-point proposal advanced in Paris a little over a month ago.

Mr. President, some people may denigrate the war in Vietnam and Southeast Asia. Some people may try to shrug off these 350,000 American casualties. Some people may think little of the cost in an area which is not, has not, and never will be vital to the security of this country.

Oh, yes, I have read speeches prepared—not given, but prepared—about how the Southeast Asia Treaty was a justification for our going into Southeast Asia. And I have had my name mentioned in reference to that fact because along with Secretary Dulles and our late colleague, former Senator Alexander Smith of New Jersey, I was one of the three U.S. signatories to that treaty. But that treaty applied to nations primarily outside of Indochina—the Philippines, Australia, New Zealand, Pakistan, Thailand, France, Indochina was brought in as a corollary under the umbrella of SEATO because at that time the Indochinese states of Laos, Cambodia, and South Vietnam were outside the perimeter of the treaty.

But the one thing which this statement, which was inserted in the RECORD but which was not read, left out was that before this country would go to war in that part of the world under the terms of that agreement would be "due constitutional processes." The Senator from Montana was the one who insisted that those words be included in that treaty, and "due constitutional processes" does not mean signing a Southeast Asia Treaty nor does it mean approving a Gulf of Tonkin resolution.

This conference report is an important matter. For the first time, by an overwhelming vote, the Senate expressed its strong desire that this war be brought to a conclusion within 9 months,

with the proviso that within that time there would have to be a phased release of U.S. prisoners of war to match our phased withdrawal.

What have we got to lose? President Nixon has had in effect for two and a half years a policy of phased withdrawal of American troops. He is doing that already, and I give him full credit for what he has done but it is not fast enough.

Do we withdraw as slowly because we want to give the Government of South Vietnam "a reasonable chance to survive?" Well, to my personal knowledge, since 1954, for 17 years we have been equipping, advising, supplying, and aiding during most of that time, paying for the cost of equipment which the South Vietnamese Army used. We have had our generals there since 1954.

What do we mean when we say "a reasonable chance?" Is 17 years not long enough? Is an army of 1.1 million men, equipped, trained, supplied, and advised by us not enough? Are not 355,000 American casualties enough? Is $130 billion—only a third of the ultimate payment for this involvement—not enough?

What kind of people are we? Why are we in Southeast Asia? What for, at what cost, and for what reason? It is about time that Congress woke up, as the American people have awakened, I repeat, to the casualties, the costs, the corruption, the drug addiction, and all the other evils and tragedies which have beset this country since this mistaken war got underway.

We have paid far too much and gotten nothing but trouble, and difficulty and danger to ourselves.

Yes, we can burn cities in South Vietnam, and in the delta, cities like Ben Tre. We can "destroy" those cities to "save" them. Our own cities are burning in a different way, but burning just as fiercely. Our own people are divided, not because of race primarily, but because of Vietnam and all it entails. Many of our own people are going hungry and our prestige has fallen in every continent of the world.

I am not interested in face, personally, although I have my share of pride. I am not interested in prestige. I am interested in people, and the people I am most interested in are my own people in the United States of America. The country I am most interested in is my own country, the United States of America.

We have a lot to talk about and every Senator has a tremendous responsibility in this situation, just as the President has, but this is not a case of adversary proceedings; it is a case of paying the piper for the mistakes which we have made for far more than a decade. It is time for us in this body, in this Congress, and in this country to face up to our responsibilities regardless of the cost, and to act accordingly.

I think it would be better, therefore, instead of trying to get a time limitation for tonight or tomorrow, which in my opinion would be impossible to achieve, if we agree here and now to make this conference report the pending business on Monday, September 13, and at that time debate it, thrash out our differences, and see what our decision will be.

Mr. SCOTT. Mr. President, I believe the Senator from Alaska reserved the right to object.

If I may yield 5 minutes on this side, I may say it would not be difficult to find fault with the sorry record of a war which has been going on entirely too long with its many tragic consequences.

I think perhaps the point of variance here might be the difference on the assumption of our much beloved friend, the distinguished majority leader, that because the enemy have indicated they will sever some of these points from the point of withdrawing and the return of the POW's, there is at the same time no evidence that the enemy actually will do what he says. There is vast difference, as we have found out in 17 years between what the enemy will do and what the enemy says he will do.

The President was asked about this point at the press conference and his reply was that he understands—

> There has been some criticism in the Senate and the House that the administration is not interested in negotiating a settlement, that we are not considering the various proposals that have been made by the VC and North Vietnam.

He goes on to say, on the contrary in denying that:

> We are very actively pursuing negotiations on Vietnam in established channels. The Record, when it finally comes out, will answer all critics, as far as the activity of this government in pursuing negotiations in established channels. It would not be useful to negotiate in the newspapers . . .

Certainly, we want to get at it. Certainly we want our prisoners of war back, and certainly even during the recess there may be developments. I know of none, but there may be developments with regard to these questions, including prisoners of war. We hope so. Negotiations are being pursued and negotiations are being pursued hard and continuously and all the time. Therefore, what the distinguished majority leader and I both want, and that is to accomplish release for the prisoners and to find a way to get out of the war as soon as possible, could be achieved, I think, without impeding the adoption of a major issue which this Congress has supported under previous Presidents and should not deny, in my opinion, to this administration.

It seems to me it also should not put itself in the position where the effect of the draft law, that part of it remaining on the books, operates to discriminate against those who have received deferments and acted abundantly in good faith and who now may be subject to a callup because the lawful normal, regular operation of the law in accordance with the lottery principle has been delayed in this body, the Senate.

I think it is unfortunate that we have to go into a recess period. Of course, if we do, I would hope that we could come to a time agreement when we come back and take it up again on the 13th of September. I think it is unfortunate, and I point out that it is in no way the fault of the administration, that the draft bill is no longer the law, and it is not the fault of the administration that we got into the situation we did with regard to the draft bill.

We would like to see it disposed of. We stand ready to see that it is disposed of. The Armed Services Committee, for the most part, is ready to dispose of it.

I well understand the impassioned feelings of the distinguished majority leader. I share them, but I do not see how the return of the prisoners of war is affected by failure to enact the draft bill.

I understand the language of the proposed compromise would have the effect of drawing from the administration some indication that, following the release of the prisoners of war, it would only be a matter of a relatively short time before the withdrawal of American forces could be effected. But the administration is doing its level best to remove prisoners of war, who were not taken prisoner under this administration for the most part; and it ought not to be impeded, it seems to me, by a requirement by the Congress that our negotiations for the removal of the prisoners of war be turned over to the Congress by virtue of the enactment of a clause in the draft bill.

So I would hope that we would go through with the draft bill. I regret any objections being made. I would very much prefer that we act on it now, but if we do not, it seems to me it would be very useful if the majority leader and I could manage to secure an agreement on time when we come back. Otherwise, it may be that we will be debating this bill from September 13 for the rest of the year, which is something that I do not look forward to.

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

Mr. SCOTT. Yes; I am glad to yield.

Mr. MANSFIELD. Mr. President, I appreciate the temperate tone of the distinguished minority leader. I know that every Member of this body, regardless of how we vote, feels as we do about the terrible cost of life in this tragedy in South Vietnam and Southeast Asia.

I agree with him that it is not the fault of the administration, but I would say it is the responsibility of the Senate and the House—the Congress—that we have a voice, under the Constitution; that we should recognize our responsibilities; and that we should act accordingly.

No one is denigrating the President, because, strange as it might seem, the desire on the part of Congress—and that desire has been evidenced since January 20, 1969—is to help the President. For some reason or other, there are people in the bureaucracy downtown who have the idea that because we belong to Congress, we are natural adversaries of whoever happens to be President. They think that if the Republicans are in power, we Democrats are against them.

I think I can say without fear of contradiction that this Democrat-controlled Senate, the Democrats in this body, have offered to this President every possible cooperation in the field of foreign policy. As far as the Senator from Montana is concerned, that cooperation is going to be offered again and again and again, because the least important thing in our lives as politicians is whether or not one party or the other wins, whether or not

members of one party or the other are elected or defeated. For a little while we think it is important, but the thing that counts is the welfare of the Nation as a whole. This Republic is facing the most dangerous period in its history, and the times do not call for adversary proceedings. The times call for cooperation and accommodation, as we have in this body between the two leaders and between the two parties, and as we would like to do in relation to the administration downtown. We want to work together because, while it may be hard to believe because a politician says it, we all are agreed, in my opinion, that the welfare of the Nation comes ahead of the success of either party or any individual member.

Mr. SCOTT. Mr. President, I will conclude by saying that we all fully understand that the distinguished majority leader puts his country first, and that there is not a political connotation in the remarks he has made or any action he has been taking with regard to this bill.

I point out, as the President has often said, that on the 20th of January 1969 he could have been a hero to all the people had he taken the purely political step of immediately ending the Vietnamese war. To do so, of course, would have abandoned our obligations and commitments as made by his predecessors and we would have opened up areas to worse slaughter. He took the course he promised to take earlier, before he became President, that he would end the war; that he would wind down the war, and he is doing it; that he would deescalate and withdraw our forces, and he is doing that now to the point where our Armed Forces are purely in a defensive position. The casualties a week ago were 12—12 are too many—which we, of course regret, but they are down from a maximum of 300.

The Army is obviously in a position where it is simply defending its posts and positions.

I have said before, and been criticized for it, that I think we will be out of combat status and the ability to wage offensive combat before many months. Because I have been criticized for it, I take the privilege of repeating it, and I believe it, and I am sure that those who are reluctant to attack me see it and also believe it, but they would rather have me say it. It is the truth that we are getting out.

I only hope we can work our way through the draft bill as an orderely piece of legislation because so much hangs on our treating fairly the young people of this country and being able to say, as soon as we can, who is going to be liable for the draft and who is not going to be liable for the draft. The longer we delay in the Senate, the greater we add to the confusion in the country as to who is liable for military service.

As one who would like to see the draft ended whenever it can be ended, I want to see it, first, put into an orderly study to get our needs tested out, and then examined again to see if we cannot transfer it to a volunteer army.

I thank the distinguished Senator from Mississippi for yielding.

Mr. ALLOTT. Mr. President, will the Senator from Mississippi yield to me?

Mr. STENNIS. Yes. Mr. President, I ask unanimous consent that I may yield to the Senator from Colorado without losing my right to the floor.

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

Mr. ALLOTT. Mr. President, much has been said on this subject. Because of conversations I have had with the distinguished chairman of the Committee on Armed Services (Mr. STENNIS) and with other Senators, I feel that I should say a few words. I want to make my position very clear.

My position in this matter, basically, is that I feel that we need an extension of the draft. I feel also that we should move toward a volunteer army. Nothing else would have compelled me to offer the so-called Aliott amendment for a pay scale if I had not believed there was no other way to get a successful volunteer Army in the United States.

I made my position clear. I intend to oppose the adoption of this conference report. This is no surprise. The distinguished Senator from Mississippi knows it because we have discussed it. I intend to oppose the conference report entirely and solely on the basis of the conference agreement relative to the pay raises.

I will not object to any reasonable limitation of time provided that this element is given a reasonable chance for discussion on the floor of the Senate. I will not participate in any kind of filibuster on this bill because I think the critical aspects of it as they affect the country are far too great, and it is highly important that we arrive at a conclusion. I do not think the time is so critical that we should not instruct, first of all, to defeat at least the adoption of the report, as I hope we can; and second, that we can then instruct the conferees with respect to what the Senate expects on the bill.

I feel I have to say this because I do not want to be cast in the wrong light. I am not here to filibuster; I am not here to stop it. We have had too much of this pseudofilibustering in the Senate in the last few months, and frankly I am revolted at it and disgusted with it, so I hope we can get off it.

With due deference to the distinguished Senator from Mississippi, with whom I happen to disagree on this issue, certainly there is no finer gentleman in the Senate, and no man of higher integrity. He is doing his job as he sees it, and I am willing to help him do it, provided he will do it my way, and I hope he will. [Laughter.]

Mr. STENNIS. Mr. President, objection has been raised, as I understand, and I do not wish to detain the Senate. I do have a short memorandum here.

The PRESIDING OFFICER. Will the Senator from Mississippi suspend? There is an objection.

Mr. GRAVEL. Mr. President, I raised the objection, and I suspended it in favor of the Senator from Mississippi. I now renew my objection officially.

Mr. STENNIS. I renew the request now that we proceed with the consideration of the conference report, with a time limitation of 4 hours on each side, to be under the control of the respective Senators, and that at the end of that time we vote on the conference report.

The PRESIDING OFFICER. Is there objection?

Mr. GRAVEL. I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT AGREEMENT

Mr. STENNIS. Mr. President, the Senator from Montana mentioned the date of September 13. I hope he will have something further to state on that.

Mr. MANSFIELD. If the Senator will yield, the distinguished minority leader raised the question of September 13 as a possibility if we fail to conclude an agreement which might bring this matter to a head before we recess. On behalf of the joint leadership, I send to the desk a unanimous-consent agreement without in any way requiring the assent of the distinguished Senator from Mississippi, the chairman of the conferees, but just for the purpose of further discussion.

The PRESIDING OFFICER. The agreement will be stated.

The assistant legislative clerk read as follows:

Ordered that, on Monday, September 13, 1971, immediately after the conclusion of the morning business that the Senate proceed to the consideration of the conference report on H.R. 6531, the amendments to the Selective Service Act and that the conference report remain the pending business, the completion of the morning hour notwithstanding.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, I do not object.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the order is entered.

Mr. MANSFIELD. Mr. President, I propose now that in that debate, or consideration, which has been agreed to, as of September 13, the time for debate be limited to 8 hours to the side, respectively controlled by the interested Members, and that at the conclusion of that time for debate, or when the time may be yielded back, the Senate proceed to vote on the question of agreeing to the conference report.

The PRESIDING OFFICER. Is there objection?

Mr. GRAVEL. I object.

Mr. MANSFIELD. Mr. President, will the Senator withhold that objection?

Mr. GRAVEL. Reserving the right to object, I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I think the chairman of the committee has been most considerate, in view of the situation which confronts him and the rest of us, the Senate collectively.

We will not return to the consideration of the conference report until September 13; that is a month and a week away. I think that an offer of 8 hours is most reasonable and I would hope that the distinguished Senator would

weigh the possibility of reconsidering his position, and withdrawing his objection.

Mr. GRAVEL. Mr. President, with deference to the statement of my distinguished colleague, I still would continue my objection.

The PRESIDING OFFICER. Objection is heard.

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

PROGRAM—UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I made a request prior to the disposition of S. 382 which was not agreed to at that time because, legitimately, other interested Senators wanted to look it over.

I now renew that request, which reads as follows:

Ordered, that the Senate proceed to the consideration of S. 659, the Education Amendments of 1971, and that it be laid aside temporarily so that S. 2393, the Disaster Relief bill, with amendments, may be considered, and that following the disposition of the Disaster Relief bill, the Senate return to the consideration of S. 659, the Education Amendment of 1971, and that thereafter the Senate consider the $1 billion Public Service Act, the continuing resolution on appropriations, the Labor-HEW conference report, and any other items of business which may become available and on which agreement can be reached by the majority and the minority leaders together.

Mr. ALLOTT. Mr. President, reserving the right to object——

Mr. MANSFIELD. And I would include in that list S. 2007, the Office of Economic Opportunity Act amendments as well.

Mr. ALLOTT. Mr. President, reserving the right to object, and I shall not object, I would like to ask the majority leader, after the temporary laying aside of S. 659, on which there is a rather delicate question pending, if he intends to come back to that tonight, or if he will come back to it tomorrow morning.

Mr. MANSFIELD. I would say the chances are that we will come back to it tomorrow, because I understand there will be some discussion, some debate on the Disaster Relief Act. That is the best guess at the moment.

Mr. ALLOTT. I thank the distinguished Senator.

Mr. SCOTT. Mr. President, if the distinguished Senator will yield, because he and I have been working together——

Mr. MAGNUSON. Mr. President, will the Senator yield? It is my understanding that tomorrow we will take up the appropriation for the Emergency Service Employment Act, or at any time tomorrow that we wish we will take up the conference report on HEW, probably in the morning. The Senator from New Hampshire would prefer in the morning.

Mr. MANSFIELD. And hopefully the $1 billion emergency service employment appropriation.

Mr. COTTON. Mr. President, before the matter is finally settled——

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate? And would the Chair kindly clear the floor of those who are not authorized to stand. Let them either sit or leave the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

Mr. COTTON. I understand it is very likely that the higher education bill will not be taken up until tomorrow.

Mr. MANSFIELD. That is correct.

Mr. COTTON. What time do we come in?

Mr. MANSFIELD. Eight o'clock, but we do not get to it until about 9:30 or quarter to 10 or thereabouts, and I would suggest that the distinguished Senator postpone the question he was going to raise last night, but unavoidably was unable to raise then, until tomorrow morning when we have time.

Mr. COTTON. The only problem is that the President of the United States has selected tomorrow noon to fly to New Hampshire, and I have almost got to go with him. It very likely would not be reached before noon, would it?

Mr MANSFIELD. If we can dispose of the disaster relief bill. I think we ought to be able to get to it around 10 o'clock—certainly not later than 10:30—which might fit in with the Senator's plans.

Mr. COTTON. Otherwise, I will have the majority leader or someone else avail himself of my 5 minutes to propound the question to the managers of the bill.

Mr. MANSFIELD. I would be delighted.

The PRESIDING OFFICER. Is there objection?

Mr. SCOTT. Mr. President, if the Senator will yield, I should like the RECORD to show that we are quite anxious that the $1 billion Public Service Act, which has been high up on the list for consideration, be disposed of tomorrow as soon as it possibly can.

Mr. MANSFIELD. It will be.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Reserving the right to object, Mr. President, if this agreement is entered into, would a point of order against the consideration of the Economic Disaster Relief Act, under the Legislative Reorganization Act of 1970, be waived, or would it still be available?

The PRESIDING OFFICER. A point of order on what basis?

Mr. GRIFFIN. Section 252 of the Legislative Reorganization Act of 1970 provides that the report accompanying each bill shall contain an estimate made by such committee of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and each of the 5 fiscal years following such fiscal year.

I point out that one of the serious objections to this bill is that nobody knows what it is going to cost, and the report does not contain the estimate of costs for each of the 5 fiscal years, as required by the Legislative Reorganization Act.

Mr. MANSFIELD. If the Senator would yield, would he withhold his questions until we get back to where we were under unanimous-consent request so that the Disaster Relief Act can become the pending business, as it was when temporarily laid aside for the purpose of taking up——

Mr. GRIFFIN. If the majority leader will permit me, the question is whether or not the Economic Disaster Relief Act can appropriately be placed before the Senate, in view of——

Mr. MANSFIELD. But it was, under unanimous consent.

Mr. GRIFFIN. The question now is, Would a point of order be waived if the unanimous-consent request is agreed to?

Mr. MANSFIELD. Mr. President, as I understand it, in this body we can do anything under unanimous consent.

The PRESIDING OFFICER. Almost anything. [Laughter.]

Mr. GRIFFIN. Mr. President, I make the point of order that the Economic Disaster Relief Act is not entitled to consideration, because the report does not comply.

The PRESIDING OFFICER. The Chair informs the Senator from Michigan that a unanimous-consent agreement already has been entered into that the Disaster Relief Act would be the pending order of business, and there was no objection at that time. Also, there is an agreement providing for the conditions under which it is to be considered.

Mr. GRIFFIN. Is the Chair, then, telling the junior Senator from Michigan that the point of order already has been waived?

The PRESIDING OFFICER. It does not waive the point of order. It just brings the bill up automatically.

Mr. GRIFFIN. Can the point of order be raised?

The PRESIDING OFFICER. It can be raised.

Mr. GRIFFIN. I thank the Chair.

Mr. MANSFIELD. After it is pending.

Mr. SCOTT. After it becomes the pending business.

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

ECONOMIC DISASTER AREA RELIEF ACT OF 1971

The Senate resumed the consideration of the bill (S. 2393) to amend the Disaster Relief Act of 1970 to make areas suffering from economic disasters eligible for emergency Federal and to improve the aid which would become available to economic disaster areas, and for other purposes.

Mr. MONTOYA obtained the floor.

PRIVILEGE OF THE FLOOR

Mr. MAGNUSON. Mr. President, will the Senator yield for a half minute?

Mr. MONTOYA. I yield.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that two members of my staff have the privilege of the floor during the consideration of this bill.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, will the Senator name them?

Mr. MAGNUSON. Stanley Barer and Norman Dicks.

Mr. BYRD of West Virginia. It is my understanding that they are not to remain on the floor during the rollcall vote.

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

Mr. METCALF. Mr. President, will the Senator yield to me for a similar request?

Mr. MONTOYA. I yield.

Mr. METCALF. Mr. President, I ask unanimous consent that when the education bill is laid before the Senate, a member of my staff may have the privilege of

the floor while I present an amendment, but not during the rollcall vote. His name is Stephen Connolly.

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

Mr. MONTOYA. Mr. President, I ask unanimous consent that the following members of the staff of the Committee on Public Works have the privilege of the floor during the debate and the vote on S. 2393: Barry Meyer, Bailey Guard, Phillip Cummings, Judy Parente, David Sandoval, John Yago, Richard Herod, and my legislative assistant, Karl Braithwaite.

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

Mr. BYRD of West Virginia. Mr. President, I ask that the Sergeant at Arms be very careful to keep committee staff people as well as members of Senators' staffs seated in the Chamber and ask them to please be quiet while they are seated.

The PRESIDING OFFICER. Who yields time?

Mr. MONTOYA. I yield myself 5 minutes.

Mr. President, in 1965 two significant bills relating to economic development were enacted into law by the Congress. The Appalachian Regional Development Act and the Public Works and Economic Development Act both established new programs for the participation of the Federal Government in State and local development activities. These programs provided new approaches to old problems and they have had substantial impact on the areas in which they function.

Since 1965, the Committee on Public Works has had a continuing interest in the strengthening of local economies on the basis of soundly conceived public works activities. The Appalachia and EDA programs have been improved by amendments to the original acts.

Early this year the Subcommittee on Economic Development, which I chair, undertook a series of field hearings to explore economic development problems in all parts of the country. We were aware that changing conditions required new legislation not only to assist communities in long-range development, but to deal with the immediate problems of unemployment and economic stagnation.

During these hearings, which were conducted in seven States and Washington, D.C., the subcommittee received extensive testimony on the impact of the current economic crisis. We were also made acutely aware of the need for comprehensive, long-range activities to provide stable economic bases in all parts of the country.

During the course of our hearings, the subcommittee visited several areas in which there have been large increases in unemployment over a relatively short period of time. In Los Angeles, Seattle, and Wichita we saw dramatic and tragic evidence of what happens to communities when the number of jobs provided by a single industry is suddenly reduced. In each of these three instances it was a downturn in the fortunes of aerospace industry that caused severe economic problems in each of the communities. Similar situations, however, exist in other parts of the country. In Alaska, Connecticut, Michigan, and in my own State of New Mexico many thousands of workers have lost their jobs.

It became readily apparent that immediate action was needed. There is a need to create jobs, but there is also a pressing need to alleviate the hardship and uncertainty endured by the millions of Americans who are now without earned income.

It is to this need that the bill we are now considering, S. 2393, addresses itself.

To brake the inflationary spiral set off by the tremendous demands placed upon American resources during the latter part of the 1960's, the present administration adopted as its major economic strategy a policy of fiscal and monetary restraint. The anticipated cost of this policy would be an increase in the number of persons unemployed. This policy, coupled with decreased hostilities in Vietnam and decreased employment in the Nation's aerospace industry, led to the 1970 recession and its high levels of unemployment.

The Bureau of Labor Statistics listed 5.5 million persons out of work as of June 1971—a 10-year high; and this number excludes those persons who have long since given up hope of finding a job. Projections of the Nation's economy over the next year forecast a continued sluggish rate of growth with the unemployment rate remaining close to 6 percent.

The unemployment rate among certain groups, particularly minorities and the unskilled, is even higher. These groups are less equipped than most to face the hardships of unemployment in a complex technological society.

In addition, the nature of the current economic slump has, for perhaps the first time in our history, thrown large numbers of highly trained and skilled workers into the category of the jobless.

We see today the world's most powerful economic machine sputtering along at three-quarters of capacity. We see millions of our fellow citizens denied the benefits of the American system. And we see little prospect for changing this situation without dramatic and immediate action on the part of the Federal Government.

The Subcommittee on Economic Development plans this fall to begin formulation of new legislation, applicable throughout the Nation, to strengthen local economies. Through these efforts we would hope to avoid severe local economic slumps in the future.

In the meantime, we propose through S. 2393 to give immediate assistance to individuals and communities which are now bearing the burdens of high unemployment.

The committee believes that the most expeditious way to do this is through the existing legislative and administrative machinery for dealing with natural disasters. For the person whose income has been cut off, there is little difference between a natural calamity and one resulting from economic fluctuations over which he has no control.

S. 2393 amends the Disaster Relief Act of 1970 to provide relief for economic disasters similar to that authorized for natural disasters.

The definition of a "major disaster" would be broadened to include areas, communities, or neighborhoods where the unemployment rate is 50 percent above the national average for 6 of the preceding 12 months, or shows a 100-percent increase over 12 months to a rate above 6 percent. Under these circumstances the Governor of a State in which such an area is located could ask the President to declare that a disaster has occurred.

When this declaration is made, individuals in the disaster area would be eligible for a variety of relief measures. These include temporary housing, mortgage or rent payments for up to a year, food stamps or commodities, extended unemployment compensation, medical services, and relocation assistance.

Loans could be made to enterprises with the potential to be major employment sources in a disaster area and those which have been major employment providers and are out of operation because of the disaster. Communities affected by economic disaster are seriously hampered in their efforts to provide essential services, because of the decline in tax revenues. To meet this problem, S. 2393 also authorizes grants to communities to replace the loss of tax revenues.

These steps would, I believe, enable the unemployed to more easily survive the rigors of an economic disaster. The Federal Government cannot permit people to be hungry or homeless while economic theories are debated.

We pride ourselves on being a Nation of hard-headed businessmen. But we are also people of compassion who must not allow our fellow citizens to suffer when it is within our power to provide the basic essentials of life while we work to find permanent solutions to the troubles that beset us.

Mr. President, with 5½ million people unemployed, it is difficult to imagine that there is any more pressing problem facing the Congress today than that which S. 2393 seeks to alleviate.

The Congress has worked hard this year. We are to begin a summer recess shortly, but it would be the height of irresponsibility for the Senate to adjourn without giving overwhelming and enthusiastic approval to this legislation.

Several Senators addressed the Chair.

Mr. MONTOYA. Mr. President, I yield to the Senator from Wisconsin for 1 minute.

Mr. PROXMIRE. Mr. President, I commend the distinguished Senator from New Mexico on the vigor and the speed with which he has tried to meet this problem.

I have a serious problem with the bill, however, as the Senator understands, and I hope that we can work it out quickly. I would point out that the bill, I think, sets a world record, a record, certainly, since I have been here. It was introduced on August 2, 1971. It was reported on August 2, 1971—the same day. The hearings on this particular bill, if they were held at all, were confined to a single day.

I ask the Senator, were there hearings

on the bill? I know there were hearings, and fine hearings, on the main issue, but were there hearings on the bill itself on the language that is before us?

Mr. MONTOYA. Yes. We had a committee hearing, or a committee meeting, rather, to discuss the different bills pending before the committee. We did have hearings throughout the country. On many aspects covered by the bill. In fact, the hearings were so thorough, I should say, that the committee became acquainted with the varied economic situations that prevail in most of the areas of the country; and with the testimony that we brought back to the committee rooms in Washington, we were able to forge a special bill, which this is, to cover certain specified areas.

Mr. PROXMIRE. Now would the Senator also agree that this is basically a loan program, a business loan program?

Mr. MONTOYA. No; I would not say that it is. I would be glad to discuss this with the Senator and all the other facets of this, when he proposes his amendment.

Mr. PROXMIRE. Mr. President, I submit an amendment and ask for its immediate consideration.

The PRESIDING OFFICER, (Mr. TUNNEY). The amendment will be stated.

The legislative clerk read the amendment as follows:

On page 3, line 20, insert the following: "Cost not to exceed $1,000,000."

Mr. PROXMIRE. Now, Mr. President, I will explain it. It will take only a minute. May I say that the way the bill is drafted, as I discussed it with the staff of the Banking Committee and other staff members, I understand that the bill would permit, without this amendment, an unlimited loan of $5 million, $10 million, $20 million, or $100 million. The bill also does not require appropriations to the extent that appropriations have already been made to the various agencies like the Office of Emergency Preparedness; so that under the bill as presently drafted, it would be possible to make a loan of $50 million or $75 million without any review, without any appropriations, and without further action on the part of Congress.

What my amendment would do would be to limit the bill to what I understand was the original intent, anyway, of the committee members, that is, small business and individuals.

I think, with this amendment, if it can be accepted, that I would support the bill.

I would like to make one other point because the Senator knows I am a member of the Banking Committee. This is a business loan program. This bill should have gone to the Banking Committee. It took a unanimous-consent request to send it to the Public Works Committee.

I hope that this is an exception and that in the future the members of the Banking Committee will have some notice that this kind of action will be taken.

Mr. MONTOYA. Does the Senator from Wisconsin have any more questions pertinent to the subject matter which we are discussing on my time?

Mr. PROXMIRE. May I ask the Senator—and this is on my time, as I presume I am talking on my time in introducing my amendment, and I yield myself such time as I may need for that purpose, and also to ask the Senator this question: Will he accept the amendment?

Mr. MONTOYA. Yes, I will.

Mr. PROXMIRE. All right, then, Mr. President, if he will accept the amendment so far as I am concerned, that will be fine unless we have to have a rollcall vote; but I do not ask one.

Mr. MONTOYA. The point I would like to make to the Senator is that I do not want to yield my time on the bill. If the Senator has any more questions to ask, he should ask them now while his time is running on his amendment.

Mr. PROXMIRE. I understand. I was concerned primarily with the amendment. The amendment provides for a limitation. I think that would be in order. I am satisfied that as far as I am concerned if the amendment is adopted, I could accept the bill. It is most important to help the unemployed promptly. However, it would not do any good to help the unemployed 3 or 4 or 5 months from now. They need assistance now.

Mr. MONTOYA. Mr. President, I have consulted with my colleagues on this side and with my colleagues on the other side who are members of the committee. They have authorized me to accept the amendment.

Mr. PROXMIRE. Mr. President, I yield to the Senator from Kentucky whatever time he requires.

Mr. MONTOYA. Mr. President, is the Senator addressing his remarks to the amendment?

Mr. COOPER. Yes.

Mr. PROXMIRE. I yield the Senator from Kentucky 5 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

PRIVILEGE OF THE FLOOR

Mr. JAVITS. Mr. President, I ask unanimous consent that a member of my staff be permitted to be on the floor during the discussion of the bill.

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

Mr. COOPER. Mr. President, even though the Senator from New Mexico (Mr. MONTOYA) is willing to accept the amendment, I think there should be a rollcall vote. I say that because there will be several amendments offered to the bill to try to better define the problems to which the bill is addressed.

I see here my longtime friend, the senior Senator from Washington (Mr. MAGNUSON). I know that he is very much concerned about the problems in his own State, and is deeply interested in this bill. I would like to give some background as to the way the bill was presented to the committee and has now come to the Senate.

The Committee on Public Works reported to the Senate in early March of this year S. 575, a bill extending the Appalachian Regional Development Act and the Public Works Economic Development Act. It was passed by the Senate and went to the House. The House amended it by adding a new title, title I, with $2 billion for accelerated public works.

The bill went to conference. The Senate Committee on Public Works decided that it did not want to accept the $2 billion accelerated public works program. It decided upon a proposal which we were to take to conference and offer as an alternative to title I of the House bill—an alternative designed to meet situations such as have occurred in the State of Washington, in Wichita, Kans., in Connecticut, and other places where there have been disastrous rises in unemployment.

We thought we should have a bill which would have provided immediate aid to such places, where there had been a sudden and abrupt rise in unemployment, because of the closing of industry.

I know that there is chronic unemployment all over the country—and that is certainly a disaster in the life of anyone who is unemployed. However, we determined that we should address ourselves immediately to those areas which had suffered an unusual and severe loss of jobs, and had suddenly encountered major new problems far beyond their capacity to accommodate.

We not only went to conference; we first had some hearings. We had the senior Senator from Washington (Mr. MAGNUSON), the junior Senator from Washington (Mr. JACKSON), the junior Senator from Virginia (Mr. SPONG), and the Governor of the State of Washington, the Honorable Daniel J. Evans, testify before us and help develop the bill which we intended to bring before the conference and later before the Senate.

We went to conference. The House Members said they would not—could not, under the rules—take any new material. The conference report on S. 575 extending the Appalachia and EDA programs, included the House accelerated public works title, and was vetoed. Then S. 2317 was introduced without the House title I, so the Congress finally passed the bill.

But when we got back in committee to work upon an economic emergency area or economic disaster area bill, the majority—and I say that with respect, but I believe I state the situation correctly—changed the bill which the committee had determined earlier that we wanted to offer as a means of meeting quickly and specifically the problems existing in these places of great and tragic unemployment. In effect, they brought to us a bill which may be applicable to almost any place in the United States—not only to those who have suddenly been thrown out of work by catastrophic events, but also to the chronically unemployed all over the United States.

It had been our intention in the committee, at least when the proposal was first brought forward, to reach the cases where there had been abrupt and sudden rises in unemployment. It came out in S. 2393, as a general bill to reach chronic unemployment all over the United States. It would attempt to do so by providing through the Disaster Relief Act of 1970, the same kind of help and assistance to

these areas now provided after natural catastrophes—hurricanes, floods, earthquake—and perhaps following riots or explosions and things of that kind.

Under the committee bill, money can be loaned to any company; it does not limit the amount. I assume it would not be a tremendous amount; under the terms of the bill, however, Federal funds could be loaned to any company that cannot continue its work, or that has failed, to get them going again.

The committee bill provides unemployment compensation up to 6 months for any individual who was by right entitled to it or eligible for it—and to any unemployed individual, whether he is eligible or not.

It provides for food stamps and commodities. I certainly have no objection to that, although I think food stamps are now available to the extent of about $1.5 billion a year.

The bill provides that the Federal Government can, if the closing of an industry has caused a loss of property tax revenue to the community, provide money to that community to the extent of the difference between the revenues that the city received before the company failed and the revenue that it receives after.

This is a very broad and far-reaching bill. On our side, we are going to offer amendments to try to bring it down to the point that it was originally intended to cover. Only in that way, I believe, can it be of real value to the most critical situations suffering the shock of sudden and massive unemployment. Otherwise, where is the money coming from?

The provisions implemented by this bill would be funded through the Office of Emergency Preparedness, by general appropriations. The appropriation this fiscal year, which has already been passed by the House and Senate, amounted to $85 million. Of course, a supplemental appropriation could be made. But I must say that if the Senate should pass the bill in its present form, I believe it would be giving the illusion to thousands of people around the country that the bill will help them—and it will not.

Today, the President signed S. 2317 extending the Appalachian and Economic Development Acts. That bill includes the authorization of $800 million for each of the next 2 fiscal years for public facility grants in areas of substantial unemployment. I add that at this time $106 million has been appropriated for such grants in fiscal 1972.

The public service employment bill has been passed by the Congress. The appropriations bill providing the funds for it passed the House yesterday and will be before the Senate tomorrow. One billion dollars will be available for public service employment for the first year.

There are other measures, dealing with the problems of unemployment, as I point out in my individual views, attached to the committee report on this bill.

Mr. President, the Senator from Tennessee (Mr. BAKER) was the one who really developed this idea of directing disaster-type aid to economic emergency areas. He did so with the help of the senior Senator from Washington (Mr. MAGNUSON), the junior Senator from Washington (Mr. JACKSON), and Governor Evans of the State of Washington.

As I have said, however, the bill has now begun to take on the aspect of a general welfare relief bill. Yet, there is no money authorized in it. I am afraid it would just be an illusion. And, by attempting or asserting so much, the bill may prove of little help in those areas which need help most.

I would hope, Mr. President, that we can go back to the concept that the Senator from Washington proposed—and then move on from there to some other point, where we can do something in a more general way for the chronically unemployed of the country.

I do not know what the President would do about this matter, but considering the nature of the bill and the lack of any funds, I would assume that it might be vetoed. In that case, it would indeed be a failure for the people in these areas struck by heavy unemployment.

I wanted to give this explanation, and I know it will be developed as more amendments are offered.

Mr. PROXMIRE. Mr. President, I appreciate the Senator's explanation. It is very helpful. However, in view of the fact that the hour is late and it is necessary to act promptly on this legislation, would the Senator from Kentucky agree that we could put a limit of $1 million on each loan? This would permit loans being made to individuals and small- and middle-sized companies. When we get into a larger area there is a situation that could be very difficult and very unfair. A loan made to a competitor in one part of the country could give him a big advantage. This bill would permit an interest rate of 4 percent, which is about one-half the interest rate that a big corporation would have to pay.

I have no objections to that in connection with the small business enterprise or individuals, but when we get to large enterprises it is a different matter.

Mr. COOPER. I think it is a bill which should go for help to individuals.

Mr. PROXMIRE. Did the Senator object to my amendment?

Mr. COOPER. I think I will have to object until I talk to my colleagues from this side who are on the committee.

Mr. PROXMIRE. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I have no objection.

Mr. PROXMIRE. Mr. President, I understand the Senator from Kentucky (Mr. COOPER) to say he does not have an objection.

I yield back my time and the Senator can yield back his time and we can vote.

The PRESIDING OFFICER. Is all time yielded back?

Mr. MONTOYA. I yield back my time.

Mr. PROXMIRE. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. PROXMIRE).

The amendment was agreed to.

Mr. MONTOYA. The distinguished chairman of the Committee on Public Works (Mr. RANDOLPH) has been diligent in his attention to this legislation and has shown great concern for the people it seeks to help. I yield him such time as he may require.

Mr. RANDOLPH. Mr. President, in April of this year I participated in the hearings the Subcommittee on Economic Development conducted in Seattle, Wash. We are all familiar with the great changes that have occurred in that once-prosperous region of our country within a period of less than 2 years. During these hearings I and other members of the subcommittee were able to witness just what happens in a State where unemployment shoots up from 66,000 to more than 160,000 without warning in a relatively brief period. Since the hearings, unemployment in the State has grown to more than 182,000.

We saw firsthand that the Seattle area is literally reeling from the shock. In 1 year the number of bank home mortgage foreclosures nearly doubled and business failures tripled. In June, there were 330,000 people receiving cash welfare payments or food stamps.

While Seattle is perhaps the most dramatic and best known example of an economic disaster, it is by no means an isolated case. Nor is it the only section of our country suffering from a high concentration of unemployment. In Los Angeles, where the subcommittee also conducted hearings, unemployment is estimated at 264,000.

The number of jobless workers in Wichita, Kans., rose from 7,400 to 16,700 within 1 year. Unemployment rates in Alaska's two largest cities, Anchorage and Fairbanks, recently were more than 12 and 14 percent respectively. Similar situations exist throughout the country. Sometimes whole metropolitan areas are affected and sometimes high unemployment is confined to more restricted areas, such as central Detroit.

These facts alone should be enough to alert us to an extremely serious situation. But there are other disquieting facts that are equally alarming and indications that problems are not being resolved. One of these is the growth of long-term unemployment which finds more people going without gainful employment for increasingly longer periods.

I know that all levels of government are sincere in their concern for the unemployed. Concern, however, is no longer enough. We need to move and move quickly to reverse the trend and to assist the people whose lives are disrupted, sometimes permanently, by unemployment.

S. 2393 is a proposal by members of the Committee on Public Works and other Senators to directly help people most seriously damaged by unemployment.

The able chairman of our Subcommittee on Economic Development (Mr. MONTOYA), has fully explained the provisions of this legislative measure. This bill was developed on the basis of findings by Senator MONTOYA's subcommittee during extensive hearings this year throughout the country. Intense interest in this problem of unemployment has been shown by all members of the committee. We also were greatly aided by Senators MAGNUSON and JACKSON who have intimate knowledge of the impact of large-scale unemployment. Senator

MAGNUSON participated in our Seattle hearings as a witness and as a guest member of the subcommittee. Both he and Senator JACKSON have met with the Committee on Public Works during consideration of this bill.

S. 2393 is a stopgap proposal. It is not intended to provide permanent solutions to the causes of unemployment. It is intended to provide essential services to individuals and communities that have been caught up in the agonies of economic disasters.

The Committee on Public Works has had considerable experience in helping communities undertake long-range development activities. The Appalachian regional development program has addressed itself to the particular problems of an area which for many years lagged behind the rest of the Nation. It has proven itself to be a unique and valuable mechanism in helping the communities of the 13 Appalachian States to recover from prolonged economic stagnation.

Programs under the Public Works and Economic Development Act have given similar assistance to other communities throughout the Nation. We hope in the near future to present to the Senate legislation for a comprehensive and permanent nationwide program of economic development.

In the meantime, however, it is the responsibility of the Congress to authorize immediate relief from the suffering caused by persistent unemployment that knows no geographical limitations.

I urge the Senate to provide this relief by passing S. 2393.

Mr. BAKER. Mr. President, several weeks ago I attended the hearings held by the Economic Development Subcommittee of the Public Works Committee in Seattle, Wash. In the 2 days of these hearings, I heard many witnesses testifying with regard to the economic situation in Seattle. Their testimony reflected a general feeling of frustration and despair at the magnitude of the unemployment problem and at the relative inability of business and government to respond to an economic catastrophe of this severity.

But among the voices criticizing the inability of existing institutions and programs to respond to this crisis was the voice of one man, Gov. Dan Evans, of Washington, pointing out new and imaginative ways that we might develop machinery to respond to the situation in Seattle and similar situations which exist in several other communities across the Nation. Governor Evans testified as follows:

> Our own experience in research in attempting to deal with this problem led to the following conclusions and to my recommendation to the Subcommittee for an economic emergency program.
>
> 1. To be most effective, a system should be quickly available and designed to the specific needs of the occasion, including those of individuals, government, and business.
>
> 2. State and local government cannot respond completely to the needs of a true economic emergency such as [Seattle] faces.
>
> 3. Necessary assistance is potentially available from a large number of Federal agencies.
>
> 4. There is, however, no mechanism by or through which this assistance can be provided in a timely fashion.
>
> State and local governments are severely limited financially and otherwise, in their ability to respond to economic emergencies. Accordingly, legislation providing emergency economic relief quickly without excessive red tape, is urgently needed.

It was Governor Evans' suggestion of the analogy between natural disasters and economic disasters that led to the rapid development of legislation in the Public Works Committee to fashion a mechanism able to deal with economic disaster in much the same way that the Office of Emergency Preparedness has been dealing with natural disasters. S. 2393 represents the culmination of this undertaking.

This proposal which was reported out of the Committee on Public Works just last Thursday, would plug into the Natural Disaster Relief Act a provision for assistance to communities suffering high unemployment or suffering an abrupt loss of employment. It would do this by inserting in the criterion for designation language establishing eligibility under the following two circumstances: First, the existence of a rate of unemployment 50 percent above the national average for 6 of the 12 preceding months; and, second, the increase of unemployment in an area by 100 percent over a period of 12 months to a rate 6 percent or greater, These criterion could trigger eligibility in any area or community without regard to political boundaries.

As under the Natural Disaster Relief Act, the procedures for designation is that the Governor of the State in which the area exists makes application to the President, and the President in his discretion determines if the area specified in the application is suffering or will suffer unemployment in sufficient severity and magnitude to warrant disaster assistance by the Federal Government supplementary to the efforts and available resources of the State and local governments. As, under the Natural Disaster Relief Act, the Governor in his application must certify the need for Federal disaster assistance under this act and must give assurance that the State and local governments will expend a reasonable amount toward the alleviation of suffering in the area.

PROGRAM AUTHORITY UNDER THE ACT APPLICABLE TO ECONOMIC DISASTERS

Many of the items of program authority contained in the Natural Disaster Relief Act are not applicable to economic emergencies. However, the following sections would have applicability:

GENERAL ASSISTANCE PROVISIONS

First. Section 205—Federal-grant-in aid programs: This section authorizes any Federal agency charged with the administration of a grant-in-aid program to modify or waive administrative procedural conditions prerequisite to assistance where consistent with the emergency nature of the bill.

Second. Section 209—Nondiscrimination in disaster assistance: This section prohibits discrimination in rendering of assistance and under regulations adopted by the Office of Emergency Preparedness has provided for a Federal officer to oversee the administration of assistance to see that the provisions of this section are obeyed.

ASSISTANCE TO MAJOR SOURCES OF EMPLOYMENT

Third. Section 237—Aid to major sources of employment: This section establishes a loan program funded through the Office of Emergency Preparedness and administered by the Small Business Administration. Under the section, loans may be granted to enterprises which have either suffered a loss of employment due to the disaster or which with aid under this section might become major sources of employment in the disaster area.

AID TO LOCAL GOVERNMENTS

Fourth. Section 241—Community disaster grants: This section authorizes the President to make grants to local governments which due to a disaster have lost sources of revenue—limited to real and personal property taxes.

Fifth. Section 253—Priority in applications: This section gives priority to disaster areas in applications for public facility and public housing assistance under several enumerated Federal programs.

AID TO INDIVIDUALS

Sixth. Section 266(a)—Temporary housing assistance: This section provides for Federal provision of temporary housing, including trailers, to people whose shelter has been destroyed or taken due to a disaster.

Seventh. Section 266(b)—Temporary mortgage or rent payments: This section authorizes the President to pay mortgage and rental payments to or on behalf of individuals who have received notice of dispossession or eviction resulting from financial hardship caused by the disaster for a period of 1 year or for the duration of the disaster, whichever is less.

Eighth. Section 238—Food coupons and distribution: This section authorizes the President on such terms and conditions as he may prescribe to distribute coupon allotments to low-income households in disaster areas and also to make available in disaster areas surplus food stores.

Ninth. Section 240—Unemployment assistance: This section as amended by the committee bill would provide to any individual unemployed as a result of a disaster, such assistance as the President determines appropriate in the form of unemployment compensation extensions to individuals who have exhausted their unemployment—such extensions to run for the duration of the designation of the area as a disaster area or until the individual is reemployed. Additionally, under prior authority, the President is authorized to provide unemployment compensation to persons otherwise ineligible under State programs—this generally applies to domestics and farmworkers.

Tenth. Section 255—Medical services: The committee proposal adds authority for the President to provide to individuals within a disaster area medical facilities and staff.

Eleventh. Section 256—Reemployment assistance: This section authorizes the President to provide reemployment assistance to unemployed individuals in disaster areas. It further provides authority for the President to assist in reemploying individuals in suitable

positions in other areas and to pay the expenses of seeking such employment and of moving the individual's household and family to the location of his new employment.

FUNDING

The committee bill provides no new sources of funding for the above programs. Funding would continue under the present authority provided for the Office of Emergency Preparedness. Basically this authority permits the OEP to spend for necessary programs in an emergency and then to petition Congress for a supplemental appropriation to reimburse them or participating agencies for their expenditures.

The criteria embodied in S. 2393 is potentially broader than that contained in the economic disaster relief bill which I introduced recently. While I agree that a definitive statement with regard to eligibility under the act might be of assistance to the administration, I do not feel that the breadth of the criteria embodied in S. 2393 diminishes the effectiveness of this legislation appreciably. I rather feel that the criteria add a degree of flexibility in selection of areas for assistance under the act and recognize that areas of extremely high unemployment, even though they may have a history of chronic unemployment, might be appropriately addressed by disaster relief measures.

Suffering from a critical lack of unemployment is no less devastating nor disruptive if chronic and not resulting from an unusual loss of employment. I agree that differences in the economic backgrounds of communities have an important bearing upon the relevance of emergency assistance and the forms of assistance relevant. But there is a point, indeed, at which it becomes purely semantic to draw a distinction between chronic employment and employment resulting from a loss in the employment base of a community. To attempt in the criterion of this bill to draw this distinction would necessitate an arbitrary and abstract assessment of conditions for which there is no means of analysis readily available. It would limit the flexibility of the administration in dealing with these areas, and I believe that flexibility is of paramount importance in emergency legislation.

There are those who feel that the criteria in the bill are so broad as to permit areas to become eligible for which the allocation of assistance under this bill is inappropriate. I sympathize with their concern and feel that their concern is genuine, but I feel also that there are sufficient safeguards written into the administrative procedures for designation in this bill to prohibit this from happening. The President may designate areas as eligible only when he has received the application of the Governor of the State in which the area exists certifying that the area needs emergency assistance and that the State and local governments, though they are taking all reasonable steps, are unable to meet the demands of the situation. The President then must determine that the area designated in the application meets the criteria set forth in S. 2393; that is, that the area is suffering and has suffered 50 percent greater unemployment than he Nation for six out of the previous 12 months or that the area has doubled its unemployment within a year preceding the application. And, third, the President must determine that the area is suffering from an emergency of such severity and magnitude as to warrant disaster assistance under the act. Certainly this is a responsibility which the Executive will not take lightly.

But this bill is not addressed primarily to treat areas of chronic unemployment. While disruption from chronic unemployment can become so acute as to be disastrous and properly remediable by emergency assistance, I feel that the concept of emergency assistance is more directly applicable to situations where a community has suffered an abrupt loss of its employment base through the closing or curtailment of a major source of employment. When this happens, as it has happened in Seattle, Wichita, several communities in Connecticut, and in Los Angeles, the economy of the area often simply cannot absorb the large quantity of resources, both labor and facilities, which are idled.

In recent decades the industrial community of our Nation has become more highly interdependent and more intricately specialized and, therefore, more subject to plant closures and significant layoffs due to economic dislocations and due to obsolescence caused by rapid technological advancement. The dislocations grow larger in number and more frequent every year. Traditionally, it has been the view of economists that these dislocations can be absorbed by the economy, and our highly mobile society has borne out this view. However, situations like Wichita, Seattle, are evidence that this traditional view simply does not recognize the agony and devastation that the collapse of a community brought on by the loss of its major source of employment can cause. While I am confident that communities like Seattle will eventually recover from the disaster they presently face, I also believe that this recovery could be brought about in a far more humane and efficient manner with the expenditure of emergency funds to reestablish quickly the economic base in the area.

Since the economic calamity that befalls such a community usually also renders the governmental institutions of the area incapable of meeting the emergency, I feel that Federal action is warranted.

I attempted to embody this concept in S. 2278 which was the economic disaster relief bill which I introduced some weeks ago. The criteria in that bill would have directed the relief only to areas which had suffered a catastrophic loss of employment, and the program authority in that bill would have served to alleviate the suffering of the unemployed in the area, but also would have directed funds toward the reestablishment of the economic base in the community; however, that was not the viewpoint of the majority of the full Committee on Public Works in executive session. I have repeatedly pledged my support and assistance in an attempt to pass an interim economic disaster relief bill, and while, obviously, I may have preferred the provisions of the bill which I introduced, I feel that this bill is a good bill. I voted to report it to the floor, and I shall support it.

Several Senators addressed the Chair.

Mr. MONTOYA. Mr. President, I yield to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

"The Senator from Idaho (Mr. CHURCH) proposes an amendment on page 2, line 17, insert after the word "fire" the words "insect infestation".

Mr. CHURCH. Mr. President, I yield myself such time on the amendment as I may require.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, in the last 2 years my State has sustained serious economic hardship as a result of insect infestations.

As every Senator from a farm State knows, an insect infestation can be a real disaster. As I speak today, grasshoppers are literally eating their way across five counties in my State; 700,000 acres are under seige. The prognosis is that things are going to get worse before they get better.

Last year, damage to Idaho's sugar beet crop was estimated in the millions of dollars, when, as a result of abnormal weather conditions, it suffered severe white fly infestation.

The Farmers Home Administration has been of assistance in these two cases. The FHA after much prodding recognized that these insect problems are largely the result of weather conditions which make the tremendous growths in insect populations possible. As a result, although an insect infestation is not included specifically under the present law, the FHA has granted emergency loans in cases of insect infestation.

However, Mr. President, even though the Farmers Home Administration has granted aid to areas suffering from insect infestation, the decision rests solely upon administrative discretion.

It is because of the fact that I encountered this problem last year with the FHA that I do not wish to see the Economic Disaster Area Relief Act of 1971 pass without making clear that the Congress considers the severe consequences of an insect infestation to be a major disaster. Therefore, I am offering the pending amendment which would simply spell out the fact that an "insect infestation" may qualify as a "major disaster" for the purposes of disaster relief under the terms of the Disaster Relief Act of 1970.

I consider this to be an extremely reasonable request, Mr. President, and would hope that the distinguished floor manager could accept the amendment.

The PRESIDING OFFICER (Mr. GRAVEL). Who yields time?

Mr. MONTOYA. Mr. President, as far as I am concerned personally, and for Members on this side of the aisle, I would

like to state that I would accept the amendment. I have no answer from the Senator from Kentucky in this respect.

Mr. COOPER. I think this comes within the definition of a natural phenomenon. I think it would be covered. I have no objection to it being considered as a disaster.

Mr. MONTOYA. Mr. President, in view of the statement of the Senator from Kentucky, if the Senator is prepared to yield back his time, I am prepared to yield back my time.

Mr. CHURCH. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Idaho.

The amendment was agreed to.

Mr. BUCKLEY. Mr. President, I would like to raise a point of order that was raised earlier in this debate by the distinguished Senator from Michigan (Mr. GRIFFIN).

I believe at the time the Parliamentarian said he would have to study the matter but I would like to pinpoint the exact area where the point of order arises.

The point of order is well taken and it can save us many hours of time.

The PRESIDING OFFICER. Who yields the Senator time?

Mr. BUCKLEY. Does time have to be yielded for a point of order?

The PRESIDING OFFICER. Time is under control.

Mr. BAKER. Mr. President, I yield the Senator such time as he may require.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. BUCKLEY. Mr. President, I refer to section 252 of the Legislative Reorganization Act of 1970, which stipulates as follows:

> The report accompanying each bill or joint resolution of a public character reported by any committee of the Senate (except the Committee on Appropriations) shall contain—
>
> (A) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year.

Mr. President, I submit there is no such estimate and that, therefore, in accordance with the act this bill is not in order at this time. I would also like to state that because the House has not acted on this legislation there is no need for the Senate to do so without study before the recess.

Mr. President, I have been asked to withhold on this matter for a few more minutes. I shall do so.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 380

Mr. BUCKLEY. Mr. President, in the meantime, I would like to call up my amendment No. 380.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> Beginning with the words "including the existence" on line 18 of page 2, strike everything through the comma in line 23 and insert in lieu thereof the following: "including a sudden and abrupt increase in unemployment in any area or community without regard to political boundaries due to the loss, removal, curtailing, or closing of a major source or sources of employment, which increase in unemployment has caused the unemployment rate of the area or community to exceed 6 per centum and which additionally has caused the unemployment rate in the area or community to exceed by 50 per centum the national average of unemployment for six months of the twelve-month period immediately preceding the application for assistance under this Act or the unemployment rate of the area or community to increase by 100 per centum during the twelve-month period immediately preceding the application for assistance under this Act".

Mr. BUCKLEY. Mr. President, before addressing myself to the specific effect of the language in the amendment, I think it would be useful to describe the genesis of this legislation.

As the Senator from Kentucky (Mr. COOPER) has stated, the idea which is enshrined in the legislation which was originally submitted to the subcommittee was first suggested by Gov. Daniel J. Evans at hearings held in Seattle investigating general problems of the economy in various parts of the country.

At those hearings the Governor very eloquently described the sudden impact on Seattle and on the economy of the State of Washington, the city of Seattle being essentially a company town, when Boeing had to lay off approximately 70,000 out of a payroll of 120,000. This sudden cessation of employment in a major part of the economy of the city has had far-reaching impact on people with all kinds of skills, with the result that a once prosperous community, a once prosperous area, has had to cope with problems beyond the capacity of the city and the State to properly handle.

In the course of his discussions, the Governor suggested that there was need for a mechanism to cope, on an emergency basis, with economic disasters similar to that which already existed to cope with natural disasters. This proposal caught the attention of the Senators from Washington (Mr. MAGNUSON and Mr. JACKSON) and the senior Senator from Tennessee (Mr. BAKER). They drafted legislation, and introduced it, which would focus on the specific problem, the specific dilemma, which had been described so eloquently by Governor Evans, legislation which would create a mechanism to rescue a formerly productive area from a catastrophe of an economic nature.

It was on the basis of these legislative proposals that 1 day of hearings was held, but when members of the subcommittee met on August 2 to consider this legislation, they found presented to them a new piece of legislation, which had been the structure used in amending the Natural Disaster Relief Act of 1970, and in the process the word "disaster" was redefined in a manner which made Webster's Dictionary meaning obsolete, in a manner which I believe subverts the original purpose of this legislation, by abandoning the whole concept of coping with a sudden impact of an economic nature and providing for relief to include every pocket of chronic unemployment throughout the country.

At this point I should like to read from my individual views that I appended to the report of the subcommittee.

I will start with the definition of the word "disaster" as it is printed in Webster's Collegiate Dictionary; namely, "a sudden and extraordinary misfortune; a calamity":

INDIVIDUAL VIEWS OF SENATOR BUCKLEY

This is the commonly understood meaning of the word "disaster." It is the meaning which I believe Governor Daniel J. Evans and Senators Jackson and Baker had in mind earlier this year when they proposed legislation specifically designed to focus the resources of the federal government in a quick and flexible manner on "true economic emergency situations." Unfortunately, the Economic Disaster Area Relief Act of 1971, as it emerged from Committee, is so broad in its application that its potential effectiveness has been destroyed. What was originally intended was an Act which would create a standby mechanism which could operate with a maximum of speed and flexibility, and a minimum of red tape, to help normally prosperous areas ride out an economic storm. It was felt that if the right kind of assistance could be available on a timely basis to major employment areas caught up in a sudden economic emergency, that it would be possible to avert permanent economic dislocations having very widespread consequences. The concept was one of providing for a quick, highly specialized attack on highly individualized situations.

Speaking from the basis of his own experience in attempting to deal with the economic emergency in the State of Washington, Governor Evans described the need he saw for economic emergency legislation as follows:

"I am encouraged that there may be created a federal government response mechanism for providing needed economic emergency assistance to states and communities experiencing the sort of problems we face in the State of Washington.

"As a State we have been in the throes of an economic emergency for over a year * * * In the Seattle area, seasonally adjusted unemployment has increased from 3.5 per cent in early 1969 to a current rate of about 13 per cent. For the State as a whole, that rate has increased from about 4.5 per cent in early 1969 to a current rate in excess of 10 per cent. By almost any criteria, our situation qualifies as an economic emergency.

"Our own experience and research in attempting to deal with this problem led to the following conclusions, and to my recommendation to the Subcommittee for an Economic Emergency Program.

"1. To be most effective, assistance should be quickly available and designed to the specific needs of the occasion, including those of individuals, government and business.

"2. State and local government cannot respond completely to the needs of a true economic emergency such as we face.

"3. Necessary assistance is potentially available from a large number of federal agencies.

"4. There is, however, no mechanism by or through which this assistance can be provided in a timely fashion.

"* * * Our belief is that the criteria for eligibility should be sufficiently restrictive as to focus the resources on true economic emergency situations * * *

"State and local governments are severely limited, financially and otherwise, in their ability to respond to economic emergencies. * * * Accordingly, legislation providing emergency economic relief quickly, without excessive red tape, is urgently needed."

Mr. President, I ask unanimous consent to have printed in the RECORD fol-

lowing my remarks the full statement of Governor Evans.

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

(See exhibit 1.)

Mr. BUCKLEY. Yet what has emerged from committee is a bill so broad in scope as to make eligible for special relief any "area, community or neighborhood" in which the rate of unemployment exceded the national average by 50 percent for at least 6 out of the preceding 12 months. This means that any area of the United States, however small, in which there is a high degree of chronic unemployment as contrasted with unemployment directly related to an economic disaster—all the Appalachias, all the pockets of persistent economic depression, in other words—have been brought within the scope of legislation intended to deal with emergencies afflicting once healthy areas; and this despite the fact that we already have in operation a number of major programs involving the annual expenditure of many billions of dollars which are specifically designed to help both the chronically unemployed and regions of chronic unemployment.

In my remarks in the committee report I list some of the many programs which are designed to help train people who are without skills required to enable them to obtain employment. I detail the welfare, medicaid, food stamp, and housing programs to help such people who are in need. I describe some of the regional programs, such as Appalachia, which are designed to bring to the underdeveloped regions of our country a base of facilities required to create jobs.

Another basic problem with the bill is that in the interest of time, the committee sought to utilize, through amendment, the basic structure of the Disaster Relief Act of 1970. In the process, some of the fundamental distinctions between natural and economic disaster have been lost sight of. In the case of a natural disaster, the prime effort is focused on the need to restore the physical facilities which had been destroyed as quickly as possible while at the same time helping the inhabitants of the afflicted area ride out the intervening period of enforced unemployment. There is nothing in the nature of a natural catastrophe which requires basic changes or adjustments in the economic base of the area or in the skills possessed by its working population.

When an area is hit by an economic disaster, on the other hand, its physical facilities remain intact; but the remedial measures which are indicated in its particular case may require a retooling to change the product mix of its major sources of employment and the retaining of highly skilled workers and technicians in order to adapt them to new kinds of work.

As a result of these deficiencies, the Economic Disaster Area Relief Act of 1971 promises to become just another open-ended public welfare bill which provides interim palliative relief without making adequate provision to prevent or cure the economic conditions which caused the unemployment in the first place. It fails to meet the test of addressing the systemic or causative factors and merely deals with the symptoms.

Mr. President, the amendment which I have offered would cure one of the deficiencies that I have outlined, and in my estimation the major deficiency, and it would do so by underscoring the emergency disaster, in the accepted sense of the word, nature of the economic catastrophe which has caused the unemployment which triggered its application.

I have used the language which was incorporated by the Senator from Tennessee (Mr. BAKER) in his original bill, and I suggest that it would, once again, focus the energies that would be unleashed by this legislation on those sections where a hitherto healthy economy is threatened with becoming an economic wasteland as a result of a severe dislocation of its former basis for economic growth.

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

Mr. BUCKLEY. I yield.

EXHIBIT 1

STATEMENT OF GOV. DANIEL J. EVANS

I welcome this opportunity to appear befor this Committee and testify in support of an Economic Emergency Assistance Program. While I had proposed such a program to the Sub-committee on Economic Development when it held hearings in Seattle, it was only when I received the invitation to testify here today that I felt there was real hope for the program in the immediate future. I am encouraged that there may be created a federal government response mechanism for providing needed economic emergency assistance to states and communities experiencing the sort of problems we face in the State of Washington.

As a State we have been in the throes of an economic emergency for over a year. Today there are 160,000 people unemployed in the State of Washington, which is an official estimate and the actual number unemployed may be much higher, whereas two years ago there were only 66,000 unemployed. In the Seattle area, seasonally-adjusted unemployment has increased from 3½ per cent in early 1969 to a current rate of about 13 per cent. For the State as a whole, that rate has increased from about 4½ per cent in early 1969 to a current rate in excess of 10 per cent. By almost any criteria, our situation qualifies as an economic emergency.

Our own experience and research in attempting to deal with this problem led to the following conclusions, and to my recommendation to the Sub-committee for an Economic Emergency Program.

1. To be most effective, assistance should be quickly available and designed to the specific needs of the occasion, including those of individuals, government and business.

2. State and local governments cannot respond completely to the needs of a true economic emergency such as we face.

3. Necessary assistance is potentially available from a large number of federal agencies.

4. There is, however, no mechanism by or through which this assistance can be provided in a timely fashion.

5. Whereas there is no mechanism to meet the needs of an economic emergency, there is an established mechanism for dealing with natural disasters.

As we have found, and as suggested in the Committee proposal for a National Economic Emergency Act, the problems of a true economic emergency are such that several forms of assistance are necessary. The prior proposal for accelerated public works is but one form of needed assistance. Further, the primary emphasis of that proposal should be on the accelerated construction of those public facilities which relate to the maintenance and expansion of permanent employment opportunities. It is not enough to simply accelerate public works. The needs of individuals, government or business which would not directly or immediately benefit from public facility construction must also be considered.

Among the unemployed, both the highly skilled professionals and the lesser skilled, there is a great frustration with the economic system that produces an emergency condition and with the governmental system which seems to lack adequate response and solutions. Clearly there is need for a broad program to provide relief to individuals adversely affected by an economic emergency, for development of employment opportunities to get people off unemployment rolls and public assistance, and for re-establishing the base for longer-term economic growth. Given the broad spectrum of needs and the requirement for quick implementation, we concluded that a program parallel to that of the Natural Disaster Act was required.

In my supplemental statement to the Subcommittee on Economic Development, I responded to Senator Baker's request for further information on the proposal I made for an economic disaster or economic emergency program. The parallel was drawn to the existing natural disaster program and major ingredients for inclusion in an economic emergency program were suggested. I am pleased to note that the proposal which the Committee has put together for discussion here today is very similar to that which we have suggested.

Accordingly, I support the intent and general outline of the proposal forwarded to us by Senator Randolph. There are, however, some differences between that proposal and what we have been developing. The differences relate to the considerations of eligibility, administration, and nature of assistance provisions.

ELIGIBILITY

Our belief is that the criteria for eligibility should be sufficiently restrictive as to focus the resources on true economic emergency situations. Further, the major emphasis should be on the 150 "Major Labor Areas" as defined by the U.S. Department of Labor, the boundaries of which generally coincide with Standard Metropolitan Statistical Areas. Entire states should be eligible as they satisfy the same criteria as Major Labor Areas, and other areas as there are specific economic emergency conditions.

A. For Major Labor areas or states:

1. There be an unemployment rate of 6 per cent or more, with the rate exceeding the national unemployment rate by at least 50 per cent on a seasonally-adjusted basis; and

2. There has been or will be a 50 per cent or greater increase in the unemployment rate within a one year period which will be more than temporary in duration.

B. Other special impact areas may be declared eligible when there is a closure or severe curtailment of a major public or private facility or when identifiable public policy actions have or will produce the criteria cited under 1 and 2.

The first criteria differs from the Committee's proposal which requires only that the unemployment rate exceed 6.0 per cent for six of the preceding twelve months. We believe that it is appropriate to take into account the relationships of national economic conditions and to recognize the seasonality factor in unemployment statistics. Our second criteria is essentially the same as the Committee's. Our third criteria would allow for the impact of special events significantly affecting a local area's economy.

In summation, our criteria would be more restrictive and easier to administer, and would, we believe, allow a more effective focusing of resources.

ADMINISTRATION

In developing a program such as this, I think we should strive to make as many provisions as possible automatic. By this I mean that a declaration of an area should immediately trigger as much relief and assistance as possible without lengthy application procedures and red tape. In making our recommendations we have attempted to identify as many of these automatic responses as possible.

Not all provisions can be made automatic however, and for this purpose we strongly recommend the designation of a State Coordinator appointed by the Governor who would be responsible for implementation as under the Natural Disaster Act. Further, it is necessary to designate a Federal Coordinator who would have the authority to instigate and coordinate the efforts of other federal agencies. Clearly an effective response will require the close cooperation of state, federal and affected local area governments.

ASSISTANCE PROVISIONS

As stressed above, an effective economic emergency assistance program should contain a variety of provisions which are both relevant and timely in their delivery. There should be provision for both economic relief and economic recovery. In our work we have focused on three categories of recipients of such assistance; namely, individuals state and local governments, and businesses.

Individuals—The most apparent need is for economic relief to those individuals and families directly affected by an economic emergency. Therefore, there should be an automatic triggering of immediate relief assistance to include the following provisions:

1. *Extended Unemployment Compensation:* There is a need for supplementing the incomes of those unable to find employment due to the emergency conditions. This would not only provide relief to those individuals and their families but the additional expenditure would also serve to bolster the economy of the affected area. At a minimum there should be an automatic extension of unemployment compensation benefits for those who have exhausted their regular benefits.

In Washington State we have taken the initiative by providing extended benefits up to 52 weeks at a maximum of $72 per week. This represents a further extension beyond the basic extension to 39 weeks which is now 50 per cent financed by the federal government.

While our action has reduced the suffering of many of our citizens, its has been accomplished at considerable cost with the result that our unemployment compensation fund reserves will soon be depleted. I think the case is clear cut for federal government assumption of the full cost of such extensions during times of economic emergency.

2. *Rent and Mortgage Payment Assistance:* One of the greatest tragedies of an economic emergency situation is the displacement of families from their places of residence due to financial hardship. Just as under the Natural Disaster Act, there should be provision for the making of mortgage or rental payments for individuals or families subject to dispossession or eviction. Such assistance should become available immediately upon declaration of an economic emergency and should last for the duration of such emergency. In the cases of mortgages, the net federal cost could be limited to the interest costs associated with contract extensions or payment deferrals.

As I understand the Committee's intent, the provisions for extended unemployment compensation and for rental or mortgage payments would be included in a proposed Emergency Economic Assistance Program. In addition, I think the Committee should seriously consider inclusion of another broad category of assistance for individuals. That program category relates to manpower and to provisions for public service employment, job training and re-training, and relocation assistance. Such provisions are desirable both in terms of economic relief and economic recovery.

3. *Public Service Employment:* One of the more productive forms of assistance would be a provision for public service employment. Such a program for unemployed individuals would not only help to maintain income flows and pride, but as well would allow needed governmental tasks to be carried out at a time when revenue sources were decreasing.

I am aware that there have been proposals for a Public Service Employment Program on a national basis, and I would support such a program during times of a national economic emergency. However, at a time when emergencies are more localized, I feel that a Public Service Employment Program should be limited to those areas. As an example of such a program, we have just completed a very successful $5 million 16-week Employment Supplement Program funded by the U.S. Department of Labor. This program was restricted to the areas of greatest economic emergency, namely 5 of our 39 counties.

When an area is declared eligible for economic emergency assistance under the proposed act, the responsible state should immediately design an implementation program appropriate to the given local circumstances. This should be done in cooperation with the local governments involved. In our experience, a viable program can be implemented within 30 days, especially if some advance groundwork has been laid.

4. *Job Training and Re-training:* Depending on the nature of the area's economic emergency, special programs should be designed and funds committed for job training and re-training. The state should take the lead in these efforts in cooperation with the Federal Coordinator, U.S. Department of Labor and local government representatives.

5. *Relocation Assistance:* In an economic emergency area there is generally little hope for absorbing the entire labor force in productive employment in the immediate future. Therefore, those who are unemployed should be assisted to find new employment wherever that employment may be found. In some cases, this will require provision of relocation expenses for individuals and families. Accordingly, the Department of Labor should be authorized and directed to institute a program of relocation to other areas including provision of moving expense costs.

Government—As I previously stated before the Sub-committee on Economic Development, I firmly believe that there is a need for Revenue Sharing, both Special and General. Only then can there be a generally stable and predictable flow of funds, thereby permitting more rational programming by state and local government. Further, an emergency situation response can be programmed into Revenue Sharing wherein there is a triggering of incremental funds appropriate to the emergency situation. A designation of an eligible area would result in the provision of supplement block grants in such categories as manpower, community development and rural development. Supplemental grants could be based on predetermined percentages of the regular grants.

In the meantime, there are several actions which can be taken to assist state and local governments, both in terms of short-term relief, and of assistance fostering economic recovery.

1. *Reduction of Non-Federal Matching Requirements:* An economic emergency produces a great strain on many state and local government service requirements at a time when revenues are decreasing. One effective manner in which the non-federal revenues could be stretched further, without disrupting existing categorical programs, would be for a declaration of economic emergency to trigger an automatic reduction of non-federal matching requirements for programs such as those funded by HUD, HEW, DOD and EDA. While there are some existing provisions for variable matching shares, they're often by administrative discretion, require special knowledge by each applicant, and often involve costly time delays. Given the wide variation in non-federal matching requirements, we propose that there be an automatic across-the-board reduction, of perhaps 50 per cent, for all federal programs in the affected area.

2. *Incremental Federal Funding:* In conjunction with the reduction of non-federal matching requirements, there should be supplemental funds allotted for use in the affected area. Either in addition to, or as a partial substitute for supplemental agency funding, there should be a provision for block grants directly related to the economic emergency. These could include:

A. Public Assistance Block Grants for increases in related program costs;

B. Public Facilities Block Grants for projects related to the maintenance and expansion of *permanent* job opportunities in the affected area.

The latter block grant proposal appears similar in intent to that contained in the Committee's proposed program.

3. *Technical and Planning Assistance:* EDA or other funds should be allotted to the State Coordinator and to affected local governmental units for purposes of the planning and programming necessary to provide economic relief and to foster economic recovery. These funds should be in addition to any provided the Federal Coordinator under the Committee's proposal.

4. *General Tax Relief:* In extreme situations there should be a provision for tax relief for state and local governments, as provided with regard to property taxes under the Natural Disaster Act.

Business—There are a number of provisions which can be included to assist businesses in terms of survival and to foster local economic recovery. These include:

1. *Investment Tax Credits:* Various forms of investment tax credits might be provided for a stimulus to the creation of new job opportunities through construction of new plants or the expansion or conversion of existing plants. This is a step I have proposed within Washington State which would allow a credit against our business tax in the amount of the sales tax on construction materials. The credit is limited to job-producing investments in economically distressed and slow growing areas. Since the federal government's tax leverage is considerably greater, this could prove to be a significant provision related to economic emergency areas and more generally to the direction of some of our national growth to areas of greatest economic need.

2. *Business Loans or Guarantees:* During times of economic emergency, some businesses find themselves unable to meet outstanding loan commitments due to depressed market conditions. Also, some businesses having good long-term prospects in an area find it difficult to obtain short-term financing. Accordingly, there should be a provision for loans and/or loan guarantees for the refinancing of outstanding SBA, EDA or conventional business loans and for the financing of new loans. This provision appears similar to that contained in the Committee's proposal.

3. *Preferential Federal Purchasing:* The purchasing power of the federal government can be a powerful tool in terms of short-term support for a local area economy. When an economic emergency is declared for an area, there should be a provision whereby

bid price differentials or set-asides are established for the duration of the emergency.

CONCLUSIONS

State and local governments are severely limited, financially and otherwise, in their ability to respond to economic emergencies. Capital programming can be reviewed and, where possible, accelerated. Lesser priority programs can be reduced or eliminated. Taxes can be increased and short-term measures taken to balance budgets.

Beyond these steps, however, we find that we must turn to the federal government for further assistance. Our experience in this regard serves, I think, to illustrate the need for such a program as is being discussed here today.

Over a year ago, various city, county, and state leaders first approached federal officials to seek assistance in responding to our economic emergency. Further, city, county and state officials joined with the Federal Regional Council in a first-of-its-kind effort to identify what could be done by the federal government. That HELPS task force produced a report directed to the President and the Office of Management and Budget. While the HELPS task force was well received and its recommendations acknowledged as responsible and productive, there has been only moderate response to date.

This is not to suggest that the lack of federal response is the fault of any particular individual or agency, but rather it is a case where the federal government is not now organized to respond. No individual or agency is now in a position to really address such problems. Accordingly, legislation providing emergency economic relief quickly, without excessive red tape, is urgently needed.

I note that if the act we are discussing had been in effect at the time that the State of Washington entered into its economic emergency situation, its provisions would have been triggered as of June of 1970. That is, the entire state, based on its unemployment statistics, would have been eligible as of that date. Were assistance to have been initiated at that time we would not only find ourselves in a much better situation at this time, but we would have expended substantially less waste motion and energy in attempting to seek assistance when, in fact, there was no real apparatus there to provide it.

Mr. BAKER. Mr. President, I have listened with great interest to the very competent remarks of the distinguished junior Senator from New York and his critical appraisal and very acute observations with respect to this bill. I have great sympathy for his point of view. I think there is a great deal to be said for the more restrictive application of this language.

Obviously, that is semi-self-serving, since it was incorporated in the bill which I first introduced. I only rise to say that I am sympathetic to this point of view. I agree with the logic.

I urge, however, that whether this amendment is agreed to or is rejected, the urgency of the need is such that we need to proceed to the adoption of a bill. So whether this is added as the operative language for determining eligibility, or whether the bill as reported by a majority of the full Committee on Public Works is adopted, I think the bill is still a good bill in either case, and I urge its adoption.

In conclusion, I commend the Senator from New York, who throughout these proceedings has kept a close and attentive watch on the development of what I conceive to be a very, very important and innovative piece of legislation.

This final remark: The Senator's concern that this may become an area relief bill instead of an economic disaster relief bill is well founded if an assumption accompanies the observation that the designation of the areas, the communities, or the neighborhoods to be eligible under the act, in the discretion of the Governor and the President, who must concur in these designations, were so broad and pervasive as to take in areas beyond the scope of the act. That obviously is a possibility, and that obviously is within the discretion of the executive itself, and there is no way I can guess how the several Governors and the President will act in that respect.

But there is a safeguard, which is that the administrative agencies of government at the State and Federal levels will try to confine this act and the tools and techniques available under it to a fairly small scope, so that we can maximize rather than diffuse the available assistance.

Mr. BUCKLEY. Mr. President, I appreciate the observation of the Senator from Tennessee, and his eloquence and imagination, but I would suggest that it would be politically hard on a Governor not to start repairing every small area of economic depression brought to his attention, and passing the buck to the White House, where the mechanism envisaged by this bill would then be overloaded and clogged. This is precisely what the Senator from Washington warned us against. If the measure is so broad in its application that those in charge of sorting out the merits of one piece or another spend all their time sorting out facts and figures, they will not be able to respond with the speed which alone makes this a useful measure.

Mr. BAKER. Mr. President, if the Senator will yield further, I confess that the Senator from New York makes persuasive and impressive arguments in this respect.

I think we have spelled out the respective claims to merit of the bill as reported and the amendment of the distinguished Senator from New York, and I simply reiterate that whichever is passed, and whether the legislation be good or bad, I think we have made a step forward with either version.

Mr. BUCKLEY. Mr. President, if I may so suggest to the distinguished Senator from Tennessee, I would like to make one further observation on his urging speed.

I believe this legislation should be labeled for early action, but as a matter of fact it cannot be acted upon speedily, because the House of Representatives has yet to act on such legislation, with the result that no matter whether the Senate enacts its legislation before the recess or not, it will be some time after the recess before the House has had an opportunity to consider and act on the legislation.

The PRESIDING OFFICER (Mr. GRAVEL). Who yields time?

Mr. MONTOYA. Mr. President, I yield 5 minutes to the junior Senator from Washington (Mr. JACKSON).

Mr. MAGNUSON. Well, now, Mr. President, I wonder if the Senator would also yield to me, because Senator JACKSON and I have about the same statement, and if we could put them both in the RECORD—I will put mine in right after his; is that all right?

Mr. MONTOYA. I will yield 5 minutes, or whatever time he wishes, to the senior Senator from Washington (Mr. MAGNUSON) after the junior Senator from Washington has spoken.

Mr. MAGNUSON. Well, go ahead. I withdraw mine, and yield to the junior Senator, and then I will put mine in later.

The PRESIDING OFFICER. The junior Senator from Washington is recognized.

Mr. JACKSON. Mr. President, I want to announce my strong support for S. 2393, the Economic Disaster Relief Act of 1971, as reported by the Public Works Committee. I also want to express my deep appreciation to the chairman of the committee (Mr. RANDOLPH), the chairman of the Subcommittee on Economic Development (Mr. MONTOYA), and to the members of the Public Works Committee for their expeditious handling of legislation on this subject.

I point out that the able chairman of the full committee and the chairman of the subcommittee (Mr. MONTOYA), now in charge of the bill, visited the Seattle area and held hearings on the local economy while there. They know at firsthand the severe and specific problems being experienced in that region.

I compliment the chairman of the subcommittee, the distinguished junior Senator from New Mexico (Mr. MONTOYA) for the way in which he handled this measure. I also wish to express my appreciation to, among others, the able and distinguished senior Senator from Tennessee (Mr. BAKER) for his helpful comments and participation in the hearings in Seattle.

On May 5 and again on May 11, the senior Senator from Washington (Mr. MAGNUSON) and I introduced S. 1779 and S. 1832, comprehensive and far-reaching legislation to establish Federal programs for economic disaster area relief. Both of these measures were referred to the Public Works Committee and the pending measure, S. 2393, the Economic Disaster Relief Act of 1971, is closely patterned after the provisions of these bills.

The purpose of the Economic Disaster Relief Acts I authored was to authorize the President of the United States to declare areas of the Nation which meet certain economic and employment criteria to be economic disaster areas and to extend a meaningful program of Federal assistance to the people who live in these areas.

Hundreds of regions of the country—in my State of Washington, in Alaska, California, Connecticut, Massachusetts, and elsewhere—are currently experiencing critical economic downturns and millions of able-bodied American working men and women are out of work. They are the victims of a man-made disaster over which they had no control and which has had a more devastating economic impact on the people of this country than any natural disaster we have ever endured.

Special Federal authority is needed to respond to these special hardships. It is therefore appropriate that the Disaster Relief Act of 1970 be amended as pro-

posed in S. 2393 to provide the victims of recession and regional depressions, of inflation and unemployment, the benefits now available under Federal law when a natural disaster such as a flood or a hurricane strikes. The bill also provides new and imaginative benefits which are tailor made to deal with the individual problems and the personal tragedy which accompany unemployment and regional economic depression.

Mr. President, we are all familiar with the tragic statistics which document the rising unemployment and the spreading economic decline. The statistics bear grim testament to the need for prompt and bold action to get this Nation's economy moving again and to put people back to work.

Today's new statistics on continuing inflation are just the latest sign of calculated inaction and mismanagement by the administration. The Labor Department announced that the price index for all industrial commodities for the last 6 months rose at an annual rate of 4.7 percent, the sharpest jump in 15 years. This is inflation that eats away the reduced buying power of people out of work and on fixed incomes. This inflation is the second edge of the economic sword—brandished by an administration that has achieved record unemployment and record inflation at the same time.

But the statistics and the impersonal story they tell do not convey the real price the country has paid for the economic policies of the past 2 years.

The full story includes a lot of intangibles that never show up on the Department of Labor statistics that show 5½ million Americans out of work as of June 1971.

The full story is one of regional economic depression, of personal suffering, of hunger, of loss of self-respect and dignity, of mortgage foreclosures, repossessions, eviction notices, lack of proper medical care, and personal deprivation.

The full story is that the social welfare, economic, and full employment goals we have worked to achieve for the people of this country are being consciously lowered.

The full story is that an irreplaceable national resource in the form of trained engineers, scientists, and skilled blue-collar workers lies idle and forgotten while the Nation's cities, transportation systems, and natural environment continue to decline and degrade.

My State, especially the Seattle metropolitan area, has been severely hit by the economic downturn, by rising unemployment, by the lack of any Federal programs designed to prevent local economic recessions from growing into major regional depressions, and by the failure of the administration to use the tools and the programs which are available to deal with the disastrous and growing economic situation we face. Look at the record:

Since January 1, 1971, over 25,000 citizens in Washington have exhausted their unemployment compensation benefits.

Nationally. 495,200 workers exhausted regular unemployment benefits in the first 4 months of 1971 compared with 253,000 during the same period of 1970.

Total unemployment in Washington State in May stood at 164,000. That figure increased to 182,000 in June. Ninety-five thousand, or about half, were receiving unemployment compensation. Twenty thousand, however, had exhausted their benefits during the past 3 months. By early 1972 another 44,000 will have exhausted their benefits.

A total of 90,820 households in the State of Washington were receiving food stamps during the month of May—a total of 263,259 individuals.

Mr. President, this is a disastrous and tragic picture of deprivation and of human suffering. Similar situations exist in other areas all across the country.

Passage of the measure now before the Senate can go far toward alleviating the present situation.

Let me emphasize for a moment the growing problem of hunger. Traditional programs of food stamps or surplus commodities are not designed to help people, who have been unemployed for many months, who want to avoid complete poverty, who try to keep their house and their family intact.

The harsh fact is that thousands of new unemployed are hungry and cannot get food. They are hungry in Alaska, in California, and in Massachusetts. And hunger is a serious problem in Seattle. The Agriculture Department admits they have surplus food but they refuse to recognize the reality of the hunger in my State and in several other areas.

Every week church groups and Neighbors in Need serve food to over 8,000 people in Seattle who cannot buy or obtain food from any other official source. Major businesses conduct campaigns for food and voluntary contributions from their employees. And this despite the fact that King County has the largest dollar volume of food stamp business in the country today. The food stamp program is essential and helpful—but it is not coping with the severe scope of the hunger problem.

In this connection, Mr. President, I want to include in the RECORD the actual news articles published in the Seattle Times and Post-Intelligencer, which deal with this problem in some detail, and I think they tell a story which is rather appalling, to say the least. They include a list of fire stations and other food collection points totaling approximately 35 places.

I ask unanimous consent to have the news articles printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. JACKSON. My colleagues should also know that the council of governments for the Seattle area, the Puget Sound Governmental Conference, recently adopted a resolution asking the Secretary of Agriculture to expand food stamp and commodity programs to help alleviate the hunger situation. I ask that the letter by Mayor Uhlman, president of the conference, be printed in the RECORD.

(See exhibit 2.)

Third, I ask permission to reprint a recent newspaper column by Miner Baker, vice president of the Seattle First National Bank. This is an extremely cogent statement. It shows the true dimension of the economic disaster in the Puget Sound area and Washington State. It is an appeal for at least $500 million in immediate aid from the Federal Government. It is an analysis by a respected professional in one of the Nation's leading financial institutions.

(See exhibit 2.)

These are the reasons and the justification for special legislation to help ease the pain and the hunger of economic disasters.

Mr. President, I ask unanimous consent that S. 1779 and S. 1832, introduced by Senator MAGNUSON and myself, together with my statements on the bills, be printed in the RECORD.

(See exhibit 2.)

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

(See exhibit 2.)

EXHIBIT 1

HUNGER IN SEATTLE

(By Ray Ruppert)

The Capitol Hill station of the Neighbors in Need food program will not open at all tomorrow.

The food bank at 1703 14th Ave. was open from noon until 1:15 p.m. Friday and in those 75 minutes gave food to 103 families.

When the food supply was exhausted, about 80 families were turned away. Perhaps they will be able to get some food when the bank opens again on Wednesday.

This situation was not unique in the Seattle area, where the 34 food stations of the Neighbors in Need program are feeding about 8,000 persons a week.

The Capitol Hill experience was seen as further evidence that a serious hunger problem, considered only a temporary emergency eight months ago, is becoming long lasting.

Over at the Greenwood food bank on the Oak Lake Baptist Church, Lawrence Kabel got a sack of groceries for his family. He is an unemployed retired merchant seaman.

"At first I didn't believe that people in Seattle could be hungry," Kabel said. "But this is the poorest year I've ever had in my life."

Neighbors in Need food comes from the donations of friends and neighbors collected, for the most part, through churches.

If the stations were able to keep open full time, it has been estimated that they would be feeding 15,000 to 20,000 persons a week.

In addition, a free hot-dinner program at St. Paul's Lutheran Church has been providing a meal a day to about 45 persons. A similar program will begin tomorrow at Central Lutheran Church, providing a noon meal for the hungry on Mondays, Wednesdays and Fridays.

Meanwhile, in Washington, D.C., a federal official stood by his opinion that he was "hard pressed to believe that there is anybody suffering" because of hunger in Seattle.

Mary Louise Williams of the Red Cross recalled a foodbank user, a single woman who said, "My light and gas bill was behind, so I couldn't afford to buy food stamps. And I'm two months behind in my house note."

A man said his unemployment compensation had run out and he couldn't find work.

"If I don't beg—which I don't like to do," he said, "I would have to resort to violence because I'll do anything for my kids."

Seattle's hungry are persons who cannot qualify for public assistance or for whom public assistance is inadequate or who have had to use their meager cash to meet fixed expenses and cannot buy food.

THOUSANDS IN STATE HUNGRY; SEATTLE-EVERETT AREA WORST—MANY HAVE EXHAUSTED UNEMPLOYMENT BENEFITS

(By Robert M. Cour)

Hundreds, possibly thousands of Washington State residents, mostly in King and Snohomish Counties, are going hungry or face partially-filled dinner plates, a survey of public and private agencies showed yesterday.

And it's going to get worse in the fall when summer jobs, few as they are, and special programs are terminated, a high Olympia official said.

"I'm afraid the bottom is really going to drop out then," the official, who declined use of his name, said.

The Washington State Labor Council's research department showed statistics, taken from state figures, that 26,650 workers have exhausted all unemployment benefits.

About 15,500 had exhausted benefits as of April 1971. More than 2,100 have become ineligible since then. Moreover, the number becoming ineligible is decreasing, indicating that the state is running out of eligibles.

A spokesman for the State Department of Employment Security said some have found jobs, others may have left the state, a few have retired from the job market.

As of July 10, state jobless claiming unemployment benefits for the previous week stood at 102,134. In the Seattle-Everett area, 56,246 jobless claimed benefits for the same period.

State officials estimated Washington's jobless at 163,900 for May, the last complete data available. This is 11.7 per cent of the work force.

The Seattle-Everett area's jobless for the same month was at 87,100 or 13.9 per cent of available workers, a statistic not approached since the depression of the 1930s.

News that the Nixon Administration's Agriculture Department would not make surplus food available to Washington State residents also came as a blow to welfare recipients.

Dean Morgan, executive assistant to director Sidney Smith of the Division of Public Assistance, said that 63,949 family units were receiving money grants in King County, a figure that is remaining "fairly constant."

Food stamps, on the increase, now are being sold to 80,515 persons in King County, about half with money obtained from the money grants. Another half buy with pension money, family help and other income, usually small, the department estimates.

Of the money grants to King County recipients, 45,106 are to families with dependent children (AFDC); 5,778 to elderly; 7,035 to the disabled and the remainder to various needy, including the blind.

Morgan said the department estimates that about 50 per cent more state residents could be receiving food stamps but have not applied for various reasons, mostly pride.

Hal Perry, administrative coordinator for "Neighbors in Need," said the program, backed by hundreds of churches of all denominations in the Seattle area, is feeding 8,000 persons a week.

In April, only about 5,000 weekly came to district centers for food.

HUNGER—EMPTY STOMACHS NOT ENOUGH PROOF FOR U.S. OFFICIALS

(By Ray Ruppert)

Belief that there is hunger in the Seattle area is almost an act of faith.

It rests upon things unseen more than upon objective evidence and upon the testimony of people who say they are hungry but whose experience cannot be measured or weighed.

Those who have labored to give out food through the Neighbors in Need food banks for seven months are believers, accepting the witness of the embarrassed, reluctant people who come for food.

But officials in the federal Department of Agriculture are skeptics, unwilling to accept subjective evidence and looking for the statistical reports on the number of empty stomachs here.

And this conflict of belief vs. disbelief is really what is behind the Agriculture Department's refusal to allow distribution of surplus commodities in the Seattle area.

Why do volunteers accept hunger as a fact and why do some federal officials doubt it? The answer may be found in their opposite approaches to people who say they are in need.

The Rev. Alan Ward, a minister on the staff of the Ecumenical Metropolitan Ministry, sometimes paraphrases the Bible. Christ said (Matthew 7: 9): "What man is there of you, whom if his son asks bread, will give him a stone."

Mr. Ward puts that in his own words in advice to the food-bank volunteers: "Don't hand the folks a rock; feed them."

This means that any person who comes to a Neighbors in Need food bank and says he needs food is given food—if there is food to be given.

On this basis, the 34 food banks in the Seattle area are now providing food to an estimated 8,000 persons a week. This is based upon a schedule of 2½ hours a day, three days a week.

Mr. Ward estimated that if the banks were open five days a week, as they were in the beginning in November, 1970, they would be providing food to 15,000 to 20,000 persons a week.

What happens to those who are turned away?

"A lot of people are eating nothing but slices of toast," the Rev. Harold O. Perry of the Fellowship of Christian Urban Services said.

More than half of those getting food are on some kind of government-aid program—public assistance, food stamps and so forth—which they find inadequate.

When the food banks give out, they get along with what they have or they ask neighbors or friends for food.

Mr. Ward said the basic philosophy of the food banks was based on a conviction that most people will not come after food unless they need it. The trouble of coming, the damage to personal pride, the limited food available all work against any extensive attempt at cheating.

Mr. Perry commented, "There are relatively few people who will cheat. It takes all the courage a person can get to come to a food bank. To demean him with administrative tricks is absurd."

Such a view is not compatible with most governmental programs based upon some kind of means test to establish through statistics, investigation, questionnaires and statements that a person is in need.

In effect, the entire Puget Sound area has been subjected in recent weeks to a means test by U.S.D.A. officials—and failed. That's why federal officials have taken an adamant stand against releasing surplus commodities here.

Northwest officials, including Gov. Dan Evans and the Washington congressional delegation, had attempted to get into the surplus-food warehouses through two doors.

One was a direct approach, using a change in the federal Food Stamp Act which allows a state to have commodity distribution and food stamps.

That change will become effective when U.S.D.A. regulations are published, perhaps next week, although it may take several more weeks to make adjustments in the department.

The other Northwest approach was through an amendment to the National School Lunch Act, providing $20 million for commodity distribution in areas which already have other federal food programs.

The man who barred both doors was Richard P. Lyng, an assistant secretary of agriculture. Lyng made it very plain on Thursday that the U.S.D.A. would not release surplus foods for general distribution here.

The new law is permissive but not mandatory as far as a dual operation in a state is concerned, Lyng told The Times.

"We have made the decision not to go on commodities," he said.

Behind this decision is a conviction that Washington now has an outstanding food-stamp program. Lyng called it "spectacular," noting that bonus stamps amounted to $6.6 million in fiscal year 1969 and were up to $44.2 million in fiscal year 1971.

The bonus is the difference between what the stamps cost the user and their money value in the grocery. That bonus varies according to the income of the family. Theoretically, it is the measure of the free food provided by the government to hungry people.

A sample of 100 families getting aid from food banks showed that 38 per cent had been getting food stamps but could no longer afford them. The cash was needed for other basic expenses.

Lyng said the department was "hard pressed to believe that anybody is suffering" because of hunger in the Seattle area. He said the administration recognized the area's economic situation but considered it an income problem rather than a food problem.

Lyng also said, "It's really not proper to solve an income problem through modification of what is already a good food program."

The new Food Stamp Law will provide free food stamps to those on the lowest rung of the economic ladder. A family of four whose monthly income is less than $30 will get $108 in free food stamps.

But the cost will go up at the other end of the scale. A four-person family with a monthly income of $350—a little more than unemployment compensation—will be able to buy $108 in food stamps for $95.

These people—the so-called "new poor"—in particular, might benefit from surplus-commodity distribution. They would be able to get $60 to $65 a month in surplus foods without putting out the $95 in cash—which probably is needed for a house payment and other fixed expenses.

In any case, no family would be able to get both food stamps and surplus commodities.

Under the law, the state would have to pay the administrative cost of food distribution. But The Times has been told that financial assistance might be available from the federal government if there were "a hard enough pitch."

This, however, has become somewhat academic as long as Lyng's position prevails.

Probably, only two considerations would change the decision.

One would be a reversal of government philosophy, founded, ironically, in the Protestant work ethic and the depression roots of feeding programs, that need must be proved objectively.

That's not likely.

But U.S.D.A. philosophy might be bent a little because of political pressure, since Lyng is responsible to his superiors in the White House.

But that, too, may be difficult. One of the reasons the U.S.D.A. is reluctant to release surplus commodities is a belief that this would make difficult the eventual shift to a family-assistance plan which President Nixon wants. The conversion from food stamps would be much easier.

And, meanwhile, belief that there is hunger in the Seattle area is almost like an act of faith.

SPELLMAN SEES NIXON AIDE ON SURPLUS FOOD

County Executive John Spellman yesterday said "innovation and continued negotia-

tions" apparently are the best tools to reach a middle ground in settling the dispute over release of surplus foods for the Seattle area.

Spellman met with Richard Lyng, assistant secretary of agriculture, in Washington, D.C., yesterday. He said they explored alternate solutions to the problem. Lyng had told Washington's congressional delegation Thursday that surplus commodities would not be made available here.

The County executive was called to the capital Thursday by Representative Tom Pelly "to discuss another matter."

During the conference with Lyng, Spellman said the reasons for the withholding of the surplus foods were discussed.

"I believe there may be some middle ground which will allow both food stamps and surplus commodities in our area", Spellman said. "That middle ground can best be reached by innovation and continued negotiations."

Spellman left the Capitol today for Milwaukee to attend the National Association of Counties convention. He will return to Seattle Wednesday.

LOOK HOW MANY ARE OUT OF WORK

(By Paul Andrews)

Tom Lile is a soft-spoken, driven man who has given most of his own time for eight months to the patchwork job of keeping the Greenwood food station of Neighbors in Need in operation.

He sat in the office of the Oak Lake Baptist church where the food bank is kept and flipped through a log of forms filled in by those who come for food.

"Here's one," Lile said. "A family of five. Applied for food stamps, It'll take at least a week for her to be processed . . .

"Here's another woman, a family of six, mother's been ill. Here's one, family of four, applied for welfare . . ."

In another room, Lawrence Kabel put down a sack of groceries he had been given and said, with a shrug, "I don't mind talking about it. Look how many people are out of work in Seattle."

Kabel, 50, is a burly unemployed merchant seaman who lives in the North End with his wife and 16-year-old son. He was hungry.

"I know I'm not alone," he said, peering through his glasses, "These food banks are really needed around here these days."

Kabel found out about the food bank through a friend. The Oak Lake Baptist Church in the Aurora Greenwood area is one of 34 local food-bank outlets.

Kabel has been to the food bank only twice. He will receive $35 a week until he becomes eligible in December for pension benefits. His wife works as a nurse's aide for $1.80 an hour.

"By the time I make the home payments, and the lights and heat, there's not much left," Kabel said. "I don't like to use the food bank, but every now and then you need a few extra groceries."

"I'm not convinced that people do realize the need," said Lile, moderator of the Oak Lake church and food-bank manager.

"If you figure that 15 per cent of the people of Seattle are out of work now, that still leaves 85 per cent who are insulated enough from the hunger around not to realize how much it exists," Lile said.

Like Kabel, most of the 100 or more persons who file through the line at the Greenwood food bank daily have come only two or three times before. "I had anticipated that there would be many repeaters, but there haven't been," Lile said.

Some recipients come only during a family crisis involving money or illness, he said. Others, sensitive to the unstated but real social stigma attached to hunger, undoubtedly avoid the food banks until their hunger overcomes their pride.

Still the demand remains great. Food banks in the Central Asia and University District continually run out of stock and are forced to close their doors, a situation the Greenwood outlet experienced for the first time last week.

"It's summertime, and the people who regularly contribute go on vacation for two or three weeks, so we don't get their contributions," Lile said. Fifteen Greenwood-area churches are "heavily involved" in contributing to the food bank along with some local food stores and service groups, he said.

But the shelves in the Greenwood food bank are sparsely stocked. There are signs with printed directions: "Please take only enough for your family for three or four days"; "These items are hard to get. Please take one only."

"We've usually operated here on the basis of letting people help themselves," Lile said. "But lately we've had to limit them to one of each type of item."

"Most people realize the limited supply of food and hesitate to take too much," he added.

"We get people in here all the way from college age to senior citizens," Lile said. "Middle-aged people, between 40 and 50, would probably be the majority group."

Many of those using the bank are waiting for the red tape to unravel in their applications for welfare or food stamps.

A food-bank staff volunteer commented: "You wonder what those people would have done without the food bank for all these months."

The hungry in Seattle are wondering the same thing.

STATE OFFICIALS BITTER AT SURPLUS-FOOD GIVE-AND-TAKE

(By Richard W. Larsen)

"Some people were playing politics with hunger," Gov. Dan Evans snapped in one of his frequent moments of frustration this past week.

The Nixon administration's decision on a hunger issue involving Washington State was "absolutely unbelievable," snorted Senator Warren G. Magnuson.

The issue: Should surplus food be distributed in this state for needy people?

It seemed like a question with an easy, humanitarian answer.

But as it was whipped through a transcontinental debate about laws and policies, the issue, question and answer seemed lost in a blur.

Puget Sounders, already in deep economic uncertainty, were lowered further into new bewilderment.

The action began with a request from some Democratic legislators that the governor do something about hunger. Food programs, Evans replied, were a federal matter.

The state's congressional delegation, led by Senator Warren G. Magnuson, focused on the problem of hunger and examined federal programs for food distribution.

Magnuson has immense political clout on Capitol Hill and his specialty is thumping agencies into action. So Magnuson set up a conference in his office, summoning top Department of Agriculture officials to talk over the facts about food programs.

Nearly all the state's congressional delegation showed up. Their objective. Find, then push the button to activate a special new $20 million national program of commodity distribution—free surplus food for needy Washingtonians.

They expected success.

Hours earlier Governor Evans, in Jackson, Wyo., for a governors' conference, said he had been told such a program could be started within days. His source was Assistant Secretary of Agriculture Richard Lyng.

Lyng was the federal administration's spokesman at the Magnuson meeting. It was scheduled for 15 minutes. It simmered, then heated through an hour and 15 minutes, finally ending in a boilover of exasperation.

Magnuson and the congressmen focused on a new law in force since June 30: the so-called Hart Amendment, named for Senator Phil Hart, Michigan Democrat.

In its usual technical language, the law authorizes use of $20 million in so-called "Section 32 Funds" to carry out "in any area of the United States, distribution or other programs, without regard to whether such area is under the food-stamp program, or a system of direct distribution . . ."

Also, the law directs that the program provide ". . . an adequate diet to needy children and low-income persons determined by the secretary of agriculture to be suffering, through no fault of their own, from general and continued hunger. . . ."

It also says the federal government may pick up the tab of administering the program—a big item for the budget-squeezed state, counties and cities.

The Hart amendment program has another special value: it allows a foodstamp program and a food distribution program to go on simultaneously in one area. That duality previously was forbidden in law.

Washington has a food-stamp program. Thus it was ineligible previously for a commodity distribution program.

Lyng told the congressmen that a federal nutrition official from San Francisco had visited the Puget Sound area. He saw economic trouble, Lyng said. But he added, "We have yet to have anybody substantiate that the food-stamp program fails to meet the problems."

"In the State of Washington we have what is probably the outstanding state food-stamp program anywhere," Lyng said.

Recipients prefer food stamps. The stamps can be used for shopping in most food stores, to buy all foodstuffs. The selection is better. The nutrition is better.

The surplus-commodity program, though free, is limited only to those commodities in the federal stock at the time.

But, Magnuson wondered, why not use the Hart Amendment authority? Giving out surplus food could help those middle-class unemployed of Seattle—those whose income has diminished, but still is not low enough to qualify them for the bargain-basement food-stamp program.

The assistant secretary cited budget problems: Section 32 money—source of the Hart Amendment's $20 million—is limited. Most of it already is committed to other food programs.

If a special program were started in Washington—and Lyng repeated it really wouldn't offer much help beyond food stamps—a precedent would be set.

And the $20 million—a "drop in the bucket" nationally, he added—would evaporate quickly as it began moving into other pockets of distress.

Lyng thought the intent of the Hart Amendment was to expand a special feeding program for such recipients as expectant mothers and infants.

Magnuson and his congressional colleagues replied that the law is broader. It talks about "persons."

Men are out of work. Paychecks stopped. Savings accounts dwindled. Mortgage payments or rent continue, along with other living costs. Many families are caught in that set of problems and they could be helped by food distribution. Representative Brock Adams, Seattle Democrat, said.

The delegation argued: 1. The legal authority is there; 2. The money is there; 3. There is a need for the program in the state.

With tempers rising, there was talk, too, of a new law, which probably will come into operation within days.

It will, for the first time, allow dual programs: Food stamps and the general national surplus-commodity program will be allowed in the same area. (A household, however, cannot receive both stamps and free food.)

That offers an even more broadly funded program than the Hart Amendment program. To participate, though, this state would have to be certified by the secretary of agriculture.

But Lyng said Washington would not be certified for that program, either.

An angered Magnuson asked Lyng if he were laying down an interpretation of the law.

Or, Magnuson asked, "Is this a policy decision?"

Lyng replied it was a policy decision.

There was no yielding, no political salving, no suggestion that it would be taken under consideration. It was a flat "no".

Magnuson and the congressmen seethed. Then concluded that the Nixon administration again was denying the ailing Puget Sound area.

After the meeting even Representative Thomas M. Pelly, of Seattle, the lone Republican in the congressional delegation, criticized the decision. Lyng's performance, he said, was "just awful."

Meanwhile in Wyoming, The Times informed Evans of the decision. He, too, was angered. Already that week he had had a spat with the administration: He complained Tuesday that with the state bleeding economically, the administration was offering "Band-Aid treatment." Now this!

Evans telephoned Lyng. There was animated conversation.

Afterward Evans told The Times that Lyng had taken full responsibility for the change in decision—the turnaround after Lyng's earlier prediction there would be a food-distribution program.

In controlled tones, Evans said the Department of Agriculture was showing a reassuring concern about the well-being of the nation. But, he added, his state seems to be in the federal blind spot. "We simply have to have unusual response for unusual circumstances," Evans said.

Evans vowed to talk with Secretary of Agriculture Clifford Hardin. Lyng may have been announcing the department's policy. But perhaps the governor could get it turned around, Evans reasoned.

"It seems ironic to me that here we have surplus commodities . . . and we have people who could readily use them . . . Somehow the system is so inflexible that they can't put the two together," Evans said.

That issue has been raised often.

The surplus commodity program—based on the "Section 32 fund"—traditionally has been used to stabilize the farmers' market.

If a commodity becomes a surplus, causing price trouble, the fund money may be used to buy the farmers' surplus.

Use of the food to feed people—the hunger question arose as a major national political issue only in recent years.

The Section 32 Fund gets its money largely from Customs revenues. The fund this fiscal year is estimated to be at $800 million. Most of that money already is committed to feeding children and other special programs.

The fact that the program is operated by the secretary of agriculture, rather than the secretary of Health, Education and Welfare, suggests that it is not geared to be responsive to hungry people, Adams pointed out.

Lyng seemed worried that, with two programs in the state—food stamps, plus distribution—there would be recipient cheating, Adams said.

That would be "a minimal problem," Adams added. "Suppose they get instances where people get both stamps and free food—and I don't think that would happen often—why is that so bad when it's balanced against the fact that you'd get food to people who need it?"

"These guys have got an iron wall down . . . They are in the commodity-stabilization business," Adams said.

Can Washington's hunger be proved?

"I think there has been exaggeration by some of the hunger problem," Evans said. But he said there is no doubt about the need of food: The statistics of welfare, of persons who exhausted unemployment-compensation benefits, are abstract evidence; the people who show up to stand in line for food at voluntary food banks are visual proof.

Evans was putting together such evidence to use in his appeal against the Department of Agriculture decision.

[From the Seattle Times, July 19, 1971]

SEATTLEITES, TAKE HEART: "THINGS ARE BAD ALL OVER"

(By David Ammons)

OLYMPIA.—When seers or economists speak of Washington's ailing economy, attention usually focuses on the Seattle-Tacoma-Everett area.

But state officials say, "Things are bad all over.'

There are isolated pockets of prosperity but also places with even greater depression than in the Puget Sound region.

"While conditions remain most severe in the Seattle-Tacoma-Everett area, other areas around the state have also experienced a pronounced slowdown in 1971 and employment levels have dropped in almost all labor market areas," said William E. Bruner, chief economic analyst for the Department of Commerce and Economic Development.

Bruner said aerospace is only part of the state's economic headaches.

He said nation-wide slowdowns have softened markets for Washington manufacturers who rely on other states for 50 percent of their sales.

Ron Wallers of the Employment Security Department said:

"The seven key labor-market areas we study are all showing large jumps in unemployment over 1970, and that was a bad year."

While Puget Sound-area unemployment jumped nearly 5 percent over last year, the state total increased nearly 4 percent.

The Anacortes-Mount Vernon area reported greater joblessness than in the Seattle metropolitan area, and the Tri Cities was close behind.

Bruner said the hardest-hit industries, excluding aerospace, have been lumber and wood products and metals and machinery.

Tourism, the state's third largest industry, also is down.

"There are fewer out-of-staters coming and people are doing more camping," said Henry Pearson of the Tourist Promotion Division. "Some hotel-motel people say conditions are severe."

One bright note is agriculture.

"Barring late-season setbacks, the outlook is for the largest agriculture production total in the state's history," an Agriculture Department spokesman said. "The total could reach $950 million, compared with the previous high in 1970 of $898 million."

There are few other bright spots among the dismal ones, Bruner said, but "Bellingham, Spokane and the Clark County area are holding their own quite well despite high unemployment."

Of the three, Spokane had the lowest unemployment rate, 8.7 percent, with Bellingham's put at 10.1 and Vancouver's at 10.

State officials said recovery generally will be slow, not coming before next year at the earliest in many cases.

IT'S OFFICIAL: NO SURPLUS FOOD FOR WASHINGTON

(By Richard W. Larsen)

The United States Department of Agriculture confirmed today that no surplus-food distribution program will be authorized in the state.

Richard Lyng, assistant secretary of agriculture, announced in Washington new regulations on the nationwide food-stamp program. Although the new program for the first time also would allow surplus commodities to be distributed in an area that has a food-stamp program, Lyng said this won't be done.

Lyng predicted last week that such would be the department's policy. The prediction provoked angry reaction in Washington's congressional delegation.

Senator Warren G. Magnuson today called the department's action "intolerable." Magnuson testified before the Select Committee on Nutrition and Human Needs.

Gov. Dan Evans implied today that he has given up hope of changing the minds of anyone in the Department of Agriculture. He told a press conference he will talk with other administration officials to seek a policy change. Evans repeated that he plans to travel to Washington, D.C., but he didn't say when.

Lyng today outlined new program regulations that for the first time allow free distribution of food stamps. A family of four, with income of $30 a month or less, will qualify.

But the cost of food stamps will rise for families that have higher incomes. A family of four, with an income of $360 a month, previously could purchase $105 worth of food stamps for $82. Now that family will be able to buy $108 worth of food stamps for $95, Lyng said.

Lyng today officially stamped as U. S. D. A. policy the statement he made at last week's stormy meeting with Magnuson and the state's delegation in the House of Representatives:

There will be no "duality." No area will be certified for free-food distribution if it has a food-stamp program. Washington has a statewide program.

Lyng said there is not enough money in the federal surplus-commodity budget to allow such a broadened program.

He added: "There is tremendous cost in setting up food-distribution facilities, which would have to be borne by the state." He estimated it might cost the state $1.25 million to administer such a program, an amount the state can't afford.

Magnuson said today, "We all know the food-stamp program is not providing enough assistance to all those in need of it and it will not be able to do so as long as unemployment and inflation continue to mount."

Lyng made his comments during a press briefing in which he outlined the administration's new food-stamp policies. The administration backed off from a plan proposed in April to cut off 275,000 higher-income welfare families. Instead it reduced the stamp benefits to them.

The revised proposal will implement a new law passed by Congress late last year. Barring further hangups, officials expect most states and counties to have the new plan in operation by early 1972.

At present anyone on welfare in participating counties is eligible for government food stamps. In April, under new uniform national income standards proposed by the Agriculture Department, many persons in states with larger welfare payments would have been cut off.

Now all welfare people will be eligible for stamps regardless of their cash welfare benefits.

Other provisions, relating to elimination of food stamps for hippie-type communes and other unrelated groups living in the same household, will be retained.

A controversial work requirement forcing able-bodied adults to register for and accept jobs in return for food stamps was retained. It was clarified to allow exemption of persons whose health and safety would be jeopardized by work.

PUGET SOUND
GOVERNMENTAL CONFERENCE,
Seattle, Wash., July 12, 1971.

Hon. CLIFFORD HARDIN,
Secretary, U.S. Department of Agriculture, Washington, D.C.

DEAR SECRETARY HARDIN: The Puget Sound Governmental Conference, an association of elected officials in the central Puget Sound region (population approximately two million) unanimously passed the following resolution at the full Conference meeting on July 8, 1971:

"Resolved: To call upon the Secretary of the United States Department of Agriculture to declare this region an economic disaster area to make it eligible for any and all emergency relief programs at the federal government's disposal, and, particularly, to enable jurisdictions of the region to qualify its residents for food stamps and surplus commodities programs concurrently."

The context for this resolution is a growing frustration with government on the part of many communities in this region, especially related to certain federal regulations controlling a diversity of food, health and other welfare assistance programs. The experience of the past few months is that many of these regulations actually work at cross-purposes with the response of government to human need. The above resolution seeks to overcome but one of many obstacles to real-world assistance.

The situation in this region has reached critical proportions. The region is facing serious problems in unemployment (primarily due to cutbacks in the aerospace industry), and is already experiencing wide-scale effects on the welfare and morale of many citizens. Local agencies and groups have attempted to respond to a part of this growing need through establishment of food banks, but resources are limited and people are wearing out. The church-supported "Neighbors in Need" program alone has provided free food to an estimated 170,000 people in the past six months.

Due to the critical urgency of our situation, we trust you will give this matter immediate attention.

Sincerely,

WES UHLMAN,
President.

I WISH I'D SAID THAT
(By Miner H. Baker)

The other day I undertook to field half an hour of questions on KIRO–TV about the state of the local economy. It was flattering to be the focus of such attention, but more than a little disconcerting. It seemed that my comments came off as negative, and I was painfully aware of the things I failed to say. Spontaneous and unrehearsed is the format for a lively program; it is not the best way to state precisely what you mean.

Basically my hang-up as an economist is the conflict between telling it like it is and telling it like I see it can be. The *can be* is what people want to hear. They need to hear it, too, because this community needs some ray of hope. It would be cruel self-deception, however, to keep searching each month for a turning point which all logic dictates cannot take place this year. We cannot ignore the hole we are in, not talk our way out of it; better, then, to recognize its full dimensions and seek programs which are big enough to fill the need.

There is no turning point in sight because there is no prospect of Boeing bottoming out. At least another 10,000 workers are scheduled to be released by year-end. There likely will be some modest gains in other manufacturing, but not enough by a long shot to prevent a further shrinkage of the economic base. This means also further losses in secondary employment—trade, services, utilities, and construction. Things will get worse at least for several months before they begin to get better. Moreover, the losses are so severe that it will require years rather than months of normal growth to restore a sound economy. Unemployment has climbed to 15 percent in the Seattle area, and as many as 25,000 claimants will shortly be exhausting even the second extension of their benefits. The welfare roles have doubled during this period of economic distress and the number of food stamp recipients has quadrupled.

It is quite true that there are a number of indicators on the Seattle scene which do not reflect the full measure of our distress. It is also true that the situation has been overstated by the *Wall Street Journal*, the London *Economist*, and other outside observers. The overwhelming fact remains that we are losing buckets of blood and it is not within our own power to staunch the flow. It is time—and past time—that the other Washington recognize this unique state of emergency and marshall the full resources of the Federal government toward our recovery. If "economic disaster area" is the description which will set the wheels in motion, so be it!

A few words about local programs. We have in Seattle a new Economic Development Council, building on the foundation of the Seattle Area Industrial Council. The city has established an Office of Economic Development. The county has joined with three other counties to set up a Puget Sound Economic Development District. Too often the man in the street sees these efforts as competitive and politically inspired. Not so, except in the sense that both our governmental and business leaders recognize the need for action. Out of the prolonged and earnest discussions of the past year or more has come a practical cooperation at the working level on a series of programs to broaden the economic base. These include development of the lower Duwamish as an industrial sanctuary, the headquarters city program, entrepreneurial assistance, tourist promotion, attraction of foreign capital, and a dozen others.

All of this is sound in the long term; none of it will do much good in the short term. The Governor also made some proposals to the legislature—Jobs Now and Washington Future. They would have borrowed against the prospective income from a new and unpopular source of revenue, a sales tax on gasoline, in order to undertake spending programs which could not possibly be financed out of existing revenue sources. The proposals failed of adoption, which is unfortunate. One must recognize, however, that the ability of the state to lift itself by its bootstraps is limited. The state must live within its means. The Federal government, with fantastically greater means to begin with, quite properly is also able to spend more than it takes in when circumstances require it.

What could the Federal government do, then, if it recognized Seattle as a unique and desperate situation? It could lift us out of the strictures of existing Federal programs which are giving us dribbles of assistance where we need torrents. First of all, the stabilizers. Unemployment compensation was extended once by act of Congress. It was extended again by the State legislature. Now it needs a further substantial extension, financed from the Federal treasury because the state's unemployment trust fund is shrinking rapidly. Similarly, public assistance, which depends on a series of matching fund programs; right now the state needs help in meeting its own share, without which the matching funds are not available.

Unemployment compensation and public assistance admittedly are palliatives instead of cures. They relieve immediate distress, they buy time, and they hold the social fabric together. But they do not rebuild the economic base. How do you do that? Boeing itself is making a major effort to diversify—hydrofoils, computer services, transit equipment, systems management. It requires a great effort to ferret out these possibilities, and in most cases the market initially—in the developmental stage—is government. In my opinion, instead of—or in addition to—Boeing devoting its own effort to seeking new markets, government should be coming to Boeing, checkbook in hand, asking: "What can you produce which will both contribute toward national priorities and put people to work?" I am persuaded that the talents of the Boeing organization and the Boeing unemployed can be used for other things than building aircraft. They can make a substantial contribution to air and water quality control, urban transportation, housing, and other programs on which the nation knows that it is going to spend billions eventually but which are currently starving for funds.

Let me clarify two points. First, I do not suggest that this be a bail-out or a bonanza for The Boeing Company. The effort would be designed to help the area and the nation, not the company. The return to the contractor should be modest, and Boeing is in the picture only because Boeing is here. If Boeing cannot find ways to use the facilities and manpower in this area, then other contractors should have that opportunity. Second, one must examine such a spending proposal—because we are talking about a lot of money if it is to be effective—against the national concern with controlling inflation. In this case we would be putting idle resources to work. Production would increase by at least the amount of the expenditure. That is not inflationary. It is common sense.

This is likewise not a proposal to subsidize the Seattle area at the expense of the nation. Seattle can produce more than enough to pay its way if the mechanism is activated to use its resources. If not, the nation is sooner or later going to be supporting a substantial share of our residents regardless, at some level. Meanwhile, we need also a massive training and relocation program, much larger than those now available. We cannot expect, even with outside help, to employ here all of those who have been released from the aerospace industry.

If you add together the proposals for Federal funding of unemployment compensation and public assistance, for employing idle facilities and manpower, and for training and relocation, plus a major acceleration of public works, you are talking about expenditures of hundreds of millions of dollars, probably at least half a billion. Three observations about this: 1) some substantial portion of that sum will have to be spent regardless; 2) the magnitude is not preposterous; this area has roughly 1 percent of the nation's population; if the nation were suffering from a 15 percent unemployment rate we would not hesitate to spend 100 times half a billion dollars, or 50 billion, to get it back on track; and 3) there is no place the money could be spent with less inflationary impact.

What about present Federal programs? They are just not designed for a problem of this magnitude. The work supplement program touches a fraction of the unemployed. Training and relocation may get us $5 million where we need $50 million. The entire national budget of the Economic Development Administration is less than the amount needed in the Puget Sound region alone. There must be a new start and a new sense of urgency about the special problems of this area.

Someone may say that this cry for help is selling Seattle short. As one who loves this city dearly, I do not think so. We can complain all we like about projecting a poor image, but vanity should not deter us from seeking the sort of help and the amount of help which ought to be forthcoming in an unprecedented situation. Beyond this current crisis, but quite some distance beyond it, I

believe that we have a bright future. This is so largely because of the very circumstance which occasions most of us to prefer this as a place to live. We have perhaps the finest environmental quality in the United States, and an active determination to preserve and enhance it. This increasingly is going to be a factor in attracting the types of employment opportunities which will diversify our industrial base. Our civic efforts are pointed in that direction. But the payoff will not be tomorrow nor even next year. Right now we need help and lots of it. This *is* an economic disaster area.

[From the CONGRESSIONAL RECORD, May 5, 1971]

EXHIBIT 2

ECONOMIC DISASTER RELIEF ACT OF 1971

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 1779. A bill to amend the Public Works and Economic Development Act of 1965, as amended, to establish an emergency Federal economic assistance program, to authorize the President to declare areas of the Nation which meet certain economic and employment criteria to be economic disaster areas, and for other purposes. Referred to the Committee on Public Works.

Mr. JACKSON. Mr. President, I introduce for appropriate reference the Economic Disaster Area Relief Act of 1971.

The purpose of this measure is to authorize the President of the United States to declare areas of the Nation which meet certain economic and employment criteria to be economic disaster areas and to extend a meaningful program of Federal assistance to the people who live in these areas.

Mr. President, hundreds of areas of this country are currently experiencing critical economic downturns and millions of ablebodied American working men and women are out of work—not by accident or by some freak chance of fate, but because this administration planned it that way. They are the victims of a man-made disaster that has had a more devastating economic impact on the people of this country than any natural disaster we have ever endured.

The record on this matter is very clear to anyone who wishes to read it. The high interest rates of the past 2 years, the veto of the Public Service Employment Act last fall, the failure to institute wage and price guidelines, the freezing of funds appropriated to meet critical social needs, the virtual "no new starts" public works policy, and a whole range of other actions by this administration make it clear that today's unemployment and economic problems have been created by a series of conscious choices on the part of the administration.

Many of these conscious policy choices have been made in the name of fighting inflation. Inflation is a matter of great concern, but the policies adopted to date and the cures which have been proposed are threatening to kill the patient. This administration has dealt with inflation by the single-minded expedient of creating the highest levels of unemployment in 9 years to choke off consumer demand.

The tragic results of the administration's failure to take positive action to relieve economic stagnation and to reduce unemployment are obvious. Look at the statistics for March of this year:

Unemployment again reached 6 percent, leaving 5½ million people out of work. This is double the number of persons unemployed in February 1969.

Five major labor areas were added to the substantial unemployment list, bringing the total number in that category to 50, the highest level since 1962.

Sixteen of the 150 major labor areas have unemployment rates of 9 percent or more.

Five major labor areas have unemployment rates exceeding 11 percent.

Mr. President, these statistics do not tell the full story. The full story is one of regional economic depression, of personal suffering; of loss of self-respect and dignity, of mortgage foreclosures, repossessions, eviction notices, and personal deprivation.

The quality of family life in this country, the standards of social welfare and economic security we have worked to achieve for the people of this Nation are consciously being eroded as a matter of administration policy. An irreplaceable national resource in the form of trained engineers, scientists, and skilled and blue-collar workers lies idle and forgotten while the Nation's cities, transportation systems and natural environment continue to decline and degrade.

Mr. President, the highest duty of the Federal Government is to promote the general welfare, the security, and the well-being of our citizens. This duty is not only being neglected, it has been repudiated. Instead of a national commitment to a policy of full employment, high productivity, and a rising standard of living, we have a Presidential commitment to policies which have created intolerable unemployment and economic disaster areas in many regions of the country.

Last year the Congress adopted a Comprehensive Disaster Relief Act to provide a comprehensive and coordinated Federal response and assistance program to areas stricken by natural disasters such as hurricanes, earthquakes, and floods. This act provides that when a natural catastrophe strikes which, "in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government," the President may make a wide variety of programs of Federal assistance available to the people of that area.

The U.S. Government recently invested over half a billion dollars through various disaster relief programs to help alleviate the effects of the earthquake in California. This was a very laudable and justifiable investment. In my view, the employment and economic disaster brought into being by this administration is surely deserving of at least the same kind of response we extend in times of natural disasters.

The measure I am introducing today, the Economic Disaster Area Relief Act of 1971, is designed to do just that. The act recognizes that the personal suffering caused by fiscal and monetary policies which result in high levels of unemployment and a stagnant regional economy cannot be distinguished from the personal suffering caused by natural disasters such as floods, hurricanes, and fire.

The bill would amend the Public Works and Economic Development Act of 1965, as amended, by adding a new title VI. The bill provides for the following:

First. Establishes in the Executive Office of the President an Office of Economic Aid to Depressed Areas.

Second. Sets forth procedures for Presidential designation of economic disaster areas eligible for assistance under the act. An area is eligible for a wide range of assistance under the act when the President determines; that the area is experiencing or is likely to experience unemployment rates in excess of 6 percent; that unemployment has increased by 50 percent within a 1-year period; that the area's economy is adversely affected by changes in Federal policies; or that an area is experiencing critical economic conditions and would benefit from assistance under the act.

Third. Provides that a Federal coordinating officer shall be designated to coordinate the administration of Federal grant-in-aid programs and the special economic recovery programs established by the act. The Governor of the State in which the designated area is located is required to appoint a State coordinating officer to work with the Federal officer.

Fourth. Mandates the assistance and cooperation of other Federal agencies in the development of a coordinated and tailormade plan of assistance designed to target in on the achievement of economic and employment objectives.

Fifth. Authorizes the reprograming of appropriated funds within an area to attain a better focus on economic revitalization.

Sixth. Allows the modification and waiver of procedural and administrative requirements which impede the granting of timely assistance through existing grant-in-aid programs.

Seventh. Establishes a $2,000,000,000 Federal Economic Recovery Fund to provide direct recovery assistance. The fund is not categorical and revenues may be used for unrestricted grants to States and local government, to enlarge existing grant-in-aid programs, for loans to prevent mortgage foreclosure and repossession, for housing, relocation, and unemployment assistance, and for such other forms of assistance which will best meet the needs of local residents. The fund is designed to provide an immediately available, unrestricted source of revenue to be used to deal with pending or existing economic disasters in any region of the country. Maximum latitude is granted to the President and the Director of the Office of Economic Aid to Depressed Areas to establish priorities and develop assistance programs to rejuvenate local economics and to create new employment opportunities.

Eighth. Requires each State to develop full employment and economic recovery plans for guidance in dealing with future regional recessions and unemployment problems. Among other things, the State plan must include an up-to-date continuing status report on all public works projects—planned and under construction—which could be accelerated by funds made available under the act.

Ninth. Provides for a gradual phasing out of assistance made available under the act when the goals of economic recovery have been attained.

Tenth. Prohibits discrimination in the allocation of benefits made available under the act, and authorizes the Director of the Office to issue such regulations as are necessary to implement the act.

Mr. President, the Economic Disaster Relief Act of 1971 is designed to do three things which are not being done today: First, to give the President the tools and the money to undertake early action to prevent local economic recessions from growing into major regional economic depressions. Second, to provide a program which will enable areas already experiencing high unemployment rates and stagnant economic activity to put skilled people back to work. Third, to provide a compassionate and humanistic program of Federal aid to unemployed persons which will enable them to weather an economic downturn without having to suffer the calamity of a mortgage foreclosure, eviction and repossession of personal goods. The act also provides housing assistance and funds to buy essential food products, and authorizes the President to provide unemployment assistance to individuals whose workmen compensation benefits under State law have expired.

Mr. President, the Senate Public Works Committee has scheduled a hearing for May 12 on legislation of this nature. I invite other Members of the Senate to join with me in sponsoring this measure and in urging the Public Works Committee to incorporate this measure in Conference Committee as a new title to the Senate-passed bill S. 575, to extend the Appalachian Development Act.

Mr. President, I ask unanimous consent that the text of the bill together with the

text of a statement I filed with the Public Works Committee at their hearings in Seattle on April 14 be printed at this point in the RECORD, and I also ask unanimous consent that a statement prepared by Senator MAGNUSON be printed in the RECORD.

S. 1779

A bill to amend the Public Works and Economic Development Act of 1965, as amended, to establish an emergency Federal economic assistance program, to authorize the President to declare areas of the Nation which meet certain economic and employment criteria to be Economic Disaster Areas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Disaster Area Relief Act of 1971."

FINDINGS AND DECLARATIONS

SEC. 2. (a) The Congress hereby finds and declares that—

(1) the human suffering, the loss of income, the dislocation of families and the national economic loss caused by regional unemployment and economic downturns is a matter of critical national concern;

(2) the personal suffering caused by fiscal and monetary policies which result in high levels of unemployment and stagnant regional economies cannot be distinguished from the suffering caused by natural disasters such as floods, hurricanes and fire, and

(3) there is a direct Federal responsibility to provide economic disaster assistance to individuals in regions of the country experiencing high unemployment and faltering economies to enable them to maintain their residences and to support their families without the human degradation, the loss in self respect and the decline in confidence in the American government which are caused by persistent unemployment, mortgage foreclosures, evictions, repossession and bankruptcy.

(b) It is the purpose of this Act to authorize the President of the United States to provide a direct program of Federal assistance to individuals, the States and to local government to alleviate the wasteful economic disruption and loss resulting from regional economic disasters by—

(1) establishing within the Executive Office of the President an Office of Economic Aid to Depressed Areas;

(2) providing for a coordinated Federal response;

(3) authorizing extension and, in some cases, forgiveness of all or part of obligations due the Federal Government; and

(4) waiving certain administrative and procedural requirements of Federal programs to facilitate an early and coordinated program of relief.

SEC. 3. The Public Works and Economic Development Act of 1965, as amended, is further amended by adding a new Title VI and by redesignating and renumbering subsequent Titles and Section numbers as appropriate:

"TITLE VI EMERGENCY ECONOMIC DISASTER AREA RELIEF

"OFFICE OF ECONOMIC AID TO DEPRESSED AREAS

"SEC. 601(a) There is hereby established within the Executive Office of the President an Office of Economic Aid to Depressed Areas (herenafter referred to as the "Office"). The Office shall have a Director who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate.

"(b) The Director of the Office may employ such officers and employees as may be necessary to carry out the Office's functions under this Act. In addition, the Office may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

"(c) The Director of the Office shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313).

"(d) It shall be the duty and function of the Office and the Director—

"(1) to carry out the purposes of this Act;

"(2) to assist and advise the President on methods, policies, and programs designed to reduce unemployment and to stimulate the economies of areas designated as Economic Disaster Areas pursuant to section 4;

"(3) to train and have available a professional staff of Federal coordinating officers for assignment to areas designated as Economic Disaster Areas;

"(4) to review and appraise the various Federal assistance programs for the purpose of determining the extent to which such programs and activities do or can contribute to reducing regional unemployment and stimulating regional economies;

"(5) to coordinate his studies with those of the Secretary of Commerce; and

"(6) to make such studies, reports and recommendations as the President may request.

"(e) There are authorized to be appropriated for the administration of the Office not to exceed $5,000,000 for each fiscal year."

"DESIGNATION OF ECONOMIC DISASTER AREAS

"SEC. 602. (a) The President, on the request of the Governor of a State, is authorized and directed to designate an area of the country an Economic Disaster Area when—

"(1) There is a 6 per centum or greater unemployment rate resulting from an abrupt rise which has existed for six of the preceding twelve months, or which is expected to occur and which will be more than temporary in duration; or

"(2) There has been or will be a 50 per centum or greater increase in unemployment in the area within a one-year period, which will be more than temporary in duration; or

"(3) There has been or will be changes in Federal procurement or contract policies or reductions in direct or related Federal employment which adversely affect an area's economy and employment opportunities; or

"(4) There are such other critical economic conditions resulting from an abrupt rise in unemployment as the President determines would benefit from assistance under this section.

"(b) In designating an Economic Disaster Area, the President may make the designation without regard to geographical or political boundaries and any such designation shall continue for a minimum period of one year."

"FEDERAL COORDINATING OFFICER

"SEC. 603. (a) Immediately upon the President's designation of a major disaster area, the Director of the Office shall assign a Federal coordinating officer to the designated area. The coordinating officer, acting under guidelines prepared by the Director in consultation with the Office of Management and Budget and the Domestic Council, shall—

"(1) make an initial appraisal of the Economic Disaster Area and the area's:

"(i) local economy;

"(ii) levels of present and prospective unemployment; and

"(iii) eligibility for Federal program assistance;

"(2) establish such field offices as he deems necessary;

"(3) coordinate the administration of all Federal programs authorized under this Act; and

"(4) administer the activities of Federal personnel temporarily assigned to the coordinating officer pursuant to section 6 of this Act.

"(b) The Governor of a State in which an area has been designated an Economic Disaster Area shall appoint a State official to serve as a State coordinating officer to work with the Federal coordinating officer."

"ASSISTANCE OF OTHER FEDERAL AGENCIES

"SEC. 604. (a) At the direction of the President, and under the management of the Director and the Federal coordinating officer, all Federal agencies are hereby authorized to provide assistance to an Economic Disaster Area by—

"(1) utilizing or otherwise making available, with or without reimbursement therefor, personnel, equipment, supplies, and other resources; and

"(2) donating or lending real and personal property determined to be surplus to the needs of the Federal Government to State and local government;

"(b) Federal agencies may be reimbursed for expenditures made under this Act from funds appropriated for the purposes of this Act. Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this section shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

"(c) In carrying out the purposes of this Act, the Federal coordinating officer is authorized to accept and utilize the services or facilities of any State or local government, or of any agency, office, or employee thereof, with the consent of such government. Any Federal agency, in performing any activities under this section, is, with the approval of the Federal coordinating officer, authorized to appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates, to employ experts and consultants in accordance with the provisions of section 3109 of such title, and to incur obligations on behalf of the United States by contract or otherwise to achieve the purposes of this Act.

"AUTHORITY TO REPROGRAM FUNDS TO DEAL WITH ECONOMIC AND EMPLOYMENT PROBLEMS

"SEC. 605. (a) To create new employment opportunities and to improve the economies of areas designated as economic disaster areas pursuant to section 4, the President is hereby authorized to reprogram up to 30 per centum of any Federally appropriated funds scheduled for expenditure in an economic disaster area into other programs which are better able to relieve economic distress and reduce unemployment, and respond to the condition presented in that area.

"(b) Fifteen days before exercising authority granted pursuant to subsection 7(a) to reprogram funds, the Director of the Office shall transmit to the Congress a report identifying the source of funds proposed to be reprogramed, the proposed use of the funds, and the economic and employment benefits which are anticipated. The reprograming shall become effective unless either the House or the Senate by resolution disapproves within fifteen calendar days of receiving the report: *Provided*, That, if Congress is not in session, the reprograming authority granted pursuant to section 605(a) shall be reduced to 15 per cent until such time as Congress shall reconvene.

"FEDERAL GRANT-IN-AID PROGRAMS

"SEC. 606. The Director of the Office, with the concurrences of the President, is hereby authorized to direct any Federal agency charged with the administration of a Federal grant-in-aid program to modify or waive such administrative or procedural conditions for assistance which impede, frustrate, or prevent the granting of timely assistance under such programs to individuals and gov-

ernmental units in areas designated to economic disaster areas.

"FEDERAL ECONOMIC RECOVERY FUND

"SEC. 602. (a) There is hereby established a separate fund in the Treasury of the United States to be known as the Federal Economic Recovery Fund (hereinafter called the "Economic Recovery Fund") which shall remain available until expended as hereinafter provided.

"(b) There is hereby authorized to be appropriated to the Economic Recovery Fund $2,000,000,000 and such funds as are necessary in subsequent years to maintain the fund at a level of $2,000,000,000 to be used by the President for the purposes set forth in this section and in this Act.

"(c) The Director of the Office, together with the heads of other Federal agencies, are directed to review existing Federal grant-in-aid loan and loan guarantee programs, and prepare a report identifying those programs eligible for assistance from the Economic Recovery Fund. In addition, assistance may include, but shall not be limited to—

"(1) loans to businesses and individuals to enable them to meet business and residential mortgage payments and to prevent foreclosure, eviction, and repossession of personal property;

"(2) unrestricted grants to State and local governments to implement local initiatives and projects designed to relieve unemployment and stimulate the economy, but which are not eligible for existing grant-in-aid programs;

"(3) grants to accelerate Federal, State or local projects which are underway or on which the planning is completed or substantially completed;

"(4) relocation assistance for unemployed individuals and their families;

"(5) unemployment assistance, without regard to the maximum duration of benefits available under the unemployment compensation program of the State in which the Economic Disaster Area is located, but such assistance shall 'not exceed the maximum amount set by the State and shall be reduced to the extent benefits are available under State law;

"(6) housing assistance and any necessary assistance to assure that all individuals in the designated area have a balanced diet of nutritious food;

"(7) grants to States and units of local government to enable them to pay the State share of other Federal grant-in-aid programs which would assist economic recovery;

"(8) grants or loans to non-profit organizations and loan guarantees to private profit-making organizations for job creation and holding major employers who would otherwise substantially reduce employment in the area; and

"(9) such other assistance which the Director of the Office, with the concurrence of the President, determines to be necessary and best suited to meet the needs of persons living within an Economic Disaster Area."

"STATE FULL EMPLOYMENT AND ECONOMIC RECOVERY PLANS

"SEC. 608. (a) The Director of the Office is authorized to provide assistance to the States in developing comprehensive plans and practicable programs for relieving unemployment and stimulating regional economics in anticipation of future economic downturns and rising levels of unemployment. State Full Employment and Economic Recovery Plans (hereinafter referred to as "State Plans") shall be prepared and administered by a single State office to be designated by the Governor.

"(b) State Plans shall include—

"(1) short range emergency actions for economic stimulation and the creation of employment opportunities;

"(2) long range recovery plans requiring large capital expenditures and designed to improve public services and the quality of life;

"(3) an up to date continuing status report on: (i) on-going public works projects; (ii) public works projects on which planning has been completed but on which construction has not begun; (iii) public works projects which are being planned;

"(4) a contingency program for the continued delivery of essential public services, food products and the provision of adequate housing to persons displaced downturns; and

"(5) a current catalogue of State assistance programs designed to provide temporary or long term relief to individuals unemployed or otherwise damaged by economic forces beyond their power to anticipate or control.

"(c) The Director of the Office shall periodically review State Plans and shall prepare for submission to the Congress an annual report on the status of State planning and the actions of his Office under this Act.

"REVOCATION OF ELIGIBILITY

"SEC. 609. Any region designated as an Economic Disaster Area shall remain eligible for Federal assistance under this Act for a minimum period of one year. The Director of the Office shall recommend the removal of an area from the designated list of eligible areas only after a full review of the local economy, the area's employment level, the improvements resulting from assistance made available under this Act as well as the removal of the area from the Department of Labor's monthly bulletin on 'Area Trends in Employment and Unemployment.' Benefits made available under this Act shall be phased out over a reasonable period of time and in an orderly manner which will not disrupt the local economy."

"REGULATIONS AND NONDISCRIMINATION

"SEC. 610. The Director of the Office shall issue and may alter and amend such regulations as may be necessary to implement this Act. Such regulations shall include provisions for insuring that the relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status prior to designation of an area as eligible for benefits under this Act."

"DEFINITIONS

"SEC. 611. As used in this Act—

"(1) 'Director' means the Director of the Office of Economic Aid to Depressed Areas;

"(2) 'Economic Disaster Area' means a geographical area which the President has designated as meeting the criteria of section 4 of this Act;

"(3) 'Federal agency' means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government;

"(4) 'Federal coordinating officer' means an employee of the Office of Economic Aid to Depressed Areas who shall serve as the chief Federal officer in dealing with areas designated as Economic Disaster Areas;

"(5) 'Federal Economic Recovery Fund' means the fund established in section 9(a) of this Act to finance the programs authorized by this Act;

"(6) 'Full Employment and Economic Recovery Plans' means contingency plans prepared by the individual States pursuant to section 10 of this Act;

"(7) 'Governor' means the chief executive of any State;

"(8) 'local government' means any county, city, village, town, district, or other political subdivision of any State, and includes any rural community or unincorporated town or village, and, for the purposes of this Act, shall include any Indian Reservation or Indian community which enjoys a trust relationship with the United States;

"(9) 'State' means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands; and

"(10) 'United States' means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands."

STATEMENT BY SENATOR HENRY M. JACKSON

Mr. Chairman, I want to express my appreciation for the interest which you and other members of the Public Works Committee have shown in the economic problems which confront the State of Washington, and in particular, the City of Seattle. The citizens of Seattle, facing the dubious distinction of having the highest unemployment rate of any city in the Nation, welcomes your interest and presence.

This two day hearing by the Subcommittee on Economic Development provides an excellent forum to discuss the myriad economic ills of our State, the factors which contributed to these problems, and the effect unemployment has had on the economy and the individual. I feel such testimony is essential to the development of programs designed to reduce unemployment and to maximize the benefit to our economy.

I wish I could join you in hearing the testimony of elected officials, business leaders and concerned citizens, but I am scheduled to address the Senate today on the same matter which concerns you here today—the economic problems of Washington State and our nation and what can be done to ameliorate this depressing situation.

It is a most distressing experience to receive letters from constituents pleading for help because they have no jobs, because they have used all their unemployment benefits, or because they simply cannot feed their families.

We tend to deal with statistics or numbers to reveal the magnitude of the unemployment problem, but if this situation is put on an individual case basis, the misery, anxiety and suffering become much more apparent. The recently graduated scientist or engineer will retrench temporarily, but can usually rebound because he has maximum flexibility, no firmly established community ties, and can relocate or even be retrained if necessary. However, the mid-career employee who has a mortgaged home, children in school, and has become firmly implanted in the community with major family and business responsibilities is likely to become extremely depressed and perhaps lose all self-confidence. The prospect of facing a bank foreclosure on home and car, the thought of being unable to provide adequate schooling for children, and the potential of poverty is nearly impossible to tolerate. Perhaps the cruelest blow is dealt to the employee who has devoted long years to his work and who looks forward to retirement in a few short years. Now out of work and in his mid-fifties, the prospect for employment even at a reduced pay scale is remote. Worse yet, many find that their retirement benefits are lost. Many of these people have lost all hope.

Mr. Chairman, our unemployment situation in Washington is not only geographically widespread, but it is in some respects unique. Consider these examples:

The loss of more than 50,000 Boeing Company jobs in the Seattle area since 1968;

The drastic reduction of employees associated with the nuclear reactors at Hanford, with the possibility of still further reductions in the labor force;

The large-scale layoffs in the forest products and home building industries.

The diverse farm problems which have reduced many to bankruptcy and threaten far more.

Perhaps the most frustrating part of the harsh economic blow which the State of Washington has been dealt is the fact that

in most respects it has been something over which the affected businesses have had little or no control. The success of our three most economically important businesses, aerospace, agriculture, and forestry, is dependent upon moderate-to-low interest rates and the availability of money. The record high interest rates, when coupled with a "tight money policy" have been particularly disastrous to our economy. For example:

The forest products industry depends upon the housing market for the purchase of 50% of its total output, and housing starts have been greatly reduced during the past two years;

The Boeing Company, whose revenues are derived predominantly from commercial aircraft sales, cannot sell planes if the airlines are unable to finance them at reasonable interest rates. Superimposed upon this is the recent decision by Congress to terminate the SST program.

The farmer, who has always been dependent upon the banks for operational loans, has frequently been unable to secure capital even at exorbitant interest rates.

One of the factors frequently overlooked in the economic plight of our State is the adverse secondary effects which occur whenever a major industry falters. Although this situation is most prevalent with subcontractors or other suppliers to the aerospace industry, it also applies to the agriculture and forest products fields. Like an iceberg, much lies below the surface and must be carefully surveyed to fully appreciate its vastness.

There are no simple solutions to the complex problems which confront our State. Complex problems require complex solutions, both of a short term and a long term nature.

The purpose of this hearing is to consider what immediate assistance can be provided to stimulate the economy and to reduce unemployment levels. I know the committee will receive numerous lists of badly needed public works projects, and as a cosponsor of the accelerated Public Works bill in the Senate, I hope these recommendations will be favorably received. The House of Representatives is scheduled to take up their APW bill on April 21, and I am confident this Committee will expedite action so it may become law and be implemented immediately. As presently written, Seattle, Tacoma and other hard pressed Washington cities will be among the first to benefit under the bill.

Another measure which can be of real assistance to my State is the Emergency Employment Act, which I co-sponsored, along with 33 of my colleagues. This measure, which recently passed the Senate, is designed to put some 150,000 unemployed persons to work in State and municipal public jobs during the next two years. Enacting of this legislation is essential not only because of the sharp rise in unemployment in urban areas generally, but also because the drop in revenues available to city governments has resulted in a severe cutback of vital municipal services—a matter which compounds the hardship suffered by the unemployed. At a time when there are so many highly capable men and women sitting idle, temporary employment measures such as this must be made available without delay.

I am well aware of the fact that last December the President vetoed the Employment and Manpower Act, which provided for a permanent public service employment program. I am equally aware that he is opposed to the Emergency Employment Act. However, if he attempts to kill this measure, which promises immediate albeit temporary relief to so many who want to contribute to the nation's economy, and I am reasonably certain Congress will override his veto.

An existing program which can provide significant temporary employment assistance if extended and expanded is the Employment Supplement Program. The Employment Supplement Program in Washington State has been generally acknowledged as a highly effective way of providing those most severely affected by the economic slump with a source of temporary income and the dignity of work. There are approximately 700 public agencies and non-profit organizations in the Seattle area alone who have requested participants from this program. However, the program has operated on such a limited scale that these requests were not filled. Yet it is estimated that there are thousands of eligible applicants in Washington, and the figures continue to rise rapidly as more people exhaust their extended unemployment entitlements. I have written Secretary of Labor Hodgson about this matter, and I trust he will see fit to approve the proposal submitted by the Washington State Employment Security Department to extend this program to encompass the ESP's training period and expand this program to encompass 10,000 participants on a Statewide basis. I feel it would be extremely unfortunate if a program with such potential should expire due to lack of funds.

One of the most poorly understood, but potentially most devastating actions the President has taken is to impound federal money which Congress has appropriated and intends to be expended for public purposes. A recent review of this matter by Senator Ervin revealed that in excess of $11 billion has been frozen by the President. When countless unemployed walk the streets looking for work, this is a cruel and unwise impoundment of public monies. In effect, the President is exercising an item veto over appropriations acts by Congress, a power which he is denied in the Constitution.

I have obtained a breakdown of these frozen funds as they affect the State of Washington. In addition to the millions of dollars for agricultural research, military construction, environmental research, atomic energy, and water resource development programs, there are more than $125 million of Federal Highway Trust Fund monies sitting idle and ready to provide work if only the President would approve of their expenditure. Not only should much of this frozen money be spent to stimulate the economy, but a formula should be developed so that when released, a preference would be given to high unemployment.

The aforementioned, while offering great potential for reducing unemployment and stimulating our State economy, provides little hope for one segment of our unemployed—the highly trained and highly productive. Never before in the history of the United States have so many skilled engineers and scientists been reduced to poverty and human suffering as a result of a shift in "national priorities." The Boeing Company alone has been forced to release nearly 7000 engineers and scientists in the past three years because a decision was made by a bare majority of the Congress to terminate the SST program. In addition to the thousands of engineers and scientists who have already lost their jobs at Boeing, several thousand more will be released this year. In addition, there is the unemployment multiplier effect which hits equally highly skilled help in firms which do a large share of their business with Boeing and other firms in the aerospace industry.

Although many of these people may well end up working in accelerated public works or in public service programs if they are enacted, I am concerned that their talents will not be fully utilized and the benefits which could be derived from their experience and abilities will be lost. One of the most difficult tasks facing me, this Committee and other members of Congress, is how to best employ these people to benefit the United States and the employer to the maximum extent.

Here is where we must differentiate between short range and long range programs. The short range programs will help the skilled and semiskilled wage-earner worker while being of nominal assistance to the highly trained salaried individual. There is some immediate federal assistance available to these people, such as the National Registry for Engineers, which is essentially a job bank which matches personnel skills with job opportunities. Similarly, the Department of Labor has initiated a small program to retrain or relocate technically trained persons. Both of these programs offer little assistance to most of those desiring substantive work.

I am hopeful that testimony received by this Committee during the next two days will stimulate ideas as to how long-range self-help programs can be designed to assist the unemployed and help the United States to more adequately meet the many social and environmental problems which are now areas of prime national concern. Whatever the testimony, I am sure there will be no single answer to the myriad unemployment problems confronting the State of Washington. Federal loan programs will help some, retraining may be a partial solution to others, and government research and development or production contracts will help certain businesses.

I again wish to express my thanks to the Committee for their sincere interest in the economic problems confronting the State of Washington. I am hopeful that many of the recommendations received at this hearing can be translated into short-term and long-term assistance programs which will bring relief to the unemployed of my State.

S. 1832

A bill to authorize the President of the United States to declare areas of the Nation which meet certain economic and employment crtieria to be economic disaster areas; to extend a program of Federal aid to these areas for the relief of human suffering; and to supplement the purposes of the Public Works and Economic Development Act of 1965, as amended

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 "Economic Disaster Area Relief Act of 1971".

FINDINGS AND DECLARATIONS

SEC. 2. (a) The Congress hereby finds and declares that—

(1) the human suffering, the loss of income, the dislocation of families and the national economic loss caused by regional unemployment and economic downturns is a matter of critical national concern;

(2) the personal suffering caused by fiscal and monetary policies which result in high levels of unemployment and stagnant regional economies cannot be distinguished from the suffering caused by natural disasters such as floods, hurricanes, and fire; and

(3) there is a direct Federal responsibility to provide economic disaster assistance to individuals in regions of the country experiencing high unemployment and faltering economies to enable them to maintain their residences and to support their families without the human degradation, the loss in self-respect, and the decline in confidence in the American government which are caused by persistent unemployment, mortgage foreclosures, evictions, repossession of personal goods, business failures, and bankruptcy.

(b) It is the purpose of this Act to authorize the President of the United States to provide a direct program of Federal assistance to individuals, to States, and to local government to alleviate the wasteful economic disruption and loss resulting from regional disasters by—

(1) establishing within the Executive Office of the President an Office of Economic Aid to Depressed Areas;

(2) providing for a coordinated Federal response;

(3) authorizing extension and, in some cases, forgiveness of all or part of obligations due the Federal Government; and

(4) waiving certain administrative and procedural requirements of Federal programs to facilitate an early and coordinated program of relief.

OFFICE OF ECONOMIC AID TO DEPRESSED AREAS

SEC. 3. (a) There is hereby established within the Executive Office of the President an Office of Economic Aid to Depressed Areas (hereinafter referred to as the "Office"). The Office shall have a Director who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate.

(b) The Director of the Office may employ such officers and employees as may be necessary to carry out the Office's functions under this Act. In addition, the Office may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

(c) The Director of the Office shall be compensated at the rate provided for level II of the Executive Schedule Pay Rates (5 U.S.C. 5313).

(d) It shall be the duty and function of the Office and the Director—

(1) to carry out the purposes of this Act;

(2) to assist and advise the President on methods, policies, and programs designed to reduce unemployment and to stimulate the economies of areas designated as economic disaster areas pursuant to section 4;

(3) to train and have available a professional staff of Federal coordinating officers for assignment to areas designated as economic disaster areas;

(4) to review and appraise the various Federal assistance programs for the purpose of determining the extent to which such programs and activities do or can contribute to reducing regional unemployment and stimulating regional economies;

(5) to coordinate his studies with those of the Secretary of Commerce; and

(6) to make such studies, reports, and recommendations as the President may request.

(e) There are authorized to be appropriated for the administration of the Office not to exceed $5,000,000 for each fiscal year.

DESIGNATION OF ECONOMIC DISASTER AREAS

SEC. 4. (a) The President, on the request of the Governor of a State, is authorized and directed to designate an area of the country an economic disaster area when—

(1) There is a 6 per centum or greater unemployment rate resulting from an abrupt rise, which has existed for six of the preceding twelve months, or which is expected to occur and which will be more than temporary in duration; or

(2) There has been or will be a 50 per centum or greater increase in unemployment in the area within a one year period, which will be more than temporary in duration; or

(3) There has been or will be changes in Federal procurement or contract policies or reductions in direct or related Federal employment which adversely affect an area's economy and employment opportunities; or

(4) There are such other critical economic conditions resulting from an abrupt rise in unemployment as the President determines would benefit from assistance under this section.

(b) In designating an economic disaster area, the President may make the designation without regard to geographical or political boundaries and any such designation shall continue for a minimum period of one year.

FEDERAL COORDINATING OFFICER

SEC. 5. (a) Immediately upon the President's designation of a major disaster area, the Director of the Office shall assign a Federal coordinating officer to the designated area. The coordinating officer, acting under guidelines prepared by the director in consultation with the Office of Management and Budget and the Domestic Council, shall—

(1) make an initial appraisal of the economic disaster area and the area's:

(A) local economy;

(B) levels of present and prospective unemployment; and

(C) eligibility for Federal program assistance;

(2) establish such field offices as he deems necessary;

(3) coordinate the administration of all Federal programs authorized under this Act; and

(4) administer the activities of Federal personnel temporarily assigned to the coordinating officer pursuant to section 6 of this Act.

(b) The Governor of a State in which an area has been designated an economic disaster area shall appoint a State official to serve as a State coordinating officer to work with the Federal coordinating officer.

ASSISTANCE OF OTHER FEDERAL AGENCIES

SEC. 6. (a) At the direction of the President, and under the management of the Director and the Federal coordinating officer, all Federal agencies are hereby authorized to provide assistance to an Economic Disaster Area by—

(1) utilizing or otherwise making available with or without reimbursement therefor, personnel, equipment, supplies, and other resources; and

(2) donating or lending real and personal property determined to be surplus to the needs of the Federal Government to State and local government;

(b) Federal agencies may be reimbursed for expenditures made under this Act from funds appropriated for the purposes of this Act. Any funds received by Federal agencies as reimbursed for services or supplies furnished under the authority of this section shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

(c) In carrying out the purposes of this Act, the Federal coordinating officer is authorized to accept and utilize the services or facilities of any State or local government, or of any agency, office, or employee thereof, with the consent of such government. Any Federal agency, in performing any activities under this section, is, with the approval of the Federal coordinating officer, authorized to appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates, to employ experts and consultants in accordance with the provisions of section 3109 of such title, and to incur obligations on behalf of the United States by contract or otherwise to achieve the purposes of this Act.

AUTHORITY TO REPROGRAM FUNDS TO DEAL WITH ECONOMIC AND EMPLOYMENT PROBLEMS

SEC. 7. (a) To create new employment opportunities and to improve the economies of areas designated as economic disaster areas pursuant to section 4, the President is hereby authorized to reprogram up to 30 per centum of any federally appropriated funds scheduled for expenditure in an economic disaster area into other programs which are better able to relieve economic distress, reduce unemployment, and respond to the conditions presented in that area.

(b) Fifteen days before exercising authority granted pursuant to subsection 7(a) to reprogram funds, the Director of the Office shall transmit to the Congress a report identifying the source of funds proposed to be reprogramed, the proposed use of the funds, and the economic and employment benefits which are anticipated. The reprograming shall become effective unless either the House or the Senate by resolution disapproves within fifteen calendar days of receiving a report: *Provided*, That if Congress is not in session the reprograming authority granted pursuant to section 7(a) shall be reduced to 15 per centum until such time as Congress shall reconvene.

FEDERAL GRANT-IN-AID PROGRAMS

SEC. 8. The Director of the Office, with the concurrence of the President, is hereby authorized to direct any Federal agency charged with the administration of a Federal grant-in-aid program to modify or waive, such administrative or procedural conditions for assistance which impede, frustrate, or prevent the granting of timely assistance under such programs to individuals and governmental units in areas designated as economic disaster areas.

FEDERAL ECONOMIC RECOVERY FUND

SEC. 9. (a) There is hereby established a separate fund in the Treasury of the United States to be known as the Federal Economic Recovery Fund (hereinafter called the "economic recovery fund") which shall remain available until expended as hereinafter provided.

(b) There is hereby authorized to be appropriated to the economic recovery fund $2,000,000,000 and such funds as are necessary in subsequent years to maintain the fund at a level of $2,000,000,000, to be used by the President for the purposes set forth in this section and in this Act.

(c) The Director of the Office, together with the heads of other Federal agencies, are directed to review existing Federal grant-in-aid, loan and loan guarantee programs, and prepare a report identifying those programs eligible for assistance from the economic recovery fund. In addition, assistance may include, but shall not be limited to—

(1) loans to businesses and individuals to enable them to meet business and residential mortgage payments and to prevent foreclosure, eviction, and repossession of personal property;

(2) unrestricted grants to State and local governments to implement local initiatives and projects designed to relieve unemployment and stimulate the economy, but which are not eligible for existing grant-in-aid programs;

(3) grants to accelerate Federal, State, or local projects which are underway or on which the planning is completed or substantially completed;

(4) relocation assistance for unemployed individuals and their families;

(5) unemployment assistance, without regard to the maximum duration of benefits available under the unemployment compensation program of the State in which the economic disaster area is located, but such assistance shall not exceed the maximum amount set by the State and shall be reduced to the extent benefits are available under State law;

(6) housing assistance and any necessary assistance to assure that all individuals in the designated area have a balanced diet of nutritious food;

(7) grants to States and units of local government to enable them to pay the State share of other Federal grant-in-aid programs which would assist economic recovery;

(8) grants or loans to nonprofit organizations and loans guarantees to private profit-making organizations for job creation and

holding major employers who would otherwise substantially reduce employment in the area; and

(9) such other assistance which the Director of the Office, with the concurrence of the President, determines to be necessary and best suited to meet the needs of persons living within an economic disaster area.

STATE FULL EMPLOYMENT AND ECONOMIC RECOVERY PLANS

SEC. 10. (a) The Director of the Office is authorized to provide assistance to the States in developing comprehensive plans and practicable programs for relieving unemployment and stimulating regional economies in anticipation of future economic downturns and rising levels of unemployment. State full employment and economic recovery plans (hereinafter referred to as "State plans") shall be prepared and administered by a single State office to be designated by the Governor.

(b) State plans shall include—

(1) short range emergency actions for economic stimulation and the creation of employment opportunities;

(2) long range recovery plans requiring large capital expenditures and designed to improve public services and the quality of life;

(3) an up-to-date, continuing status report on—

(A) on-going public works projects;

(B) public works projects on which planning has been completed but on which construction has not begun;

(C) public works projects which are being planned;

(4) a contingency program for the continued delivery of essential public services, food products, and the provision of adequate housing to persons displaced or unemployed as a result of a regional economic downturn; and

(5) a current catalog of State assistance programs designed to provide temporary or long-term relief to individuals unemployed or otherwise damaged by economic forces beyond their power to anticipate or control.

(c) The Director of the Office shall periodically review State plans and shall prepare for submission to the Congress an annual report on the status of State planning and the actions of his Office under this Act.

REVOCATION OF ELIGIBILITY

SEC. 11. Any region designated as an economic disaster area shall remain eligible for Federal assistance under this Act for a minimum period of one year. The Director of the Office shall recommend the removal of an area from the designated list of eligible areas only after a full review of the local economy, the area's employment level, the improvements resulting from assistance made available under this Act as well as the removal of the area from the Department of Labor's monthly bulletin on "Area Trends in Employment and Unemployment." Benefits made available under this Act shall be phased out over a reasonable period of time and in an orderly manner which will not disrupt the local economy.

REGULATIONS AND NONDISCRIMINATION

SEC. 12. The Director of the Office shall issue and may alter and amend such regulations as may be necessary to implement this Act. Such regulations shall include provisions for insuring that the relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status prior to designation of an area as eligible for benefits under this Act.

DEFINITIONS

SEC. 13. As used in this Act—

(1) "Director" means the Director of the Office of Economic Aid to Depressed Areas;

(2) "economic disaster area" means a geographical area which the President has designated as meeting the criteria of section 4 of this Act;

(3) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government;

(4) "Federal coordinating officer" means an employee of the Office of Economic Aid to Depressed Areas who shall serve as the chief Federal officer in dealing with areas designated as economic disaster areas;

(5) "Federal economic recovery fund" means the fund established in section 9(a) of this Act to finance the programs authorized by this Act;

(6) "Full employment and economic recovery plans" means contingency plans prepared by the individual States pursuant to section 10 of this Act;

(7) "Governor" means the chief executive of any State;

(8) "local government" means any county, city, village, town, district, or other political subdivision of any State, and includes any rural community or unincorporated town or village, and, for the purposes of this Act, shall include any Indian reservation or Indian community which enjoys a trust relationship with the United States;

(9) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands; and

(10) "United States" means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

Mr. MAGNUSON. Mr. President, I rise in support of S. 2393, the Economic Disaster Relief Act of 1971. I want to express my deepest appreciation to the Senate Public Works Committee and its chairman, Senator RANDOLPH, for the prompt consideration it has given to the Economic Disaster Relief Act of 1971.

Equally important has been the work of Senator MONTOYA, chairman of the Subcommittee on Economic Development. Senator MONTOYA's subcommittee conducted hearings across the Nation, and of particular interest to me, spent 2 days in Seattle, hearing firsthand the economic disaster conditions facing the Puget Sound region.

I have also been impressed by the bipartisan support for this bill in the Senate Public Works Committee. Senator COOPER, the ranking minority member of the full committee, and Senator BAKER, the ranking minority member of the subcommittee, have both been cooperative and enthusiastic regarding the need for an economic disaster relief measure. Minor difference in criteria will be settled on the Senate floor today and after that I am confident the Senate will overwhelmingly approve this measure.

Mr. President, in May of 1971, Senator JACKSON and I introduced our version of the Economic Disaster Relief Act of 1971 (S. 1832). Many of the provisions of the original bill have been incorporated in S. 2393.

The key provisions of both bills include:

A food distribution program allowing for the use of both food stamps and surplus commodity distribution;

Housing relief, including assistance with mortgage payments;

Employment assistance, including a provision to help pay relocation expenses for persons who have found new employment outside the depressed areas;

Low-interest loans to employers;

Grants to communities;

Medical services;

Grants to local governments to make up tax losses caused by economic disasters;

Grants to States to enable them to pay the State share of other Federal grant-in-aid programs; and

Assistance to employers to enable them to maximize job opportunities.

Mr. President, I would also like to review certain economic facts that lead any observer to the conclusion that Washington State is such an area.

The following figures were compiled in May, 1971:

Total number of insured unemployed is 182,000;

The number of those unemployed who have exhausted both regular and extended unemployment benefits (January-May) totals 25,000, and 40,000 more will exhaust all benefits by December 31, 1971.

Actual unemployment statewide is estimated at between 15 and 20 percent.

Insured unemployment statewide is 11.6 percent.

King-Snohomish-Seattle, 15.2 percent.

Pierce-Tacoma, 13.6 percent.

Spokane, 10.3 percent.

Twenty of the State's 39 counties have unemployment double the national average.

In May, about 91,000 households—over 263,000 people—in the State were receiving food stamps. State authorities estimate that at least 40 percent of those eligible for food stamps are not yet participating in the program.

The Neighbors in Need Program: This is the church feeding program in King County, that distributes donated food to anyone who says he is in need. They feed 8,000 persons a week and estimate that with sufficient food they could feed 20,000 persons a week.

The Seattle area office of the Department of Housing and Urban Development has reported to me that during the calendar year 1970, it acquired 1,836 single family properties and that between January 1, 1971 to June 15, 1971, the Seattle area office acquired, through mortgage default, 1,612 properties. The current inventory of single family properties is 2,639.

The State's Unemployment Compensation Fund, which started at $302 million in June, 1970, has now been reduced to $122 million. It is expected to be entirely depleted in less than a year. There are nearly 7,000 delinquencies of FHA single family housing units of which about 3,500 will be repossessed by the end of 1971.

Aerospace employment in Washington since January 1969 has fallen by 59,000, a drop from 99,000 to 40,000. Nearly 10,000 aerospace employees are to be laid off by the end of the year.

Business failures in Washington for the first 5 months of 1971 were running at a rate of nearly three times the rate of the same period in 1970. Total liabilities represented in these 1971 failures were in

excess of $17 million, compared to less that $6 million in failures during the first 5 months of 1970.

Mr. President, these facts are very grim and represent what my State is facing. These facts also present a case that cries out for relief. The way to provide that relief is with the Economic Disaster Relief Act of 1971 (S. 2393).

This measure is patterned after the Disaster Relief Act of 1971 which was basically concerned with natural disaster victims. I believe that this extension is warranted and necessary.

The PRESIDING OFFICER. Who yields time?

Mr. BUCKLEY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes remaining on his amendment.

Mr. BUCKLEY. I thank the Chair.

Mr. President, I do not want to continue this any longer than is necessary to consider the merits of the amendment.

I was enormously impressed during the day on which this bill was reported by the committee by the testimony given by both Senators from the State of Washington, describing the extraordinary and highly unusual impact that the disaster which has hit the city of Seattle has had both on the city and on the State.

At the time, I think it became apparent that what we had under consideration was a very specialized tool, a mechanism which could help restore the vitality of the existing facilities in the city of Seattle and tide over those who were thrown out of work, by a situation beyond their control, until such time as the wheels started grinding again.

I suggest again that we are all very cognizant that in this country are large areas where there is chronic unemployment, where they do not have the facilities in existence which will attract employment to provide jobs. But, again, as I suggested earlier, we have literally dozens of pieces of legislation on the books at the present time which were designed to cope with these situations; and if they are failing to achieve their purposes, I suggest that what we need to do is to address ourselves to improving them—the Manpower Development and Training Act, the Economic Opportunity Act of 1964, Appalachia, and so forth.

I should also like to suggest that one of the speediest acts which Congress could adopt to grant the flexibility to meet this kind of problem is to enact the President's manpower revenue-sharing pact. But to try to combine apples and oranges in one bill would blunt the sharpness of the scalpel we have under consideration to cope with the situation which the Senators from Washington have primarily in mind.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. BUCKLEY. Mr. President, I yield 2 minutes to the Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, I believe that many Senators in this Chamber have not had the opportunity to study the specifics of this bill. I repeat what I said a short time ago—the concept of the bill, as originally conceived, was that it should be formulated to reach specific areas of high unemployment which had occurred abruptly, and which could be reasonably defined.

There may not be the large sums of money to do all that we would like to see done wherever unemployment exists. But we certainly ought to reach those places in which there are terribly hard situations of sudden and massive unemployment.

The Senators from Washington have described one such situation. We want to help the State of Washington—and areas having similar problems in Michigan, Connecticut, and wherever located in this country. The proposal as conceived by Senator BAKER and the Senators from Washington—and first proposed by the Governor of the Senators' State—did that very thing.

What occurred in the committee was a change in criteria, which just makes it a bill applicable to any section of the country having chronic and excessive unemployment.

I would like to see a bill passed which could help these areas also, and several have been. But I am wondering whether we are not moving toward a veto. I do not want to see that happen. I would hope that the Senator from Washington who gave us this leadership, and the Senator from Tennessee would recognize this situation and let us adopt this amendment which the distinguished Senator from New York (Mr. BUCKLEY) has offered to bring the bill back into its proper focus. If that can be done, I cannot promise that everyone on this side will vote for it, but I will vote for it.

That is one vote; I am sure that other Senators will vote for it, too. I would have the heart to go to the President and urge him not to veto the bill.

You may have made this bill, as I have said, a relief bill for the entire United States. I think you must know it is impossible of consummation. We all know it is impossible of consummation. Therefore, I appeal to you, for your feeling toward those people in these areas and your sympathy for them, to vote for the amendment. Then I think we can pass a bill that we may have a chance of securing approval on.

Mr. DOLE. Mr. President, I have listened very carefully to the Senator from Kentucky and the views he has expressed. I believe that the original concept of the bill was one that had almost unanimous approval in the full Committe on Public Works. But, as so often happens, the bill has been expanded beyond all recognition.

Either the amendment of the Senator from New York (Mr. BUCKLEY), or the amendment discussed and to be proposed by the Senator from Kentucky, would properly limit the bill.

If we are concerned about areas of high unemployment, such as in Wichita, Kans., Muskegon, Mich., three or four areas in Connecticut, as well as seven or eight other areas around the country, adoption of the Buckley amendment will provide relief to those areas presently affected by abrupt economic dislocation.

Frankly, adoption of the amendment of the Senator from New York would bring the bill back to about what the staff of the Public Works Committee recommended earlier to those of us on the committee.

I support the amendment and believe in its concept. I understand the need in many areas of America. I hope that we pass a bill this evening that will be acceptable to the House, with perhaps some modification or some compromise made in the conference, and then be signed by the President. But, if we are inviting a Presidential veto, that is another thing. If we are injecting politics into this very serious problem, that is another thing, too. But if we are concerned about the plight of the unemployed in Kansas, Washington, or all across the country, then the better part of wisdom would be to adopt the amendment of the Senator from New York (Mr. BUCKLEY).

Mr. BUCKLEY. Mr. President, I would like to thank my colleagues, the Senators from Kentucky and Kansas, for their remarks. They have focused the spotlight where it needs to be focused in terms of the original purpose of the legislation.

Mr. President, unless some other Senator wishes to make remarks, I am prepared to yield back the remainder of my time.

Mr. MONTOYA. Mr. President, I should like to address myself to the amendment offered by the distinguished Senator from New York (Mr. BUCKLEY). I think the amendment is too restrictive. We considered the concept in the full Public Works Committee. It was disapproved there.

The proposal to limit economic disaster aid to areas in which there has been a sudden rise in unemployment due to the loss or curtailment of employment has as its intention the elimination of areas with persistently high unemployment over long periods of time. This would eliminate Seattle; it would eliminate Detroit; it would eliminate the Los Angeles area; it would eliminate the East Los Angeles area, the Watts area, and many other similar areas throughout the country. It would also eliminate many areas in Alaska where there is persistent high unemployment.

The majority of the committee, in reporting the bill, decided that there was no logical way of distinguishing between individuals unemployed as a result of a recent plant closure and individuals unemployed in an area suffering from chronic economic decay.

An unemployed individual faces the same difficulties in obtaining food, shelter, medical services, and a new job no matter what the source of his unemployment.

A community with a labor market which has been slack for an extended period of time suffers just as great a loss of tax revenues as the community which has recently lost a major employer or a number of smaller employers over a period of time.

The effect of such a limitation on eli-

gibility as proposed by the Senator from New York (Mr. BUCKLEY) will be to eliminate most black and Mexican-American central city neighborhoods where unemployment levels have long been high.

Under the proposed amendments, aid would be available only when previously affluent middle-class neighborhoods, often in the suburbs, suffer a jolt to their prosperity.

To require that the specified unemployment levels result from the loss of major sources of employment or loss of significant sources, or any similar language restricting the criteria, ignores several facts of American life—especially when such restrictions are coupled with the phrase "in any areas." Unemployment is something that can be counted while what constitutes "major" or "significant" is an imprecise judgment. There is no line of demarcation; there is no line of discernment.

Men often commute from residential neighborhoods to areas of employment in other parts of a city. Even if 25 percent of those living in one neighborhood were unemployed, they would be ineligible for this aid unless, in that same neighborhood, their plant had closed. That is true in most of the inner cities of this Nation. This amendment would deprive these people of eligibility. Such a limitation also ignores the common migration of unemployed people to neighborhoods in many of our central cities.

All unemployment results from the loss of employment, except for those who are new in the work force. Increases in unemployment due to new entrances into the work force would not be accounted for by any of the criteria regarding a loss of major source of employment.

The similarity between an economic disaster and a natural disaster is the factor of its pernicious impact on the lives of people and their community. Suddenness is not a critical factor, it is merely a coincidence.

Nothing in the criteria in S. 2393 is designed to provide that reference to "preceding 12 months" in any way disallows a declaration in an area which has suffered unemployment for longer than that period; that use of 12 months is just a matter of convenience in assuming the magnitude of the problem.

So, I say, Mr. President, that to adopt the pending amendment will be to narrow the application of the bill so much that the very people we are trying to help, because of their impacted situation, will not receive any help under the provisions of the bill. I doubt very seriously whether a significant number of the unemployed would ever receive any aid if the proposed amendment is adopted.

Our action in the Senate would be an exercise in futility if the Senator's amendment were adopted.

Mr. President, I reserve the remainder of my time.

Mr. President, is the Senator from New York willing to yield back the remainder of his time?

Mr. BUCKLEY. Mr. President, I am willing to yield back the remainder of my time.

Mr. BAKER. Mr. President, before the time is all yielded back, I wonder if I might yield myself 2 minutes?

The PRESIDING OFFICER. On the bill?

Mr. BAKER. On the bill.

Mr. MONTOYA. Mr. President, I will yield the Senator from Tennessee 2 minutes on my time.

Mr. BAKER. Mr. President, I thank the Senator from New Mexico. I do not want to embark upon a controversy at this point. It seems to me that three alternatives are open to us at this particular juncture.

One of them obviously is to adopt the Buckley amendment which I confess some sympathy for since it is very similar to the language I first introduced.

The second one is to adopt the original version of the bill as reported by the committee.

It seems to me that there is a third one, however, and that would be to consider something in between in the form of the Cooper amendment, which is amendment No. 390.

I do not mean to anticipate what the actions of the distinguished senior Senator from Kentucky might be, whether he will call up the amendment for consideration or not. However, I would point out that if we considered something less than the restriction of the Buckley amendment, the sudden and abrupt concept, and something more than the chronic unemployment concept which is imbedded in the context of the committee print, we get down something close to the Cooper language which would make these programs available to areas where it is attributable to the loss or curtailment of significant sources of employment.

I am not sure how precisely that fits into the middle of those two controversies. However, it is intriguing and causes me to wonder whether the distinguished manager of the bill, the Senator from New Mexico, and the distinguished junior Senator from New York (Mr. BUCKLEY) might consider picking this third cause and break this impending confrontation.

Mr. BUCKLEY. Mr. President, before yielding back the remainder of my time, I understand that the matter will be corrected overnight. I do not want to waste any further time of the Senate by considering the point of order. So, the point of order is withdrawn.

Mr. President, if no one wants to make any further remarks, I am prepared to yield back the remainder of my time.

Mr. MONTOYA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is an agreeing to the amendment of the Senator from New York. 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 Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Woyming (Mr. MCGEE), the Senator from Utah (Mr. Moss), the Senator from Alabama (Mr. SPARKMAN) and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. PEARSON) and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from Nebraska (Mr. HRUSKA) and the Senator from Illinois (Mr. PERCY) are absent on official business.

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

The Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Connecticut (Mr. WEICKER) are detained on official business.

The result was announced—yeas 28, nays 52, as follows:

[No. 204 Leg.]

YEAS—28

Aiken	Cooper	Miller
Allen	Cotton	Packwood
Allott	Curtis	Roth
Baker	Dole	Scott
Beall	Dominick	Smith
Bellmon	Fannin	Talmadge
Boggs	Fong	Thurmond
Buckley	Gurney	Tower
Byrd, Va.	Hansen	
Cook	Jordan, Idaho	

NAYS—52

Anderson	Hatfield	Muskie
Bayh	Hollings	Nelson
Bentsen	Hughes	Pastore
Bible	Humphrey	Pell
Brooke	Jackson	Proxmire
Burdick	Javits	Randolph
Byrd, W. Va.	Jordan, N.C.	Ribicoff
Cannon	Kennedy	Saxbe
Case	Long	Schweiker
Chiles	Magnuson	Spong
Church	Mansfield	Stevens
Cranston	Mathias	Symington
Eagleton	McClellan	Taft
Ellender	McGovern	Tunney
Gambrell	McIntyre	Williams
Gravel	Metcalf	Young
Griffin	Mondale	
Hart	Montoya	

NOT VOTING—20

Bennett	Hartke	Percy
Brock	Hruska	Prouty
Eastland	Inouye	Sparkman
Ervin	McGee	Stennis
Fulbright	Moss	Stevenson
Goldwater	Mundt	Weicker
Harris	Pearson	

So Mr. BUCKLEY's amendment (No. 380) was rejected.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MONTOYA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I send an amendment to the desk, which I ask to have read.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment as follows:

On page 4, line 10, insert the following: after the period—"The president is authorized and directed to provide an additional twenty-six weeks of Emergency Extended Unemployment Compensation to those who have exhausted their unemployment compensation benefits and who may not be in areas designated as disaster areas. Such benefits shall be available to the eligible recipient beginning with the third week after his regular and Extended Unemployment Compensation benefits have been exhausted."

Mr. HUMPHREY. Mr. President, this amendment relates very directly to a problem that is before every Member of the Senate, and indeed, may I say, thousands of people in the United States. Every week 45,000 of our fellow Americans who are unemployed exhaust their unemployment compensation benefits. They lose every benefit they have under the two laws we presently have on the books, the regular unemployment compensation benefits, for 26 weeks, and extended unemployment compensation benefits, for 13 weeks.

Those benefits are being exhausted at the rate of 45,000 per week, and are going up. In my own State of Minnesota they are at the rate of 1,200 a week.

This particular amendment simply authorizes and directs the President to extend those benefits for an additional 26 weeks, but it also provides that before a person is eligible for those benefits, there must be a period of 2 weeks in which that individual will have to be searching for work or will be without compensation.

It is not a hard amendment to understand. It is very simple and direct.

May I say there is no greater disaster to an individual than for him to lose his job and have little or no prospect of finding another.

We have on a previous occasion in this Congress extended the unemployment compensation benefits, and I think the time is at hand for it to be done again. There is no indication whatever that we will find the situation that confronts us in unemployment significantly relieved in the immediate future.

I know that this bill provides for those areas that are designated as disaster areas, under the definition of "disaster areas," a considerable amount of relief and a considerable amount of assistance; but there are many people who do not live in areas which would fit into the definition of what is known as a disaster area in the bill who are suffering from disaster just as much as if it had been a hurricane or some unbelievable act of nature which had overwhelmed them.

I shall not take more time of the Senate except to say I think this is a justified amendment. It is needed. There are thousands of people who are asking for it. Any delay on our part only adds to the suffering and unhappiness of thousands of our fellow citizens who are suffering from the depression and recession in our economy.

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

Mr. HUMPHREY. I yield.

Mr. LONG. What might keep me from voting for the amendment is the fact that while the unemployment compensation benefits last, that individual need not take a job that is below his experience. In other words, if he was accustomed to working at $7 an hour or $5 an hour in a skilled labor job, after the unemployment compensation benefit insurance for which he had labored and which he had earned expired in, let us say 26 or 39 weeks, then he would not feel compelled to take any job he could get when the unemployment compensation benefits terminated.

If this is to be extended for another 6 weeks, would he nevertheless be privileged to turn down a job, let us say, at $3 an hour when he previously had been working for $7 an hour? Would he get the benefits rather than have to accept a job beneath the training and skill to which he was accustomed?

Mr. HUMPHREY. This would be defined by State law, what the respective States require. It would not interfere with the existing statutory law that prevails in the Senator's State of Louisiana, my State of Minnesota, or any other State.

It would be my judgment that the employment and security office would be pursuing every job opportunity for an individual, and if a job was available, he would have to take that job.

Most of the people that I find who are today unemployed are very anxious to get jobs that pay them anywhere near a living wage, and I would hope that whatever procedure is maintained now in the respective States would continue to be applied under the terms of this extension.

Mr. LONG. I have been impressed by the fact that in individual cases people, very successful people, have reported to me on occasion that the people handling the job security program were unwilling to refer them to or even make available to them information about a job which was well below the earnings to which they had become accustomed or the skills they had demonstrated, although those persons were anxious to have a job, and would have been willing to take one that became available, even though it paid much less and required less training than the one they had been displaced from.

It would seem to me that after, let us say, 9 months, a person would quit being very particular about the job, and take something that ordinarily he would pass by during the first 5 or 6 months. That is the thing that gives me doubts about the Senator's amendment. I thought he might be able to give me some suggestions along that line. Perhaps he might consider modifying his amendment.

Mr. HUMPHREY. May I say, Mr. President, that there may be examples that can be brought forward. I am sure the Senator has some in mind.

But my experience, particularly in the area that I have recently visited—one of the reasons I have offered this amendment is that this past week, I noticed when I was at home in my own State that 8,000 more Minnesotans will be off the unemployment compensation, and will literally be having to look to the welfare office for assistance.

Those people will take jobs. They are looking for any kind of a job that would pay them a living wage. If there were any way I could be sure that we could find appropriate language—and maybe through legislative history we can be helpful in it—to provide that when a person is offered a job that pays a minimum wage, he has to take that job or he is no longer eligible for his unemployment compensation, I would be more than pleased to see that fashioned.

But I am only saying, speaking from the knowledge I have of this program, that while there may be examples of an office that is not pursuing the seeking of opportunities for work for people on the benefit list, I think those are scattered and few, and I think it ought to be made perfectly clear to those administering the program that the objective in each and every State is to find jobs as quickly as possible.

These benefits are not excessive. As we all know, it would be difficult to live under them, and it would be a bitter, miserable job that would not provide more than the benefits under unemployment compensation.

But we are getting to a point now where long periods of unemployment are compelling more and more people to exhaust benefits. The Government is not saving money, because after a short period of time they must apply for food stamps or welfare, and I think they are better off to try to find meaningful and constructive work. That is the purpose of my amendment.

Several Senators addressed the Chair.

Mr. HUMPHREY. I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, first of all I applaud the Senator from Minnesota for bringing up this amendment.

The name of the game here is helping people who are unemployed, and there is nothing more direct than giving the benefit to the person who becomes unemployed. I think it is a dignified way of doing. I am not keyed off by the argument that people are not willing to accept a meaningful job, and for that reason ought to be deprived of jobs. What are we trying to do, pauperize our people and make them undignified? As the Senator from Minnesota pointed out, these benefits are not so generous that a person is better off to take the benefits than take a job.

This program was initiated for the purpose of helping people who are unemployed. We talk about revenue sharing, about stimulation of public works programs—everything done, nothing put in. This is a perfect way of reaching that man who is unemployed. And everyone knows that if a person is out of a job, and he has a family to support and no job available, he has to go on relief; and when he goes on relief, who pays for it? The taxpayer pays for it.

This is the direct way of doing it, because when you receive unemployment compensation, you are under the jurisdiction of the board, and if they offer you a job that is comparable to the work that you are qualified for, and it is a dignified job, and you refuse to take it, they can knock you off the roll. I think this is the best way of doing it.

If we are going to do something about unemployment, it does not make any difference to me whether it is unemployment of 10 or 15 percent, any one individual who is out of work, whether he falls within 5, 10, or 15 percent, has a miserable way of getting along.

For that reason, I shall support the amendment, and I applaud the Senator for bringing it up.

Mr. HUMPHREY. I thank the Senator. I now yield to the distinguished Senator from Washington.

Mr. MAGNUSON. Mr. President, I think I appreciate unemployment insurance and its problems as much as anyone. I introduced one of the first unemployment insurance bills in the Nation, the first with the exception of the State of Wisconsin, in my State in 1933. It has been a great thing for our people.

I merely want to say that I am hopeful that we can extend the benefits, as the Senator points out. I have discussed this with the Senator from Louisiana on many occasions, and I am hopeful that the members of the Committee on Finance who are here and present will set themselves to this task when they come back.

I have a bill, and other Senators have similar bills, to extend the unemployment compensation at least 6 months. The States can handle it, because very few people realize that the States can borrow money from the Federal Government to establish unemployment insurance, without interest.

The Senator says he has 8,000 in his State?

Mr. HUMPHREY. Yes. That was the latest figures available.

Mr. MAGNUSON. We have 27,000 who in the last 2 months have exhausted their unemployment insurance. Where do they go? Welfare.

I just got through with the HEW bill. I do not claim to be too knowledgeable about it. I do not think anyone can understand the whole bill. But we do get into welfare.

It costs more money to put a person on welfare than to keep him on unemployment insurance, whether it be for 6 months or a year.

Mr. PASTORE. That is right.

Mr. MAGNUSON. And on top of that you break his spirit. It is humiliating because he wants to, as the Senator from Rhode Island has stated, go to work.

So we have got to set ourselves to this task. I merely speak tonight because I am not quite sure that we should do it this way, on this particular bill. But the Senator from Louisiana, and I am sure the Senator from Connecticut, the Senator from Georgia, and other members of the Committee on Finance whom I see in the Chamber, will set themselves to looking at this real problem of the extension of unemployment compensation. This has just got to be done, not only in my area or in Minnesota, but I can think of scores of places all over the United States where the basket of eggs is going to drop and they are out. And these are people who want to work; they had rather be working.

Unemployment insurance, as has been pointed out, is no bonanza. It runs an average of—What is it?—$55 a week to $70, I think. Senators know they cannot get along on that. But put them on welfare, and you are costing the American taxpayer almost twice as much, and humiliating the dignity of the individual who wants to work; and I think we had better set ourselves to this task.

The Senator from Louisiana has assured me that he is going to try, and I am sure all the members of the Committee on Finance, at least those within the sound of my voice, know what I mean.

Mr. HUMPHREY. Mr. President, I thank the distinguished Senator because I know of his great leadership in this area. He is one of the pioneers, and not only that, the Senator from Washington has been one who has continuously fought for this kind of legislation.

Mr. President, it is my view that the need is so apparent and so immediate that any delay is going to be exceedingly unfortunate. I just stated the figure of 45,000 per week, within the last month, who have exhausted their benefits. That rate is going up each month.

While I want to see the Finance Committee perfect and extend unemployment compensation legislation—and I know it will, under the able leadership of the Senator from Louisiana and the other members of that committee—may I say that the bill now before the Senate will go to the other body. We will have an opportunity within this bill to get some immediate relief. When the Finance Committee acts upon the measure which is before it, it will, of course, supplant what is in this measure. So we do not lose anything, and we may very well save some time here and possibly save some misery of a number of people.

I know that this is not the ordinary way in which we do things. We work through the committee process. The truth is, however, that unemployment compensation legislation, as is well known by the Members of the Senate, is on the books. The question is really the matter of extension, and the extension I am proposing here is 26 weeks. I do not think that is excessive. I see no indication that our problems of unemployment will be substantially altered in the next 26 weeks. I do see that thousands and thousands of more people will be exhausting their benefits. I believe, therefore, that this amendment is needed.

I think the action of the Finance Committee will be needed, and I would hope that the Finance Committee would pursue its action, as I am sure it will, immediately after the recess, and come forth with an extension that may be even more meaningful than this one.

Mr. President, I rest my case. When we talk about disaster relief, I believe that one of the great disasters that befalls thousands of our people every day is unemployment, and it is compounded when the compensation for unemployment is exhausted.

As has been graphically stated here, this is not an extreme measure. It is one that has been tested and tried. It is not as expensive as welfare measures. I think it is desperately needed, and I hope my colleagues will see fit to support it.

Mr. BAKER. Mr. President, at the time I introduced this bill, which was referred to the Committee on Public Works, and which was modified and reported in its present form, many argued against its introduction, on the theory that it would be practically impossible in this body to design a bill that would meet the exigencies of an emergency situation in particular areas, such as Seattle, Connecticut, and others with which we are familiar, because amendments would be added on the floor or in committee which would make it of general effect, and therefore so pollute the effect of the measure that it would have no significance in areas of critical unemployment, or make it so unpalatable that it would not be accepted by the other body or that it would be assured of a presidential veto.

I am most sympathetic to the expressions of concern voiced by the distinguished Senator from Minnesota. But I also perceive that the introduction of this amendment is proof of the allegations by certain of my colleagues in opposition to my introducing this bill in the first instance; that in fact we would make it one of general application instead of special and narrow application, where we could concentrate massive Federal assistance to relieve particular segments of an economy acutely distressed.

Mr. President, I suggest that one of the problems we have is determining, in the good judgment and wisdom of the Senate, to try to concentrate the available programs, money, and resources under this bill on the areas where we can do the most good the most quickly, without trying to make this bill all things to all people.

I would hope that, in the ordinary course of events, the Finance Committee of the Senate would consider in its wisdom the extension of unemployment benefits. I expect that I would support such a program if properly heard and properly reported to the floor of the Senate. But I urge my colleagues to consider that the bill before the Senate is to relieve a specific situation, such as the one in Seattle, in Wichita, in Connecticut, where the problem is acute. If we try to make it a statute of general application throughout the United States, we are sounding its death knell.

I hope the amendment will be rejected.

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

Mr. MONTOYA. How much time does the Senator desire?

Mr. COOPER. Four minutes.

Mr. MONTOYA. I yield 4 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I know the generous spirit and generous heart of the Senator from Minnesota. I have known him for a long time, and I appreciate his purpose tonight.

I do have some responsibility in this situation. I say to Senators in the Chamber now, who were not here when we discussed this bill earlier, that we approached it first in the concept of giving specific aid to individuals—to people living in cities and areas of highest unemployment, usually where it had occurred very abruptly, as by the closing down of an industry. We knew there was not enough money in this type of bill to do what should be done all over the country. So we attempted, through Senator BAKER and the Senators from Wash-

ington, to direct it to these most critical areas.

The bill already has been made one of general application throughout the country—directed also to people who never have been employed, people who have been unemployed for 15 years—where there has been chronic, persistent unemployment. The money available to the Office of Emergency Preparedness for this bill and natural disaster areas is $85 million, which has been appropriated.

I would like to vote for extended unemployment compensation. I recall that in 1962, when we were in a depression, and in 1958, we did that. But if we are not careful this bill is going to be such a mish-mash that it will not help any body, and the Senator's amendment may move it toward a veto.

So I have to do this, much as I dislike it.

Mr. President, I make the point of order.

The PRESIDING OFFICER. Does the Senator from Minnesota yield back his time? The Senator from Minnesota would have to yield back his time first.

Mr. HUMPHREY. Mr. President, does the Chair ask whether I yield back the time?

The PRESIDING OFFICER. The Senator from Kentcky has made a point of order, but it cannot be made until the Senator from Minnesota yields back his time or uses up his time.

Mr. HUMPHREY. Before I yield back my time, I should like to make some comments with respect to the argument that has been made.

The PRESIDING OFFICER. The point of order will not be in order until the Senator yields back his time.

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

Mr. MONTOYA. I yield the Senator 1 minute.

Mr. LONG. Mr. President, I would be happy to consider this measure in connection with revenue measures in the Finance Committee, but this measure, attached to this bill, would be clearly unconstitutional; because this is a Senate bill, and the Constitution requires that revenue measures originate in the House. This is not an appropriation bill, nor is it a revenue bill in any respect whatsoever. This is a revenue measure being offered to the bill. The Constitution clearly requires that it be a revenue bill when it originates in the House, and this bill does not originate there. It originates in the Senate. So that if this amendment were adopted, it would be unconstitutional. The courts would be required to strike it down. It would not get far, because the House would send it back, anyway.

If this is supposed to be an emergency bill, rather than send it to the House and have them send it back, which they will surely do, the Senator would be better off to save this measure and consider it in connection with a revenue bill.

I say to the Senator that I would have been compelled to make the point of order if someone else did not, even though I will arrange for a hearing when we get back here, and I will invite the Senator to testify on it, because he makes a very good case, and I am very sympathetic to it.

Mr. HUMPHREY. Mr. President, before the point of order is made—and I appreciate the courtesy of my colleagues—may I say most respectfully that I disagree that this is unconstitutional——

The PRESIDING OFFICER (Mr. WEICKER). How much time does the Senator yield himself?

Mr. HUMPHREY. Mr. President, how much time remains?

The PRESIDING OFFICER. Thirteen minutes.

Mr. HUMPHREY. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. HUMPHREY. Mr. President, I say most respectfully that while the point is made that this may be unconstitutional, I cannot agree with that. This is an amendment not in the nature of a revenue measure but an amendment which directs the President to use out of appropriated funds money for the purpose of payment of unemployment compensation. We are not adjusting the tax base. We are not adjusting taxes. This kind of amendment has been offered before in the Senate. I recall that the Senator from Indiana offered an amendment similar to this on a measure 2 or 3 months ago. It was a close vote, a difference of two or three votes, I believe.

Second, I respectfully urge upon the Senate that we will be out of here for a month and while it is true that the upper House will also be out, if we can pass an amendment like this now, the other body can quickly go to work on it.

In the meantime, following return after the recess, the Finance Committee will be at work on it, as the Senator from Louisiana has already said and, hopefully, I think it will successfully process legislation along the lines I am offering here. It will not be a conflict. If that is done, the language from the other bill will supersede this language. We will save time in the meantime.

As the Senator from Kentucky said, the purpose of the bill is to help people. Well, I think that if we are going to help people, we do not have to wait to see whether they are in an area that has been defined here as "where the rate of unemployment is 50 percent above the national average for 6 or preceding 12 months, which would mean that it would have to be a 100-percent increase in the unemployment to 6 percent or more of the preceding 12 months."

The point I make is that people are and have been unemployed. They have to use their benefits. They are exhausting their benefits. They are without money. It is much better that they get an extension of unemployment compensation before they go on welfare or become, frankly, just forgotten people.

This is a disaster relief bill. My amendment relates to disaster. I think it should be adopted and I respectfully urge my colleagues to give it favorable consideration.

Mr. President, I now yield back the remainder of my time.

Mr. COOPER. Mr. President, will the Senator from New Mexico yield?

Mr. MONTOYA. How much time does the Senator need?

Mr. COOPER. One minute.

Mr. MONTOYA. I yield 1 minute to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 1 minute.

Mr. COOPER. Mr. President, I recognize and I agree with the substance of what the Senator says, that this should be provided and provided in a proper way; but the bill, unless it is kept in some order, will not become a bill anyway, it will become an act. Thus, I must try all I can to protect it, such as it is.

Mr. President, I make the point of order that the amendment is not germane.

Mr. HUMPHREY. Mr. President, will the Chair rule?

Mr. MONTOYA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. WEICKER). The Chair will now rule on the point of order made by the Senator from Kentucky (Mr. COOPER).

The Chair sustains the point of order.

Under the unanimous-consent agreement for the consideration of this bill, there is a proviso that no amendment not germane to the provisions of the said bill shall be received.

The amendment by the Senator from Minnesota (Mr. HUMPHREY) is concerned, in effect, with an extension of the unemployment compensation law. The bill mentions the subject, but in no way amends the unemployment compensation laws.

If this amendment were introduced as a bill, it would be referred to the Committee on Finance, not to the Committee on Public Works, which reported the pending bill.

Thus, the amendment is not germane and, therefore, is not in order.

Mr. HUMPHREY. Mr. President, I appeal from the ruling of the Chair.

Mr. President, under my right to appeal the ruling of the Chair, may I cite why I make the appeal?

The PRESIDING OFFICER. The Senator from Minnesota is recognized for that purpose.

Mr. HUMPHREY. Mr. President, I make that appeal, Mr. President, because the amendment is germane.

The language of the bill on page 3, over to page 4, relates directly to the extension of unemployment compensation.

It states:

> Such assistance as the President shall provide shall be available to individuals not otherwise eligible for unemployment compensation and individuals who have otherwise exhausted their eligibility for such unemployment compensation, and shall continue as long as the area is designated as a major disaster area (but not less than six months) or until the individual is reemployed in a suitable position.

Mr. President, how can you be more germane than that?

Indeed, the bill itself extends the unemployment compensation.

I respectfully submit, Mr. President, that the ruling the amendment is not germane is incorrect. The language of

unemployment compensation is all the way through the bill.

I appeal from the ruling of the Chair, and ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. ALLOTT. The yeas and nays, having been ordered, will the occupant of the Chair please state the order in which the question is to be posed?

The PRESIDING OFFICER (Mr. WEICKER). The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Does any Senator care to use time or is it all yielded back?

SEVERAL SENATORS. Vote! Vote! Vote!

The PRESIDING OFFICER. Does the Senator from New Mexico yield back his time?

Mr. MONTOYA. I yield back the time, if I have any time on this.

The PRESIDING OFFICER. The Chair repeats the question: Shall the decision of the Chair stand as the judgment of the Senate?

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll, and Mr. AIKEN voted in the affirmative.

Mr. AIKEN. Mr. President, does a "yea" vote sustain the decision of the Chair?

The PRESIDING OFFICER. A "yea" vote on this question sustains the position of the Chair.

The legislative clerk concluded the call of the roll.

Mr. BYRD of West Virginia. I announce that the Senator from North Carolina (Mr. ERVIN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. PEARSON), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from Nebraska (Mr. HRUSKA) and the Senator from Illinois (Mr. PERCY) are absent on official business.

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

The Senator from Tennessee (Mr. BROCK), and the Senator from Arizona (Mr. GOLDWATER) are detained on official business.

The result was announced—yeas 53, nays 29, as follows:

[No. 205 Leg.]

YEAS—53

Aiken	Cotton	McClellan
Allen	Curtis	Miller
Allott	Dole	Packwood
Anderson	Dominick	Randolph
Baker	Eagleton	Roth
Beall	Eastland	Saxbe
Bellmon	Ellender	Scott
Bentsen	Fannin	Smith
Bible	Fong	Spong
Boggs	Gambrell	Stevens
Buckley	Griffin	Symington
Byrd, Va.	Gurney	Taft
Byrd, W. Va.	Hansen	Talmadge
Cannon	Hatfield	Thurmond
Chiles	Jordan, N.C.	Tower
Church	Jordan, Idaho	Weicker
Cook	Long	Young
Cooper	Mathias	

NAYS—29

Bayh	Jackson	Muskie
Brooke	Javits	Nelson
Burdick	Kennedy	Pastore
Case	Magnuson	Pell
Cranston	Mansfield	Proxmire
Gravel	McGee	Ribicoff
Hart	McIntyre	Schweiker
Hollings	Metcalf	Tunney
Hughes	Mondale	Williams
Humphrey	Montoya	

NOT VOTING—18

Bennett	Hartke	Pearson
Brock	Hruska	Percy
Ervin	Inouye	Prouty
Fulbright	McGovern	Sparkman
Goldwater	Moss	Stennis
Harris	Mundt	Stevenson

So the decision of the Chair was sustained.

ORDER FOR STAR PRINT OF COMMITTEE REPORT NO. 92-337 ON S. 2393

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a star print of Committee Report No. 92-337 to accompany S. 2393 be prepared.

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

Mr. MUSKIE. Mr. President, the Economic Disaster Relief Act of 1971 (S. 2393) attacks the problems of chronic and sudden unemployment. It includes an amendment I offered in committee assuring that the assistance provided in S. 2393 be available to areas that have experienced high and persistent unemployment. S. 2393 amends the "Disaster Relief Act of 1970" by expanding the definition of a major disaster area to include areas that have experienced an unemployment rate 50 percent above the national average for 6 of the 12 preceding months or a 10 percent increase in unemployment to a rate higher than 6 percent over the 12 preceding months. An area, community, or neighborhood where such conditions exist can be designated without regard to political boundaries.

In trying to help the unemployed we must not be stopped by political boundaries or statistical abstractions. Unemployment does not stop at any State boundary, nor is it neatly contained in any statistical formula like major labor areas. The problem of unemployment is as varied as the men involved. Government programs should be flexible to seek out and destroy unemployment where it exists. Unfortunately, present Government programs all too frequently do not have the necessary flexibility to combat unemployment where it exists.

But for this amendment to expand the availability of assistance to communities, and neighborhoods, and under this bill would be limited to so-called "major labor areas."

A "major labor area," as defined by the Department of Labor, consists of a central city or cities and the surrounding territory within commuting distance.

As one can readily see, the definition of "major labor areas," and its use in determining eligibility for a variety of Federal programs do not take into account the existence of severe pockets of unemployment in many of our central cities. These poverty pockets are often masked by relatively full employment elsewhere in the "major labor area."

The Los Angeles area provides a good example of this condition. The Los Angeles-Long Beach labor area—including all of Los Angeles County—is not currently eligible for assistance under title I of the Public Works and Economic Development Act of 1965, even though the Watts area of Los Angeles has unemployment of 18 to 20 percent, and the Mexican-American community of East Los Angeles has unemployment estimated at 15 percent. These areas have had high unemployment rates for years and suffered disproportionately during the recent recession. A "major labor area" approach to Federal disaster relief would not provide relief for these areas of severe economic hardship unless the labor area as a whole had high unemployment. This, I believe, is unacceptable. Urgently needed aid should not be withheld from the jobless in our cities merely because they live in a neighborhood surrounded by areas of full employment. Assistance of this kind must be available to concentrations of the unemployed and their communities regardless of political boundaries or the relative prosperity of nearby areas.

Once an area has been designated an economic disaster area, individuals in those areas would qualify for a variety of aid already available to victims of natural disasters. This aid would include:

Temporary housing or emergency shelter;

Mortgage or rental payments up to a year upon written notice of foreclosure or eviction; and

Food coupon allotments and surplus commodities.

Individuals would receive expanded unemployment compensation under this bill. Both those who have exhausted their eligibility and those not otherwise eligible would receive unemployment compensation as long as the area is designated as a major disaster, unless reemployed.

A new section added by this bill would authorize relocation assistance to unemployed individuals in disaster areas, including costs of seeking a job in another area and moving to a new job.

New authority would be given to the President to provide medical services in major disaster areas, without regard to ability to pay, utilizing Public Health Service, military and State facilities and personnel.

Aid to major sources of employment under section 237 of the Disaster Relief Act would be expanded to include loans

to enterprises which have the potential to be a major source of employment in a disaster area, as well as those which have been major employers and are out of operation because of the disaster.

Communities with economic disasters could receive grants to take the place of lost property tax revenues. Also, as under existing law for natural disasters, in economic disaster areas Federal agencies could waive or modify administrative procedural conditions for assistance, and the President could take steps to avert or lessen an imminent economic disaster before its actual occurrence.

Clearly this bill provides a wide range of new assistance to areas experiencing intolerably high levels of unemployment throughout this country. Unfortunately, there are far too many of these areas. As of June 1971, 5.5 million Americans were cut off work. The continued sluggish recovery—the index of leading business indicators which generally foreshadows movements in the general economy declined in June—means that the problem of unemployment is not being solved.

For months the Senate has been debating what should be done. The Economic Disaster Area Relief Act of 1971 answers that question. It will bring much needed relief and help to areas like Seattle, Wash.; Anchorage, Alaska; Wichita, Kans.; and Southern California. Areas which are clearly experiencing an economic disaster.

In Wichita, Kans., unemployment rose from 7,400 in January 1970, to 16,700 in January 1971. Today unemployment is over 10 percent in Wichita.

Two years ago, only 66,000 people were unemployed in the State of Washington; today there are at least 160,000 people unemployed.

Unemployment for April in Los Angeles County was estimated at 264,000. For the same month, unemployment rates in Anchorage and Fairbanks, Alaska's major labor areas, were 12.3 and 14.4 percent, respectively.

The approach recommended by this bill recognizes that our economy is like a seamless web, that between the parts there is an interdependence and connection that we ignore at our peril. For an economy to be truly prosperous, each of its parts must be prosperous. This bill goes to the tap-well of our problems providing assistance where it is needed.

Areas of chronic unemployment particularly need the assistance provided by this bill. Their problems are seriously aggrevated by the recent recession and the present slack in our economy. These areas have suffered the consequences of unemployment longer and harder than the rest of the country. Slack unemployment in urban poverty neighborhoods is now at an intolerable 11.9 percent rate. The fact that these areas and these people have endured more should not be made the reason to exclude them from the provisions of this bill. To exclude areas of chronic unemployment from the relief offered by this bill would be neither logical nor compassionate. It is not humane to say to a man out of work that we are helping some unemployed Americans but not him, because he did not become unemployed in the right way. This would seem to suggest that we have two kinds of unemployed Americans—the deserving unemployed and the undeserving unemployed. Such a distinction is not humane to the man out of work nor to his family that he must provide for and feed.

Also such a distinction is not logical. First, it forgets that areas of this country are not separate from each other. They are, in fact, part of the same whole. If John Donne can say that no man is an island, certainly we can say that Detroit is not an island, that Los Angeles is not an island. If our economy is to have real prosperity, then these areas must prosper.

Second, it is not logical because such a distinction assumes that there is a fundamental economy difference betweeen the two kinds of areas. In fact, the fundamental flaw causing the problem is the same. An area that has suffered extensive and sudden unemployment needs to create a broad-based economy just as much as areas of chronic unemployment. Both areas suffer from a lack of a truly suitable economy. Both areas need the assistance provided by this bill. Both areas need the economic foundations provided by this bill.

The "Economic Disaster Relief Act of 1971" will provide the desperately needed assistance that so many Americans must have because of local economic conditions, and it will provide relief to areas in need regardless of political boundaries. I support the bill and will oppose all attempts to limit the relief provided in the bill.

AMENDMENT NO. 390

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. COOPER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 2, line 18, insert after the word unemployment, the following: "attributable to the loss or curtailment of significant sources of employment or employment opportunity."

Mr. COOPER. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I wish to read the language on page 2 of the bill, starting at line 15, to which my amendment would apply. The language to which I refer deals with the definition of a major disaster:

"Major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe including the existence of a rate of employment—

Mr. President, at this point, the language I have offered will be inserted as follows:

attributable to the loss or curtailment of significant sources of employment or employment opportunity

Then, the rest of the language in that section would follow.

Mr. MONTOYA. Mr. President, I have been authorized by the committee to accept the amendment, and I do accept the amendment on behalf of the committee.

Mr. COOPER. Mr. President, I wish to note for the record that I have offered the amendment for myself, the Senator from Tennessee (Mr. BAKER), and the Senator from Kansas (Mr. DOLE).

At this time I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, this is a good amendment, and it is a good compromise. I will surely expedite the adoption of this worthwhile bill.

Mr. MONTOYA. Mr. President, I yield 30 seconds to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I address the Senate at this time not to discuss the amendment which has been accepted by the able chairman of our Subcommittee on Economic Development, but to say that I think it is important for our colleagues on both sides of the aisle to remember tonight the very excellent cooperation we have had in the Committee on Public Works between the members of the Democratic Party and the Republican Party. We have thought always in terms of working out our problems within the committee, and even on the floor, from the standpoint of an approach which is constructive in nature.

I commend the Senator from Kentucky (Mr. COOPER), the Senator from Tennessee (Mr. BAKER), and other Senators who worked with the committee in an effort to bring forth a strong bill.

Mr. MONTOYA. Mr. President, I wish to associate myself with the remarks of the Senator from West Virginia and reemphasize that at all stages of the consideration of this bill, we have received very good cooperation from the minority side, not only during our field hearings on this bill but in all the considerations within the committee directed here within the U.S. Senate.

I do want to commend not only the leadership for having been of great help to us this evening, but also the members of the Public Works Committee on the Republican side, Senators COOPER, BOGGS, BAKER, DOLE, BEALL, BUCKLEY, and WEICKER; and on the Democratic side, Senators RANDOLPH, JORDAN, BAYH, EAGLETON, GRAVEL, TUNNEY, and BENTSEN. I also want to commend the staff members, Barry Meyer, Phil Cummings, David Sandoval, John Yago, Bailey Guard, Judy Parente, and Rick Herod, for the excellent work they have done and the agreements they have brought about through their good staff work.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFICER. The bill is open to amendment.

Mr. BELLMON. Mr. President, I have an amendment at the desk, which I ask to have stated.

The PRESIDING OFFICER. The amendment of the Senator from Oklahoma will be read.

The legislative clerk read the amendment, as follows:

On page 5, following line 14, insert a new subsection:

"REDIRECTION OF FEDERAL PUBLIC WORKS PROGRAMS

"SEC. 257. At the direction of the President, the head of any executive department or agency of the Federal Government shall, to the maximum extent practicable, consistent with his other responsibilities and with his available statutory authority, redirect activities of such department or agency into areas of a State which have suffered hardship as a result of a major disaster and give priority to projects and activities which are to be carried out in other areas of the State, if the carrying out of such projects and activities in such areas would assist in alleviating the economic distress and other hardship resulting from the disaster and the Governor of the State concurs in such redirection.".

Mr. MONTOYA. Mr. President, will the Senator from Oklahoma yield to me for a minute?

Mr. BELLMON. I yield.

Mr. MONTOYA. Mr. President, this amendment deals with the drought situation. The staff on both sides have discussed the amendment. The committee members have been apprised of it. On behalf of the committee, I am willing to accept the amendment.

Mr. BELLMON. Mr. President, I appreciate the statement of the distinguished chairman, and yield back my time.

Mr. DOMINICK. Mr. President, I think before we do that we ought to find out what this amendment is about. We happen to be in an area of drought. So is New Mexico. So is Texas. So are many others. I would like to be in a position of supporting enthusiastically or not supporting enthusiastically this amendment.

Mr. BELLMON. Mr. President, I shall be glad to explain the amendment. I yield myself 2 minutes.

The purpose of the amendment is to make it possible for the head of an executive department or agency of the Federal Government, with the consent and concurrence of the Governor of a State, to transfer public works projects within a State from an area where there is no disaster or drought condition to an area where there is a disaster and serious downturn in the economy, in an attempt to create more jobs and help the economy.

In my own State of Oklahoma we have a serious drought situation in 12 counties in the southwestern part of the State. In those areas there is need for certain public work programs, particularly for waterworks projects of one kind of another.

Under the terms of the amendment, it would be possible for the head of HUD or Soil Conservation or other agencies to transfer public works projects from one part of the State to those 12 disaster counties in my State, for example. This would not affect other public works projects in other States. But it requires the concurrence of both the Governor of the State and the head of the agency. It would alleviate conditions not only in Oklahoma, but in other States.

I yield back the balance of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

AMENDMENT NO 388

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, I call up my amendment No. 388.

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield briefly?

Mr. BAKER. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

The legislative clerk read amendment No. 388, as follows:

After line 14 on page 5 add the following section:

SEC. 7. The amendments made by this Act shall expire on June 30, 1973.

Mr. BAKER. Mr. President, I yield myself such time as I may use.

I simply want to say that we agree that this is emergency legislation under the immediate circumstances and conditions. If that is so, and if it is interim legislation we are dealing with, we ought to have an expiration date. I have offered a 2-year period, until June 30, 1973.

I would hope it is the judgment of the chairman of the committee to accept the amendment.

Mr. MONTOYA. Mr. President, we have considered this amendment. I am willing to accept it.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. BAKER. Mr. President, I yield back my time.

Mr. MONTOYA. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

Mr. GRIFFIN. Mr. President, I shall reluctantly cast my vote for this bill. I do so with deep concern because I recognize that the legislation in its present form is full of serious defects.

I hope the House of Representatives will see fit to reshape this bill so that it may be more acceptable. Unless that happens, I believe a veto by the President can be expected.

Mr. TUNNEY. Mr. President, the Senate today has a chance to provide urgently needed economic assistance to individuals in this Nation who are suffering desperately from the current crisis of unemployment and inflation.

I strongly support the Economic Disaster Relief Act of 1971, and I urge the Senate to approve this legislation as reported earlier this week by the Public Works Committee, of which I am a member. I am pleased to have helped draft this legislation, which will be immediately helpful to many areas in California, and am pleased as well to have joined a bipartisan group of my distinguished colleagues in sponsoring it.

This legislation declares that the Disaster Relief Act of 1970—originally created to deal with natural disasters—shall be expanded to permit emergency aid for any "area, community or neighborhood" in which unemployment has remained 50 percent above the national average for 6 of the past 12 months, or in which unemployment has doubled within the past year to a rate of 6 percent or higher. Moreover, this legislation provides further kinds of assistance beyond those specified in the 1970 Disaster Relief Act.

As in the 1970 act, the President could declare a major disaster area on request of a Governor once the specifically stated tests of high unemployment have been met. The President would then appoint a Federal coordinating officer for that area, community or neighborhood. The coordinating officer, operating under the Office of Emergency Preparedness, would then make an initial estimate of the types of relief most urgently needed and would coordinate and administer aid to the area.

Individuals in the economic disaster area would be eligible for the following major types of aid:

First, temporary housing or emergency shelter;

Second, mortgage or rental payments up to a year upon written notification of foreclosure or eviction;

Third, food coupon allotments and surplus commodities;

Fourth, expanded unemployment compensation, both for those who have exhausted their eligibility and those not otherwise eligible under State law, for at least 6 months and to continue as long as the area is designated a major disaster area;

Fifth, relocation aid to unemployed individuals in disaster areas, including the costs of seeking a job in another area and moving to a new job;

Sixth, medical services, to be provided through public agencies, without regard to ability to pay;

Seventh, loans to enterprises which have the potential to be some major sources of employment in a disaster area, as well as those which have been a major employer and are out of operation because of the disaster;

Eighth, compensatory grants to local communities to replace tax revenues lost under the impact of economic disaster.

This assurance, made available to areas of disastrously high unemployment, would reach pockets of unemployment and economic stagnation throughout our Nation. In California, it is clear that at least the area of Stockton would be eligible for this assistance. In addition, aid under this bill could reach persistent pockets of unemployment in California which are within larger political units: substantial portions of East Los Angeles and of Watts, for example, have shown a shockingly high rate of unemployment for well over 1 year and would be eligible for aid under this bill—as "communities, areas or neighborhoods"—even though the unemployment rate in the entire Los Angeles metropolitan area may be too low to permit disaster assistance to flow to Los Angeles generally.

I firmly believe that widespread and heavy unemployment, on the scale de-

scribed in the criteria for eligibility in this legislation, is as serious a disaster when it has persisted over long periods of time as it is when it has happened suddenly in the recent past. I share this view with public works committee Chairman Randolph, and economic development subcommittee Chairman Montoya, among a majority of my distinguished colleagues who considered this matter with me in committee. If we restrict the definition of eligible areas to those particular localities in which unemployment is attributable to the loss or curtailment of sources of employment, we will in effect ignore those persons who are now less able to find work because jobs everywhere are scarce. We would risk creating legislation whose promise of economic assistance, of new hope, is restricted to the former affluent who are newly out of work. This would work a grotesque discrimination against those less privileged persons, often from minority groups, who live in our pockets of highest unemployment.

Additionally, I believe strongly that this legislation should contain sufficient flexibility to allow aid to flow to any "area, community or neighborhood" in which unemployment has met the statutory criteria. The blight of joblessness does not follow ordinary political boundaries, and we should not insist that the percentage of joblessness be computed on those lines. In Los Angeles county, for example, unemployment in April 1971 was estimated at 264,000 persons—a substantially higher figure than the unemployment in the entire State of Washington. However, the percentage of unemployment in Los Angeles county must be computed against the immense base of population in that densely populated metropolitan county. Consequently, the percentage of unemployment has been lower than that which is necessary to qualify for help under Federal aid programs. Yet within Los Angeles, terrible suffering is a fact of daily life in many pockets of high unemployment. In East Los Angeles, for example, the unemployment rate is 16 percent. The median family income for Mexican-Americans is $5,600 yearly compared with $13,000 for families in nearby communities of Monterey Park, Montebello, and Alhambra. It is no surprise that the high school drop out rate in the Mexican-American communities averages 10 times that of surrounding schools.

I believe my distinguished fellow Senators from Washington agree with me—as shown by their cosponsorship of this bill—that these local pockets of high unemployment deserve help fully as much as larger areas of suffering such as Seattle.

We can not escape our obligation to meet our unemployment crisis swiftly and effectively. This legislation will do that job. I urge Senators to join me in supporting the Economic Disaster Relief Act of 1971.

Mr. MILLER. Mr. President, I would like to ask the distinguished manager of the bill a question in order to make some legislative history.

I refer to the language on page 4, lines 19 and 20, of the bill. This language provides that:

> The President shall insure that individuals within any major disaster area have full access to medical services without regard to ability to pay.

I can understand how this could be interpreted one way and how it could be interpreted another way, but, to point up the question, I believe that what is intended is that if there is a poor person, he is going to be able to receive as good and as full medical services as anybody else so that there will not be discrimination against someone simply because he is not able to pay for those services.

Is that the intention of the language?

Mr. MONTOYA. I think the President would, as he is required to do under the bill, accomplish that objective. He will insure the accomplishment of the objective as stated by the Senator from Iowa.

Mr. MILLER. I thought it well to point this out because I think that there could be some difference of interpretation, and I appreciate the response of the Senator from New Mexico.

Mr. MONTOYA. I thank the Senator for bringing up that point.

Mr. ALLOTT. Mr. President, will the Senator yield? I am not sure the point was made clear.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Will the Senator yield me time for a question or two?

Mr. MONTOYA. Yes, I yield.

Mr. ALLOTT. The language reads:

> The President shall insure that individuals within any major disaster area have full access to medical services without regard to ability to pay.

It is certainly not the intention of the committee, is it, for anybody who lives in a disaster area and who has the ability to pay to have access to medical facilities at the expense of the government? This language is subject to that interpretation.

Mr. MONTOYA. May I inform the Senator from Colorado that the Senator from New York has pending a clarifying amendment which I think will satisfy the objections or concern of the Senator from Colorado, and I am going to accept the amendment.

Mr. ALLOTT. All right, fine, but I would like to ask the Senator from New Mexico, the manager of the bill, it is not his intention, is it, that the situation I have described would be in effect—that someone who is able to pay, simply because he lives in a disaster area, should have access to free medical care?

Mr. MONTOYA. That would be up to the President.

Mr. ALLOTT. Does the Senator mean we are going to write a piece of legislation that gives a person who lives in a disaster area, regardless of his own personal wealth, access to free medical care?

Mr. MONTOYA. The amendment reads that way. I agree with the interpretation placed on it by the Senator from Colorado, but the President is going to open up the channel and is going to prescribe the restrictions he will use in granting medical care.

Mr. ALLOTT. I shall wait for the amendment of the Senator from New York, and then, if it does not clarify the situation, I shall be back.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 386

Mr. BUCKLEY. Mr. President, I call up my amendment No. 386.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> At the end of line 18 on page 4 insert after the word "individuals" the words "adversely affected by the disaster"; and strike everything from line 20 beginning with the sentence "To achieve the purposes . . ." through line 2 of page 5 of the bill.

Mr. BUCKLEY. Mr. President, I believe that is the clarification sought by the Senator from Colorado. As the Senator from New Mexico has indicated, I believe it is acceptable to the manager of the bill.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Chair advises the Senator from New York that he has difficulty in hearing the Senator.

Mr. DOMINICK. From listening to the Senator's amendment, a copy of which I do not have and I do not think anyone else in the Senate has it, either, I would gather that the sentence would then read, "The President shall insure that individuals adversely affected by the disaster within the major disaster area have full access to medical services without regard to ability to pay." The rest of it is stricken, is that correct?

Mr. BUCKLEY. That is correct.

Mr. DOMINICK. So regardless of whether they do or do not have the ability to pay, the President then says they will have access, and can go ahead and give them free medical service?

Mr. BUCKLEY. I do not think it reads quite that way, but if clarifying language is needed, perhaps it could be suggested by the Senator from Colorado.

Mr. DOMINICK. I was thinking that if the Senator struck the words "without regard to ability to pay," I think he would accomplish the purpose of his original amendment, which I applaud, I might add.

Mr. BUCKLEY. I believe the intention here is to extend free medical services to those who cannot pay.

Mr. DOMINICK. That is right, but it does not say that.

Mr. MONTOYA. Mr. President, will the Senator from New York yield?

Mr. BUCKLEY. I yield to the Senator from New Mexico.

Mr. MONTOYA. I would like to explain this. We argued about this language with the staff. This is what the thrust of the amendment is: The President shall insure that individuals have access to medical service, but that does not mean that because he is going to insure access, that those who are able to pay will not pay. It is up to the President to state the conditions. That is what this sentence means. The sentence does not say, "access free of charge to medical attention." That is not what the amendment says.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. Who yields time?

Mr. MONTOYA. I yield.

Mr. DOMINICK. Mr. President, I am somewhat at a loss, serving as the ranking minority member on the Health Subcommittee, to find out why this subject comes out of the Committee on Public Works. We must have four bills now in conference on health, manpower, and nursing. We have a number of them in the Committee on Finance; and all of a sudden we have another one coming out of Public Works. How do we get health care under Public Works? As a jurisdictional matter, I would like an answer to that question.

Mr. MONTOYA. We have medical care for disaster victims under the Disaster Act of 1970.

Mr. DOMINICK. That is very true; we do have that to give emergency aid, that is correct.

What is proposed here, as I understand it, is a full year or 6 months, or more than that, of free medical service, regardless of whether anybody can pay for it or not. How does that get into the Committee on Public Works?

Mr. MONTOYA. I must say to the Senator from Colorado that the remainder of the wording in this particular section has been stricken by the amendment offered.

Mr. DOMINICK. I understand that, and I am happy that the amendment has been offered. The point I am making is that we are putting the burden on the President to act like some kind of open sesame. Say we have a disaster area, and say we have an unemployment area that is hit with a tornado, and they do not have any medical facilities. He has got to open his hand and say "Down come the medical facilities."

Mr. MONTOYA. May I say that the President already has this authority with respect to other disaster categories?

Mr. DOMINICK. He does, but not in the situation of an economic disaster area, which is what we are talking about here. We are not talking about a tornado, a flood, or a hail storm; we are talking about an economic disaster area. I would say that under these circumstances. I think it infringes on the jurisdiction of the Health Subcommittee that we have in the Committee on Labor and Public Welfare. If the Senator insists on it, I suppose jurisdiction is there. The chairman is not here, and the ranking Republican member of the committee does not appear to be here, so I must raise the point.

Mr. MONTOYA. Would the Senator withdraw his objection if we agreed to modify the amendment to the extent that the words "without regard to ability to pay" would be eliminated?

Mr. DOMINICK. That would certainly help a lot.

Mr. MONTOYA. If the Senator from New York will modify the amendment accordingly, I am willing to accept it.

Mr. BUCKLEY. I so modify the amendment.

Mr. DOMINICK. I thank the chairman and the Senator from New York.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair requests the Senator from New York to send his modification to the desk.

Mr. BUCKLEY's amendment (No. 386) as modified, is as follows:

At the end of line 18 on page 4 insert after the word "individuals" the words "adversely affected by the disaster"; and strike everything from line 20 beginning with "without regard to ability to pay . . ." through line 2 of page 5 of the bill.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, will the manager of the bill yield for a question?

Mr. MONTOYA. I yield the Senator 1 minute.

Mr. CURTIS. What do the words "have full access to medical services" mean? Does that mean to provide them?

Mr. MONTOYA. Yes, that is just exactly what it means, to provide medical services to people in a disaster area.

Mr. CURTIS. I can understand that when a tornado or a flood or something strikes, we should provide quick service without having it investigated. But that situation does not at all prevail in an economic disaster. There it should be directed, not to people who need it suddenly, but to people who cannot afford it.

Mr. MONTOYA. We are trying to make these services available to unemployed people who are sick from malnutrition, from lack of food, and from other ailments that are directly connected with the economic disaster that besets them.

Mr. CURTIS. That is a noble objective, but even as amended by the distinguished Senator from New York, it would be possible for a very wealthy man to have one building destroyed—that would be a natural disaster, of course—but to suffer some other losses, and——

Mr. MONTOYA. Where is the line of demarcation?

Mr. CURTIS. Well, I think the whole sentence——

Mr. MONTOYA. How are we going to restrict it?

Mr. CURTIS. I think the whole sentence ought to be rewritten.

Mr. MONTOYA. It has been already.

Mr. CURTIS. Not quite. I believe that all that the Senator from New York does is limit it to someone who has suffered a loss from a disaster. He might have suffered a lot, and still be well able to pay for it.

Mr. MONTOYA. The words now will read: "The President shall insure that individuals adversely affected in the disaster within any major disaster area have full access to medical services."

Mr. CURTIS. The Senator told me that to have full access means to furnish it. So all someone has to show is that he has been adversely affected in an economic disaster, and he will be furnished medical attention.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair advises the Senator from New Mexico and the Senator from Nebraska that the 1 minute of the Senator from Nebraska has expired.

Mr. MONTOYA. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I would like to offer for consideration some language that I would be willing to offer as an amendment in the nature of a substitute, which would provide as follows:

The President shall insure that individuals within any major disaster area who, due to financial hardship caused by such major disaster, are unable to afford necessary medical treatment, shall have access to medical services without regard to inability to pay.

The point being, Mr. President, that I think all of us are striving to say that if a disaster renders you incapable of paying for medical service, this act should pay for it, but if you can pay for it, this act should not pay.

Mr. MONTOYA. I would be willing to agree to that modification of the amendment, if the Senator from New York agrees to it.

Several Senators addressed the Chair.

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

The PRESIDING OFFICER. Who yields time to the Senator from Colorado?

Mr. MONTOYA. Mr. President, I yielded to the Senator from Tennessee.

Mr. BAKER. That is the suggestion I have, Mr. President.

The PRESIDING OFFICER. The Chair advises the Senator from Tennessee that his amendment would not be in order until such time as all time has been yielded back on the amendment of the Senator from New York.

Mr. BAKER. Mr. President, if I have time remaining, I would point out that I did not offer the amendment. I indicated that I would be willing to offer the amendment, and I suggested the language as an alternative. Mindful of the fact that the time has not expired, I have not offered it; but I am interested in knowing whether it holds any appeal to my colleagues and any promise of breaking this impasse.

Mr. MONTOYA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MONTOYA. Would the Senator from New York be in order, Mr. President, to request a modification in conformity with the suggestion made by the Senator from Tennessee?

The PRESIDING OFFICER. That would be in order.

Mr. MONTOYA. That is the procedure I suggest to the Senator from New York.

Mr. ALLOTT. Mr. President, will the Senator from New York yield?

Mr. MONTOYA. I have the floor, Mr. President.

I pose this question to the Senator from New York, and then I will yield to the Senator from Colorado.

Is the Senator from New York willing to do just that?

Mr. BUCKLEY. The Senator from New York is willing to adopt the modification.

Mr. ALLOTT. Before the Senator answers that question, will he yield for a question?

Mr. MONTOYA. Mr. President, I yield 2 minutes to the Senator from Colorado?

The PRESIDING OFFICER. The Chair asks the Senator from New York whether

he would send the modification to the desk.

Mr. BUCKLEY. I send to the desk the modification proposed by the Senator from Tennessee.

I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I was hoping that the Senator from New York would yield to me for a question before he agreed to send the modification to the desk.

I agree wholeheartedly with the purpose of the amendment offered by the Senator from Tennessee, if he would strike out the last seven words of that modification—"without regard to the ability to pay." I am sure that the distinguished chairman of the committee and many others agree that we are all trying to get to the same thing. A man may be in a disaster area and he may be worth a million dollars, and it may be liquid.

Mr. MONTOYA. Mr. President, I yield 1 minute to the Senator from Tennessee so that he may respond.

Mr. BAKER. My suggestion was not on the ability to pay but on the inability to pay.

Mr. ALLOTT. I will go along with that.

Mr. MONTOYA. Does the Senator from Tennessee delete those five words from his suggestion?

Mr. BAKER. Mr. President, I think it is a late hour and we are all confused. I have sent this suggestion to the desk in a form of a proposed modification to the original amendment of the Senator from New York, and I wonder whether the clerk can read it.

Mr. MONTOYA. Mr. President, will the clerk read the amendment as it is offered now?

The PRESIDING OFFICER. The clerk will read the amendment as modified.

The assistant legislative clerk read as follows:

In line 19, on page 4, after the word "area" insert the following: "who, due to financial hardship caused by such major disaster, are unable to afford necessary medical treatment".

In line 20, page 4, strike the word "ability" and insert in lieu thereof the word "inability".

The PRESIDING OFFICER. Is all time yielded back?

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

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

Mr. MONTOYA. I accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BUCKLEY. Mr. President, could we hear the language as amended?

The PRESIDING OFFICER. The clerk has just read the language as amended. Would the Senator from New York care to have the clerk read it again? If so, it will be so ordered.

Mr. BUCKLEY. The language as amended, yes.

Mr. MONTOYA. The full text of the sentence.

Mr. BUCKLEY. I would like the clerk to read the amendment as modified.

The PRESIDING OFFICER. The clerk will read it.

The assistant legislative clerk read as follows:

On page 4, beginning with line 18, strike all down to and including line 2 on page 5, and insert in lieu thereof the following:

"SEC. 255. The President shall insure that individuals adversely affected by the disaster within any major disaster area who due to financial hardship, caused by said major disaster are unable to afford necessary medical treatment have full access to medical services without regard to inability to pay."

Mr. BUCKLEY. I thank the Chair.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York, as modified.

The amendment, as modified, was agreed to.

Mr. MILLER. Mr. President, the purpose of the bill (S. 2393) is laudable.

No Member of the Senate has worked harder for improved disaster relief legislation than I have.

Also, every Member of the Senate wishes to help relieve an unemployment problem.

However, the fatal defect of the bill is to mix relief from a natural disaster with relief from serious unemployment.

The relief from serious unemployment should be provided through unemployment compensation, manpower training and development, and economic development—all of which are covered by existing and well-funded Federal programs. Beyond this the bill would cover individuals subject to welfare programs in a manner which would merely perpetuate the problems in the present welfare system. Now pending in the Senate is a House-passed welfare reform bill which would cover these same individuals—and hopefully it will be perfected to avoid the aforesaid problems.

The main thrust of this bill really is welfare without reform. We have too much of that already.

Mr. DOLE. Mr. President, as a member of the Economic Development Subcommittee of the Public Works Committee and because parts of my State are experiencing severe economic difficulties, I have studied the many legislative proposals designed to assist the unemployed.

One of our subcommittee hearings on Federal economic development programs was held in Wichita, Kans., now suffering an unemployment rate of 11.6 percent. At that hearing and others held in Los Angeles and Seattle, it became apparent that action must be taken to alleviate the immediate problems of the unemployed. At the same time, it became evident that we must design a new Federal approach to prevent or cure the long-term economic weakness which caused the unemployment or underemployment in the first place.

President Nixon has recognized that much of our present unemployment is related to the influx of returning Vietnam veterans into the job market and the cutbacks in the defense budget which affect the aerospace and other related industries. In response to the needs of unemployed aerospace workers, President Nixon, in April, announced a $42 million program known as the technology mobilization and reemployment program. It is designed to provide job location assistance, retraining, mobility assistance, and skill transferability studies. The Department of Housing and Urban Development and the Labor Department have also implemented a pilot program in conjunction with the National League of Cities/U.S. Conference of Mayors that will put aerospace personnel to work on the problems of our cities. Meanwhile, a skill conversion study for aerospace scientists and engineers is being conducted by the National Society of Professional Engineers.

Numerous programs have been initiated by the President to assist the jobless veteran. A partial description is contained in a statement by David O. Williams, Director, Special Review Staff of the Manpower Administration, before the District of Columbia Committee. I ask unanimous consent that the statement be printed in the RECORD at this point.

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

STATEMENT OF DAVID O. WILLIAMS

Mr. Chairman, I am pleased to have this opportunity to meet with you and discuss employment opportunities for Vietnam-era veterans. I would like to begin by describing the current nationwide employment and unemployment situation for these young veterans, and then comment briefly on the President's recent directives for additional action.

EMPLOYMENT AND UNEMPLOYMENT AMONG VIETNAM-ERA VETERANS

The Department of Labor is fully aware, as is the Committee, that our veterans are sharing in the Nation's overall increase in unemployment.

About 3.7 million Vietnam Era veterans 20 to 29 years old were in the civilian labor force in June 1971, according to the U.S. Department of Labor's Bureau of Labor Statistics. Some 3.4 million of these men held jobs, an increase of 390,000, or 13 percent, since June 1970. During the same period the number in the labor force increased by a half million. Unemployed veterans numbered 300,000 and their unemployment rate was 8.1 percent compared with 6.1 percent a year ago. (See attachment A—Data not seasonally adjusted.)

Unlike earlier months this year, the unemployment rate for veterans in June was not significantly higher than the rate of 7.8 percent for nonveterans of the same age. The nonveteran rate rose in June as it did in earlier years, largely as a result of end-of-semester increases in jobseeking among students and recent graduates. The increased summer job activity, which mostly affects the nonveteran group, also raised the labor force participation rate of nonveterans closer to the rate of veterans.

Since the winter months of 1971, the unemployment rates for veterans and nonveterans have declined, but because the series are new, it is not yet possible to compute seasonal adjustment factors, which would measure how much of each month's change is due to usual seasonal patterns.

We can examine the insured unemployment, where we have some firm data to indicate a trend. These data indicate that as the volume of State insured unemployment (UI) increases, so does that of unemployment compensation for veterans (UCX). Data for the UCX claimant can be compared with that for the State UI claimant to indicate the relative experience of the Vietnam-era veteran. The UCX claimant is, by definition, a recently separated ex-serviceman and, therefore, tends to be predominantly the Vietnam vet-

eran who is in the younger age group of 20 to 29 years.

During periods of lower nationwide unemployment, ex-servicemen experienced a lower incidence of unemployment than State UI claimants as a whole. As national unemployment began to rise, ex-servicemen experienced a greater increase of unemployment than had the State UI claimants. However, workers in the younger age group generally experience a higher incidence of unemployment than workers in the over 30-year age group, particularly in periods of rising unemployment.

The substantial increase in the numbers of ex-servicemen receiving UCX benefits began shortly before January 1970 (see attachment B). The number during the first half of FY 1970, as indicated by first payments, was only 12 percent higher than that during the same period in FY 1969. The corresponding increase for State UI beneficiaries was 7 percent. However, the number of UCX beneficiaries during the first three quarters of FY 1971 (latest data available) was 72 percent higher than the number during the same period in FY 1970. The corresponding increase for State UI beneficiaries was 36 percent.

It appears that the main reasons for the greater increase among ex-servicemen, as compared with the increase among State UI beneficiaries, may be due to the following factors. Ex-servicemen are a much younger group of claimants than the total number of State UI claimants, are comparatively inexperienced in the private sector, have lost contacts with the private sectors during their tours of duty in the services and are considered by some employers as new entrants. These factors could tend to result in ex-servicemen being among those last to be hired and first to be unemployed, having no seniority.

Recently, the duration of unemployment benefits payments among ex-servicemen has also increased. The average duration of benefits of ex-servicemen was considerably lower than that of State UI claimants during FY's 1969 and 1970, averaging 9.3 and 9.7 weeks, respectively, for ex-servicemen compared to 11.4 and 11.1 weeks for State UI claimants. However, recent trends indicate that the average duration of benefits for ex-servicemen is approaching that for State UI claimants. For example, for the first three quarters of FY 1971, the average duration of UCX benefits was 12.5 weeks and 13.1 weeks for State UI benefits.

PRESIDENTIAL DIRECTIVES AND THEIR IMPLEMENTATION

President Nixon has taken personal direction of the nationwide effort to provide employment opportunities for the returning veteran. On June 11, 1971, the President directed the Secretary of Labor to assume leadership of an intensive effort to place unemployed Vietnam-era veterans in jobs or training and to establish procedures which will provide employment for veterans as we continue phasing down the war in Vietnam.

The President directed that the following six actions be included among those which should get underway immediately:

1. Draw upon the resources of the National Alliance of Businessmen.

2. Work with the Secretary of Defense to expand substantially the Transition Program for separating servicemen in order to increase the opportunities for improving job counselling, job training, and placement.

3. Immediately augment the number of training opportunities for returning veterans and encourage veteran and employer participation.

4. Require listing of all job openings with the U.S. Employment Service by all agencies and contractors funded by the Federal Government.

5. Greatly increase the effectiveness of the U.S. Training and Employment Service in finding and opening jobs and job-training opportunities for returning veterans.

6. Provide special Labor/VA services for Vietnam-era veterans who have been drawing unemployment compensation for three months or longer.

With respect to action No. 4, above, the President, on June 16, 1971, issued Executive Order No. 11598, to provide for the listing of certain job vacancies by Federal agencies and government contractors and subcontractors (see attachment C and attachment D). The Secretary of Labor on July 24, 1971, issued a notice of proposed rule making for the mandatory listing of job vacancies with the Federal-State employment service system, and interested persons may submit their views on the proposal within 30 days (see attachment E).

This, Mr. Chairman, briefly describes the directives which has just been issued to assure that the returning veteran receives as much employment assistance as possible. However, I would like to note that we will be building our new efforts on a well-founded base of services which are available to all veterans on a continuing basis. Beginning in 1970, the Department of Labor accelerated its on-going efforts to provide additional assistance to the ex-servicemen. Our efforts can be effective, however, only if we can keep in touch with the veteran. Toward this goal, a number of directives have been sent to the State agencies focusing attention on the needs of the veteran and improving procedures whereby his employment needs can be met more effectively.

The new six actions outlined by the President reemphasize the dual functions necessary to match workers with jobs. On the one hand, we will try to open up opportunities of employment and training for the Vietnam-era veteran, and on the other hand, we will be personally contacting the veteran and apprising him of available opportunities.

Personnel within appropriate Federal agencies have been given special assignments to implement various aspects of the President's directive, with the Department of Labor taking the role of leadership and coordination. The first month's activity has centered around necessary planning activities. We are currently engaged in:

Identifying programs available for special emphasis;

Developing various methodologies, including that for linking programs;

Developing appropriate directives, and

Establishing required data and reporting systems.

Staff work to assure that special efforts are made to assist Vietnam-era veterans in finding appropriate opportunities has been given the highest priority by the President and all cooperating Federal agencies. We will be reporting from time-to-time on our progress.

Mr. Chairman, may I thank you again for this opportunity to meet with you. I will be pleased to respond to any questions which the Committee may have.

Mr. DOLE. Another valuable tool to assist communities severely impacted by defense cutbacks is the Interagency Economic Adjustment Committee. President Nixon designated this committee to coordinate Federal programs that are now available to assist such communities in formulating economic development strategy. This committee has been helpful to Wichita as well as communities in many other States.

But these new initiatives have not resolved the immediate problems in Wichita or other communities suffering from what is best described as an economic disaster. For that reason, the Public Works Committee undertook consideration of several proposals that would authorize the President to designate economic emergency areas, as an alternative to a nationwide program such as the accelerated public works program.

The concept of S. 2393—utilizing the machinery established by the Disaster Relief Act—would appear to be sound. Extending the authority of the Office of Emergency Preparedness to economic disasters and thus taking advantage of an existing management team to coordinate Federal programs is a logical extension of OEP's authority. There is a need to provide additional assistance to individuals and communities that continue to suffer economic dislocation.

However, the criteria in S. 2393, defining eligibility, are much too broad and will include areas where there has been a high unemployment rate because of chronic conditions. In the Public Works Committee, I supported an amendment to limit the eligible areas to those having the specified rates of unemployment "attributable to the loss or curtailment of sources of employment," but the amendment was not accepted. I support amendment No. 390, offered by the senior Senator from Kentucky (Mr. COOPER), to achieve this purpose.

Unless we limit the application of the Economic Disaster Relief Act to those areas that suffer from unusual and sudden economic dislocations, we will dissipate our efforts and fail to effectively assist anyone.

I can well understand the frustration experienced by Members of Congress with the unemployment rate and the desire to find a program that will alleviate, if not eliminate the hardships experienced by the unemployed. But extension of the concept of the Economic Disaster Relief Act to areas of chronic and persistent unemployment is not the answer.

Other programs have been devised to reach areas of chronic unemployment. In fact, the Emergency Employment Act of 1971 is just now being implemented. We know nothing about the effects of that act on the unemployment rate. And only today, the President signed an extension of the Public Works and Economic Development Act of 1965 which includes a total authorization for fiscal years 1972 and 1973 of $1.6 billion in Federal grants for the construction of public facilities in areas of substantial unemployment.

There are other provisions of S. 2393 that need revision, on which I have prepared amendments which I hope will be accepted by the Senate.

I want to stress my interest in devising programs that will meet the needs of all the unemployed, but the favorable impact of the Economic Disaster Relief Act of 1971 should not be dissipated in an effort to solve all of our national unemployment problems.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 391

Mr. DOLE. Mr. President, I call up amendment No. 391.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 4, line 2, strike out after the word "continue" to the word "position" on line 5 and insert in lieu thereof "until the individual is reemployed at a comparable income level but such assistance shall not exceed a total of twelve months".

Mr. DOLE. Mr. President, the language of S. 2393 in section 5 referring to "suitable position" is too indefinite and arguable. Suitable in whose interpretation. Comparable enables the administrator of this assistance to more practically assist the individual in returning to his former level of income and society. Suitable would leave the door open to rejection of potential positions on too many factors. As to the limitation on time, programs which have no definition of time invite laxity of execution; the purpose of this bill is to find jobs, as soon as possible.

Mr. MONTOYA. Mr. President, on behalf of the committee, I will accept the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. MONTOYA. I yield back my time.

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

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 392

Mr. DOLE. Mr. President, I call up my amendment No. 392 and ask that it be stated.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

On page 5, line 7, beginning with the word "in" strike out all the rest of section 256 and insert in lieu thereof the following: "who have been adversely affected by the disaster in a major disaster area. The President shall provide this assistance to such persons in a major disaster area who are unable to find reemployment in a comparable position within a reasonable distance from home. Such assistance may include necessary costs of seeking such employment and the cost of moving his family and household to the location of guaranteed employment."

Mr. DOLE. Mr. President, the reason for this suggested change of S. 2393 language is to limit the benefits to those actually affected—not everyone who happens to be a resident but unaffected by the disaster conditions. This amendment will change the wording from "where such employment is available" to "location of guaranteed employment" and place this assistance on a practical workable basis. A costly move of whole families should be on the basis of having a job guaranteed and arranged for, not simply "available."

Mr. MONTOYA. Mr. President, on behalf of the committee, I will accept this amendment, and I yield back my time.

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

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. MONTOYA. Mr. President, I ask for a third reading.

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 and third reading of the bill.

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

The PRESIDING OFFICER. Do the Senators yield back their time?

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

The PRESIDING OFFICER. All the time has 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 assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Carolina (Mr. ERVIN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Mississippi (Mr. STENNIS), are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE), and the Senator from Illinois (Mr. STEVENSON), are absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), the Senator from Utah (Mr. MOSS), the Senator from Alabama (Mr. SPARKMAN), the Senator from Illinois (Mr. STEVENSON), and the Senator from Indiana (Mr. BAYH), would each vote "yea."

Mr. GRIFFITH. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. PEARSON) and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from Nebraska (Mr. HRUSKA) and the Senator from Illinois (Mr. PERCY), are absent on official business.

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

The Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

The result was announced—yeas 71, nays 9, as follows:

[No. 206 Leg.]

YEAS—71

Aiken	Case	Gurney
Allen	Chiles	Hart
Allott	Church	Hatfield
Anderson	Cook	Hollings
Baker	Cooper	Hughes
Beall	Cotton	Humphrey
Bellmon	Cranston	Jackson
Bentsen	Dole	Javits
Bible	Eagleton	Jordan, N.C.
Boggs	Eastland	Kennedy
Brock	Ellender	Long
Brooke	Fong	Magnuson
Burdick	Gambrell	Mansfield
Byrd, W. Va.	Gravel	Mathias
Cannon	Griffin	McClellan
McGee	Pell	Stevens
McIntyre	Proxmire	Symington
Metcalf	Randolph	Taft
Mondale	Ribicoff	Talmadge
Montoya	Roth	Tower
Muskie	Saxbe	Tunney
Nelson	Schweiker	Weicker
Packwood	Smith	Williams
Pastore	Spong	

NAYS—9

Buckley	Dominick	Jordan, Idaho
Byrd, Va.	Fannin	Miller
Curtis	Hansen	Thurmond

NOT VOTING—20

Bayh	Hruska	Prouty
Bennett	Inouye	Scott
Ervin	McGovern	Sparkman
Fulbright	Moss	Stennis
Goldwater	Mundt	Stevenson
Harris	Pearson	Young
Hartke	Percy	

So the bill (S. 2393) was passed.

Mr. MONTOYA. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, with the final passage of the Economic Disaster Relief Act of 1971 I wish to voice a note of thanks to the Senator from New Mexico (Mr. MONTOYA). The quiet dedication he has shown today in managing this far-reaching legislation through the rigors of Senate debate is deserving of the highest commendation.

Senator COOPER carried much of the responsibility for the informative discussion that took place on the floor today. His help is most appreciated.

The able and distinguished Senator from West Virginia (Mr. RANDOLPH) again demonstrated his deep understanding of these most urgent problems. The Senate owes him a note of thanks.

The amendments of Senator HUMPHREY and Senator BUCKLEY helped focus the issues on the different aspects of this legislation and their contributions are appreciated.

The thoughtful words of the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BAKER), and the Senator from Louisiana (Mr. LONG) certainly improved the level of understanding in many key areas of this legislation.

The Senate has had a busy day today. I thank all of the Senators for their willingness to keep working. The Senate has continued to move important matters and certainly cannot be accused of not doing the work in a dedicated way.

THE PRESIDENT'S NEWS CONFERENCE ON FOREIGN AND DOMESTIC MATTERS

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the President's news conference held yesterday, as it was published in the New York Times this morning.

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

[From the New York Times, Aug. 5, 1971]

TRANSCRIPT OF THE PRESIDENT'S NEWS CONFERENCE ON FOREIGN AND DOMESTIC MATTERS

WASHINGTON.—Following is the transcript

of President Nixon's news conference today:

OPENING STATEMENT

Ladies and Gentlemen, I wanted to begin this with a brief résumé of the conversation I have just had with the Secretary of State, because I know the subject will probably come up in any event.

This is in regard to the Pakistan refugee situation, to recap what we have done. Insofar as the refugees, who are in India, are concerned, we have provided $70-million to date for the refugees, and we are prepared to provide more. That, incidentally, is more than all the rest of the nations of the world put together, so it is a substantial amount.

As far as those in East Pakistan themselves are concerned, whereas you know there are prospects of famine, in the event that the crop reports are as bad as they seem to be, at this time we have 360,000 tons of grain ready for shipment there. We have also slotted $3-million for the chartering of ships for the purpose of getting the grain into the overcrowded ports.

As a further step, the Secretary of State has worked out, with my very strong approval, a plan to go to the United Nations next week to talk to the responsible and appropriate members of the United Nations, including the U.N. High Commissioner in that office, to see what additional steps can be taken on both fronts to help the refugees in India from East Pakistan and also to help those who are in East Pakistan and are presently confronting famine situations.

With regard to a problem that was addressed by the House yesterday, we do not favor the idea that the United States should cut off economic assistance to Pakistan. To do so would simply aggravate the refugee problem because it would mean that the ability of the Government of Pakistan to work with the U.N., as it presently has indicated it is willing to do so in distributing the food supplies—its ability to create some stability would be seriously jeopardized.

We feel that the most constructive role we can play is to continue our economic assistance to West Pakistan and, thereby, to be able to influence the course of events in a way that will deal with the problem of hunger in East Pakistan, which would reduce the refugee flow into India and which will, we trust, in the future look toward a viable political settlement.

We are not going to engage in public pressure on the Government of West Pakistan. That would be totally counter-productive. These are matters that we will discuss only in private channels.

QUESTIONS—1. PLANS FOR CHINA TRIP

Q. Mr. President, can you tell us any more about your forthcoming trip to China, when it is likely to occur, and can you give us your assessment of what effect you think this will have on ending the war in Vietnam?

A. As far as the timing is concerned, I cannot add to what I said in the original announcement. It will be before May 1. The time will be worked out sometime within the next two to three months, I would assume, and a considerable amount of preparatory activity must take place, setting up the agenda, setting up the numbers in the official party.

These are matters, of course, that must be discussed and worked out before the time of the visit is finally announced.

Second, and I know a number of you are interested in who is going, that is a matter still to be decided. It was raised by Dr. Kissinger and by Premier Chou En-lai in their conversations, and will be worked out by mutual agreement.

As far as our party is concerned, it will be a small working party. The only ones that presently are definitely going are, of course the Secretary of State and Dr. Kissinger and myself. Beyond that, whatever others will be added will be determined by mutual agreement between the parties concerned.

Now, as to the effect the visit will have and the conversations will have on Vietnam, I will not speculate on that subject. I will only say that, as the joint announcement indicated, this will be a wide-ranging discussion of issues concerning both governments. It is not a discussion that is going to lead to instant détente.

What it really is, is moving, as we have moved, I believe, in the situation with regard to the Soviet Union, from an era of confrontation without communication to an era of negotiations with discussion. It does not mean that we go into these meetings on either side with any illusions about the wide differences that we have. Our interests are very different, and both sides recognize this, in the talks that Dr. Kissinger had, very extended talks he had with Premier Chou En-lai. We do not expect that these talks will settle all of those differences.

What is important is that we will have opened communication to see where our differences are irreconcilable, to see that they can be settled peacefully and to find those areas where the United States, which today is the most powerful nation in the world, can find an agreement with the most populous nation in the world, which potentially in the future could become the most powerful nation in the world.

As we look at the peace in the world for the balance of this century, and for that matter the next century, we must recognize that there cannot be world peace on which all the peoples in the world can rely, and in which they have such a great stake, unless there is communication between and some negotiation between these two great superpowers, the People's Republic and the United States.

I have put this in general terms because that is the understanding of the People's Republic, Premier Chou-En-lai, and it is our understanding that our agenda will be worked out at a later point; before the trip it will be very carefully worked out so that the discussions will deal with the hard problems as well as the easy ones.

We expect to make some progress, but to speculate about what progress will be made on any particular issue—to speculate, for example, as to what effect this might have on Vietnam—would not serve the interests of constructive talks.

2. ASIAN FORUM ON VIETNAM

Q. Can I ask a related policy question on Vietnam? A. Sure.

Q. There have been some suggestions, including some indirect hints from China, that a negotiating forum involving an Asian conference to be held in Asia, primarily with Asian participants, but the United States as well, might be a better forum for negotiating a settlement in Vietnam. Can you speak to that?

A. Mr. Baily, the question of whether there should be an all-Asian conference, with the government of the People's Republic participating, as you know, has risen several times over the past few months, and was raised before our announcement was made.

As far as we are concerned, we will consider any proposal that might contribute to a more peaceful situation in the Pacific and in the world. However, at this point there is no understanding between the United States and the People's Republic as to whether or not out of this meeting should come that kind of proposal.

Let me say on that score, there were no conditions asked for on either side, and none accepted. There were no deals made on either side, or accepted; none offered and none accepted. This is a discussion which will take place with both sides knowing in advance that there are problems, but with both sides well prepared. This is the secret of any successful summit meeting.

As you know, parenthetically, I have always taken somewhat of a dim view of summitry when it comes in an unprepared forum. But both sides will be well prepared, well in advance, on all points of major difference, and we will discuss any points of difference that could affect the peace of the world.

3. VISIT TO MOSCOW

Q. Mr. President, is there any diplomatic reason you might not visit the Soviet Union before going to Peking? That was suggested.

A. In view of the announcement we have made on our visit to Peking, that will be the first visit that I will make. Obviously, it takes a great deal of time to prepare a visit and to attempt now to visit—and the Soviet Union, I am sure, feels exactly the same way—to attempt to rush around and have a summit meeting in Moscow before we go to Peking would not be in the interest of either country.

I would add this point, too: When Foreign Minister Gromyko was here, we discussed the possibility of a possible summit meeting, and we had a very candid discussion. He agreed and said that his government leaders agreed with my position, which was that a meeting at the highest level should take place and would be useful only when there was something substantive to discuss that could not be handled in other channels.

With regard to the Soviets, I should also point out that we are making very significant progress on Berlin. We are making good progress on SALT [strategic arms limitation talks]. Discussions are still continuing on the Mideast, although there I will not speculate about what the prospects for success are in view of the fact that Mr. Sisco is presently in the area exploring with the governments concerned what the possibilities of some interim settlement looking toward a final settlement may be.

Having mentioned these three areas in which we are negotiating with the Soviet Union, I will add that if the time comes, as it may come, and both sides realize this, then the final breakthrough in any of these areas can take place only at the highest level, and then there will be a meeting. But as far as the timing of the meeting before the visit to Peking, that would not be an appropriate thing to do.

4. TALKS ON ARMAMENTS

Q. I was thinking of such a thing as a settlement on the SALT talks.

A. Mr. Thies, when I said there was good progress being made on SALT it is still a very technical and sticky problem for both sides because it involves our vital interests. Let me emphasize that in SALT, both sides are asked to make an agreement which limits that. This is not unilateral. We on our part, will be having very severe limitations with regard to our defensive capability, the ABM. They, on their part, will have limitation on their offensive capability, their build-up of offensive missiles.

Neither side can make those decisions lightly, without very, very basic discussions, but the fact that we have, at the highest level, committed ourselves to working toward an agreement simultaneously this year on both those issues, and the fact that since the talks at Helsinki began that we have made progress, gives hope that we are going to make an arrangement.

But to speculate that maybe we are going to get that done before we go to Peking, I think, would be ill-advised.

5. REPLY TO VIETCONG PROPOSAL

Q. Mr. President, why have you not accepted the Vietcong proposals after all these weeks of probing, or given some formal reply?

A. I have noted some criticism in the press about the fact that Ambassador Bruce had to leave Aug. 1. Incidentally, I am most grateful that he stayed an extra month, because his doctor got hold of me and said he should have left July 1. In any event, his having left Aug. 1, and Mr. Porter not being able to arrive until the latter part of August, there has been some speculation—and I understand this—criticism in the press and the Senate and the House that the Administration is not interested in negotiating a settlement, that we are not considering the various proposals that have been made by the VC and North Vietnamese.

Now, just so the members of the press will not get out on a limb with regard to predicting what we are or are not doing, let me make one statement and then I will go no further.

We are very actively pursuing negotiations on Vietnam in established channels. The record, when it finally comes out, will answer all the critics as far as the activity of this Government in pursuing negotiations in established channels. It would not be useful to negotiate in the newspapers if we want to have those negotiations succeed.

I am not predicting that the negotiations will succeed. I am saying, however, that as far as the United States is concerned, we have gone and are going the extra mile on negotiations in established channels. You can interpret that any way you want, but do not interpret it in a way that indicates that the United States is missing this opportunity or that opportunity, or another one, to negotiate.

6. ELECTION IN SOUTH VIETNAM

Q. Mr. President, one of the points being mentioned in the comments on the negotiations is the election in South Vietnam this fall. Is that a factor that does have some bearing on the pace of the negotiations?

A. It has certainly in terms of the North Vietnamese. As you know, the stumbling block for them in negotiations really is the political settlement. As they look at the election this fall, they feel that unless that election comes out in a way that a candidate they can support, or at least that they are not as much against as they are President Thieu—but unless it comes out that way, it will be very difficult for them to have a negotiated settlement.

With regard to the elections, let me emphasize our position. Our position is one of complete neutrality in these elections. Under Ambassador Bunker's skillful direction, we have made it clear to all parties concerned that we are not supporting any candidate; that we will accept the verdict of the people of South Vietnam.

I have noted, for example, that President Thieu has invited observers to come from other nations to witness the election. I hope observers do go. I think they will find—I hope they will find, as they did when they observed previous elections in Vietnam, that by most standards they were fair.

As far as observers from this country are concerned, we have, of course, several members of the Senate and others that have indicated a desire to go. We, of course, have no objection to that. We want a fair election and we, of course, have some observers on the scene in the person of the Ambassador and his staff who will watch that election.

7. THE ECONOMIC OUTLOOK

Q. Mr. President, the last time you gave some stock market advice to us, it turned out pretty well. What would you do now, buy or sell?

A. With regard to the stock market, I suppose my advice should not be given much weight because I am not in the market. It is so easy to make predictions where your own assets are not involved.

I will say this: I would not sell the United States economy short at this point. And, long-term, I would not be selling my investments in the American economy whether it is in stocks or real estate or what have you: selling them in a panicky way.

The stock market has come up, even at its present level of 850—230 points since I made that prediction. I can only say that my long-range prediction for this economy is still what I said at the first of this year.

At the first of this year, when the very same people had written—and I have read the news magazines and business magazines, and not, of course, any of the columns you had written this week—but I read all the rest this week, and the gloomy predictions about the economy and its going down and there is nothing good about it. I read them also for November of last year; exactly the same gloominess and same words, and so forth.

I said then, and I think all of you were present then, I thought 1971 would be a good year for the economy, and 1971 would be a very good year. I stand by that. When we look at the first half of this year, it is not what people said about the economy; it is what they do about it that counts.

GNP is up a record $52-billion. Retail sales now in June—and the first indications as far as July are concerned, it will stay at this level—are at record highs. Consumer spending is at a record high. Construction, particularly in housing, are near record highs. Inventories—and this is another indication of what will happen to the future for those who may be thinking of investing their money in businesses—inventories are abnormally low in view the high level of retail sales.

What this tells me is that there is a lot of steam in the boiler in this economy, and you cannot continue to have high retail sales and low inventories without eventually starting to rebuild. Therefore, my projection for the balance of this year is that the economy will continue to move up as it has moved up in the first half.

That doesn't mean that there will not be aberrations in the monthly figures. It does mean, however, that the economy has a great deal of strength in it. This is a period when it is absorbing almost two million people who have been let out of defense plants and the armed forces and is absorbing that with a lower rate of unemployment than was the case in 1961, 1962, 1963, which were the last three peacetime years before Vietnam when the unemployment rate, as you recall, averaged 6 per cent.

WAGE-PRICE CONTROLS

Q. Mr. President, in that connection, to continue that, does that mean that you are still resolutely opposed to any incomes policy or, specially wage-price controls?

A. I think, Peter, it is well to identify incomes policies and wage-price controls for what they are and what they are not, because, as a matter of fact—and this gives me an opportunity to set the record straight with regard to some greatly blown-up differences that I am supposed to have with my very good friend Arthur Burns, and perhaps you were too polite to ask that direct question——

Q. Well, I will ask it.

A. I thought that would be the follow-up, so I anticipate it. Let me get at it this way:

Arthur Burns, in terms of monetary policy and in terms of fiscal policy, has followed a course that I think is the most responsible and statesmanlike of any chairman of the Federal Reserve in my memory. In other words, you have seen an expansionary monetary policy, and that is one of the reasons we have had an expansionary economy in the first six months of this year.

He has also stood firmly with this Administration in its responsible fiscal policy, resisting, for example, spending above what the economy would produce at full capacity. He has strongly supported me in those efforts.

That brings me to an area where he has taken a very unfair shot. Within this Administration, the Office of Budget and Management, on a reorganization plan two months ago, recommended that the chairman of the Federal Reserve, because he basically is our central banker, should be raised to the same status of the central bankers abroad. I enthusiastically approved the idea. However, when the matter was raised with Dr. Burns by my associates, he indicated that neither he nor any other individual in a high position in government should take a salary increase at a time that the President was going to have to take some strong measures, as I am going to take to limit salary increases in other areas of government, including, for example, blue-collar workers.

OPPOSES GALBRAITH VIEW

So, consequently, while there is not any question but that the Federal Reserve position will eventually be raised to the Level I position that was recommended—Arthur Burns and, incidentally, George Shultz, who is also on this list as a recommendation of the Ash council—Arthur Burns and George Shultz being the responsible men that they were, asked that there not be an example set by them of a pay increase which would make it very difficult for us to deal effectively and responsibly with pay increases in other sectors of the Government. So we find that Burns agrees—that I agree with Burns, let's put it that way, very strongly on his monetary policy, on his fiscal policy, the question he has raised with regard to an incomes policy.

When we talk about an incomes policy, let's see what he is not for. He is unalterably opposed, as I am, to the Galbraith scheme, which is supported by many of our Democratic Senators, I understand, of permanent wage and price controls. Permanent wage and price controls in America would stifle the American economy, its dynamism, its productivity, and would be, I think, a mortal blow to the United States as a first-class economic power.

On the other hand, it is essential that government use its power where it can be effective to stop the escalation, or at least temper the escalation in the wage-price spiral. That is why we moved on construction, and we have been somewhat successful, from 16 down to 9 per cent. That is why we moved to roll back an oil price recently.

As far as the two recent settlements—the one in railroads and the one in steel—on the plus side, the fact that they were settled was positive; the fact, too, that, in the case of railroads, they spoke to the problem of productivity by modification of work rules, and the fact that the steel settlement also spoke to the problem of productivity by setting up productivity councils, that was constructive.

On the other hand, I would be less than candid if I were not to say—and I know the leaders of the steel and railroad industry know this—that this kind of settlement where a wage increase leads to a price increase, and particularly in steel, where the industry is already noncompetitive with foreign imports, is not in the interest of America, not in the interest of labor, and not in the interest of industry.

Dr. Burns, without being completely specific, has only suggested the idea should be considered. That is why Secretary Connally said we welcome the move by several Republican Senators to hold hearings concerning wage and price supports. That is why Dr. Burns said we should move to attempt to temper these increases.

The problem here is, how can we move without putting the American economy in a straitjacket? In other words, as Secretary Connally raised the question in his statement this morning, "are we to have criminal penalties? Are, for example, the wage-price

guidelines to affect all the examples down to the neighborhood filling station or the grocery store or the meat market, as the case might be, or will they affect only major industries?

WATCHES CONTRACT TALKS

As far as this Administration is concerned, I can say this: I have asked the Secretary of Labor to bring to my attention every major wage-price negotiation which may be coming up in the future, and I will use the power of this office to the extent it can be effective to see that those negotiations are as responsible as possible.

On Sept. 21, we will have a meeting of our Productivity Commission, and Subject A in that meeting will be this same problem, because as we look at America's trade balances, which have deteriorated over the past 10 years, but as we look at America's competitive position, it is essential that American industry and America labor sit down together and determine whether, at a time when we are in a race, we no longer can be No. 1 simply because we were that big and that strong after World War I, whether we determine we are going to get out of the race or whether we are going to tighten our belts and be responsible in wage-price decisions so that we can continue to be competitive in the world.

That speaks to the problem of an incomes policy, this meeting that we will have. The only question of difference between Arthur Burns, and some Senators have raised this question, is the degree to which, in tacking these individual wage settlements, we have compulsion or criminal penalties. I don't think they want compulsion or criminal penalties.

Then the question is: How far will persuasion go? Our record shows that in most countries abroad that have tried it, except for very small countries that are tightly controlled, persuasion alone will work for duty three to four months.

So as far as we are concerned, I am glad to consider recommendations for tackling the problem. I will tackle them, and I am serving notice now that we are going to take up the problem with the Productivity Commission. We are going to look at each individual settlement in major industries where there is going to be wage-price negotiations, and use the influence we can to keep them in line, and in addition to that, we will consider a recommendation on wage-price boards. But I will reject it if I find—and I have yet to find any recommendation that did not have this ingredient in it—if I find that it would impose a new bureaucracy with enormous criminal powers, to fasten itself on the American economy. That, I think, would do far more harm than good.

9. RISE IN STEEL PRICES

Q. In the same line, to follow up that question, if the settlement in the steel industry, and particularly the raise in prices which was recently announced, is not good for the country and not good for labor and management, why do you not call in the leaders of the steel industry and use your influence to get them to change the increase in prices and then, if necessary, other parts of the settlement which are so inimical to the country?

A. Calling in the steel industry and getting them to change would not be effective. As you may recall, in one instance earlier this year, we were able to get a steel rollback. That had a temporary beneficial effect. But at a time that the steel industry has negotiated a settlement of this nature, at a time when its profits at 2½ per cent are the lowest of any major industry, to tell the steel industry that after they have negotiated a settlement they must roll back their price and run at a loss is simply unrealistic. They are not going to do it.

The longer-term answer here is for the steel industry—and this is what we have addressed ourselves to—and labor to recognize that, now that they have had their settlement, now that labor has gotten a good increase, an increase consistent with aluminum and others, now that steel found it necessary to raise prices—that this may be good temporarily for both but in the long run it will simply mean less steel sold and less jobs, and that is why we are zeroing in on the productivity side, because increases in productivity can be the only answer where a wage increase of this kind takes place.

10. PAY OF FEDERAL EMPLOYEES

Q. Mr. President, a minute ago you mentioned something about doing something about wages for Government employes?

A. Yes, one of the problems, difficult problems, I confronted last year, and that I will confront again this year, is a recommendation to increase the wages for blue-collar workers within the Government. I have examined that situation and I have determined that an increase in the blue-collar wage scale would not be in the interests of our fighting the inflation battle.

Speaking to the same point, we have a situation with regard to the Congress and some of its appropriations bills. We are trying to keep our budget within the full-employment limits for 1972.

The Congress already has exceeded our budget by $5.4-billion. That includes mandatory spending which they have imposed upon us and additions to the appropriations bills. Before they get through with the appropriations process, I hope that comes down.

But that will be highly inflationary unless the Congress speaks to that problem more effectively. What I was indicating, in other words, Herb, I am indicating in advance the decision that I do not intend to approve the wage increase relative to the blue-collar workers in the Government. Under those circumstances, I could not, of course, approve an increase in salaries for people as underpaid basically as Dr. Burns is, considering what he could get outside, or Dr. Shultz is, considering what he could get on the outside.

Q. How many people are there in the blue-collar area? A. I don't have that but it is a significant number. Incidentally, I think it is an equitable decision because they have had some substantial increases in the past. It is a question of whether we just continue for a short time.

11. STAND ON ECONOMIC GUIDELINES

Q. Sir, you also mentioned guidelines in a manner that suggested that you might accept the concept of numerical guidelines. Did you mean to suggest that?

A. No. What I meant to say was that my study of the situation indicates that guidelines in this country have always failed. They have never worked. Guidelines in other industrial countries, including Canada, for example, and Britain, have worked only for a short time and then have fallen because guidelines basically connote voluntary compliance, and voluntary compliance goes on only for a brief time.

Now, as far as what I am saying, It is that our approach at this time is a selective one, to take those particular industries that are coming up for bargaining and to use our influence as effectively as we can to see that those settlements are responsible.

Secondly, that as far as a wage-price board is concerned, that it would be considered favorably only if the hearings that are going to be taken in this field—only if the hearings can convince me that enforcing an incomes policy could be accomplished without stifling the economy.

It is the problem, in other words, of enforcement, because I come back to this fundamental proposition: I have yet to find, except for the extremists on the left—and I don't say this in a condemning way, it is only an observation—but the extremists on the left of the economy spectrum have always favored a totally Government-controlled economy.

They believe that. I don't believe it. They believe that we should have permanent wage and price controls and that Government should determine what wages should be and what prices should be. I don't believe that. Dr. Burns does not believe that, if you have read his speeches over the years. He is a strong opponent of that.

The question is: How can we address ourselves to the problem of wages and prices without having those mandatory criminal penalty features which would lead us to something we all are trying to avoid? This is why this is a matter for discussion.

It is not one yet for decision but I will continue to work on individual settlements, as I have said.

12. SEARCH FOR NEW APPROACH

Q. Mr. President, would it be fair to say, then, that, in view of what you said there and what you said earlier, that you will consider recommendations of the wage and price board—that you are giving renewed and perhaps more favorable consideration to some form of wage-price board, assuming that they don't have penalties?

A. No. I am saying that I shall continue the policy of moving aggressively on individual settlements on a case-by-case basis. Secondly, I will address this particular problem in a meeting with the major leaders of American industry and American labor at the Productivity Commission meeting on Sept. 21. Third, with regard to wage-price boards, I have still not been convinced that we can move in that direction and be effective.

However, Secretary Connally, in his statement this morning, raised all the questions that should be raised on that. As far as we are concerned, we have an open mind in terms of examining the various proposals to see if there is a new approach which we may not have thought of.

I have serious doubts that they will find such a new approach. But I do want to indicate that we will examine it because we all agree that the wage-price spiral is a significant danger to this expanding economy. The question is what do we do about it, without going all the way to a totally controlled economy.

13. PROGRESS ON INFLATION

Q. Mr. President, Dr. Burns, before the Joint Economic Committee, said he didn't think we were making much progress against inflation. Do you think we are?

A. I read Dr. Burns' statement quite carefully. What he was saying is what I would say. I would say it with regard to inflation and unemployment. I am never satisfied and never will be satisfied, and anybody in the free economy is never satisfied and should never be satisfied with anything except perfection.

That doesn't mean that we are going to reach perfection. With regard to inflation, I will just point to the numbers. Inflation, which, of course, was boiling along when we came into office in January of 1969, reached its peak in 1970, 6 per cent. Then the CPI dropped to 4 per cent in the first six months of 1969. Now, 4 per cent is still too high, but that is progress.

The GNP Deflator, which of course goes far beyond the Consumer Price Index—as you know, the GNP Deflator covers all, the whole spectrum of the economy—in the first six months of 1971 it was the lowest in three years. That is progress; not enough, but it is progress.

In the last month the CPI was higher than the average it has been for the first five months. We all know that these month-to-month variations are not what counts. My view is that we are making progress against

inflation, but it is going to require continued strong policies on the part of the Administration with the cooperation of the Congress in limiting our budget expenditures to full-capacity or full-employment revenues. That is the battle we will continue to wage, and it will also need cooperation from labor and management on limiting the wage price spiral.

On the unemployment front, we have a somewhat similar problem. In the last three peacetime years before the Korean War expenditures began to hypo the economy, 1961, 1962, and 1963; unemployment in those years averaged 6 per cent. We, at this point, have brought unemployment below 6 per cent, not as much as we would like. It reached its peak in January. It was 6.2. What the figures will be for this month you will know on Friday. I don't know what they are myself. I will read this as you do, and that is the way it should be.

But, in any event, the unemployment curve is down—6.2 was the high and we are now below 6 per cent. I believe that it will continue, with monthly abberations, on a downward course through the balance of the year.

I believe that, as we go into 1972, I still stick with my prediction that we shall see unemployment continue to move downward and that 1972, for that year, will be a very good year.

PRICE TOO HIGH TO PAY

I would point out one final thing on the unemployment facts. As I have often pointed out, as of this morning I looked at the numbers, over two million Americans have been let out of the armed services and out of defense plants since we started to wind down the war in Vietnam.

If they were in the services or in the defense plants at the present time, unemployment would be 4.3. But the other side of that coin is that casualties when we came in were 300 a week. This week, last week, they were 12.

I just think the price is too high to pay. We believe that our goal of a new prospect of low unemployment, but with peace and not at the cost of war, is one that Americans are willing to work toward.

We are going to achieve that goal.

Getting back to the stock market question, I will simply say this: Everybody else has been prophetic about the future. I think the prophets who presently say that the American economy is on the skids, that we have made no progress on inflation, that the economy is not moving up, who ignore the $52-billion increase in GNP, who ignore the increase in retail sales, who ignore the strong, positive elements in the economy—I think by the end of this year that they are going to look bad so I will go out on the limb to that effect, wage increases and prices changes, but without powers of enforcement.

The Senators said that they were "vitally interested in the success of our Republican Administration" but added that they were "deeply concerned about the continuing unacceptability of high rate of unemployment and of inflation."

The President's statement that he would keep an "open mind" on the issue was regarded by some observers as at least a partial change of position. In late June he announced through Secretary Connally that there would be no wage-price board and no direct controls of wages and prices.

But if there was a change of position, it was accompanied by almost entirely negative comments on the idea.

Furthermore, the President linked his possible "consideration" of a wage-price board to Congressional "hearings" on the plan that have not even been scheduled and could not begin before September, in any case, because of the impending Congressional recess. Thus, nothing could happen soon.

Mr. Nixon repeatedly made clear that he continued to reject any system of permanent wage and price controls on the ground they would "stifle the American economy, its dynamism, its productivity" and would be "a mortal blow to the United States as a first-class economic power."

EFFICACY OF PERSUASION

Having rejected "compulsion" and "criminal penalties," the President continued:

"Then the question is: How far will persuasion go? Our record shows that in most countries abroad that have tried it, except for very small countries that are tightly controlled, persuasion alone will work for only three to four months."

As for a wage-price board, the President said he would "consider a recommendation" but added, "I will reject it if I find—and I have yet to find any recommendation that did not have this ingredient in it—if I find that it would impose a new bureaucracy with enormous criminal powers, to fasten itself on the American economy."

The President said his studies had shown that "guidelines" for wages and prices "in this country have always failed." He said that the wage-price board "would be considered favorably only if the hearings [in Congress] can convince me that enforcing an incomes policy could be accomplished without stifling the economy."

HODGSON TO WATCH TALKS

Mr. Nixon said it was "essential that Government use its power where it can be effective to stop the escalation, or at least temper the escalation in the wage-price spiral." He disclosed that he had asked Secretary of Labor James D. Hodgson "to bring to my attention every major wage-price negotiation which may be coming up in the future" with the aim of using the power of his office, "to the extent it can be effective, to see that those negotiations are as responsible as possible."

In the case of steel, the President had urged the negotiators to reach a "constructive" settlement. Today he conceded that he would be "less than candid" if he did not admit that the settlement "is not in the interest of America, not in the interest of labor and not in the interest of industry."

However, he welcomed that both the steel and railroad settlements addressed themselves to the problem of increasing worker output per man-hour.

Mr. Nixon said that the Federal Reserve chairman, Dr. Burns, had been the victim of a "very unfair shot" in reports that he had asked for and been denied a pay increase [Question 8].

REJECTS RISE IN SALARY

The fact was, the President said, that he had "enthusiastically approved" a recommendation that Dr. Burns "should be raised to the same status of the central bankers abroad" but that the Reserve chairman had "indicated that neither he nor any other individual in a high position in government should take a salary increase" at a time like the present, particularly when the President was going to have to limit pay increases "in other areas of government."

While the President thus cleared up the situation, he made no mention of the widely accepted fact that the original report came from the White House itself.

Secretary Connally, in his statement issued after the introduction of the wage-price legislation by the 12 Republican Senators, said that the proposal "should provide the forum for a useful discussion of important economic issues." He said that many proposals had been made and that, as a result, "confusion exists in the public mind as to the meaning of such terms as 'incomes policy.'"

UNIVERSAL VOTER REGISTRATION ACT OF 1971

Mr. GRIFFIN. Mr. President, a few moments ago the distinguished Senator from Massachusetts (Mr. KENNEDY) introduced a voter registration bill and he asked unanimous consent that the bill be referred to the Committee on Post Office and Civil Service.

Mr. President, I ask unanimous consent that if and when the bill is reported by the Committee on Post Office and Civil Service it be then referred to whatever committee it would have been referred to by the Parliamentarian if that unanimous consent had not been made.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

CONVENTIONS RELATING TO POLLUTION OF THE SEA BY OIL—EXECUTIVE REPORT OF A COMMITTEE (EXECUTIVE REPT. NO. 92–9)

As in executive session, Mr. PELL, from the Committee on Foreign Relations, reported favorably Executive G, 91st Congress, second session, Two Conventions and Amendments Relating to Pollution of the Sea by Oil, and submitted a report thereon, which report was ordered to be printed.

INTRODUCTION OF ADDITIONAL 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. CRANSTON (for himself and Mr. YOUNG):

S. 2456. A bill to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial. Referred to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. BAYH, Mr. EAGLETON, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. MAGNUSON, Mr. MCGOVERN, Mr. MONDALE, Mr. MUSKIE, Mr. PELL, Mr. RIBICOFF, and Mr. WILLIAMS):

S. 2457. A bill to establish a system of universal voter registration for Federal elections, and for other purposes. Referred, by unanimous consent, to the Committee on Post Office and Civil Service; then to be rereferred by Parliamentarian, if reported from the Committee on Post Office and Civil Service.

ADDITIONAL STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 2456. A bill to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial. Referred to the Committee on Finance.

EQUALIZATION OF SOCIAL SECURITY ACT FUNERAL AND BURIAL BENEFITS IN CONNECTION WITH DECEASED SERVICEMEN MISSING IN ACTION BUT PRESUMED DEAD

Mr. CRANSTON. Mr. President, I introduce today with the distinguished Senator from North Dakota (Mr. YOUNG), for appropriate reference, S. 2456, a bill to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to cover the burial and memorial services expenses and related services for an insured individual whose body is unavailable for burial. The war in Vietnam has been a great discouragement to and has presented hardships for many American families. Today we find our veterans who have given so much to our country—including, at times, their limbs and blood—returning home often to find very inadequate medical care, inadequate job opportunities, and to face other readjustment problems. This is the unjust fate of the Vietnam serviceman who is at least fortunate enough to come home after his tour of duty.

But what of the fate of the American serviceman who does not return home, the unknown serviceman lying somewhere on a bloody battlefield in Vietnam, listed as missing in action and presumed dead. His family, too, has a considerable amount of adjusting to do that cannot be overlooked. Not only must they adjust to the tragedy of death, but that death is demeaned because, under present provisions of the Social Security Act, they must also personally absorb various financial costs of the memorial and burial services which the Federal Government assumes when a body is recovered.

At the present time, for a serviceman killed in Vietnam whose remains are recovered, the Federal Government provides a burial allowance through the related branch of the armed services. In addition, the family also can receive—if their costs exceed the military allowance—up to $255 through the Social Security Act to help defray the costs of memorial and burial services. This latter sum, however, is available to the family only if the remains of the serviceman are recovered.

This loophole in the Social Security Act creates an intolerable inequity which the bill Senator YOUNG and I offer would correct. All too frequently, active duty military personnel in Vietnam are listed as missing in action and presumed dead, but no body is ever recovered. These MIA's—Missing In Action—are often the men who have died in the most valiant missions of the war. Yet their families are currently called upon to bear an even greater strain than that borne by the family of a serviceman whose remains have been recovered.

Not only must the family of the MIA serviceman live with the knowledge that their loved one has died, but also that he lies unburied somewhere on foreign soil and that he, through his family is not eligible for full assistance for memorial and burial services from the Government of the country he gave his life to defend.

I can find no reasonable justification why the family of the missing serviceman is not covered under the same guidelines as where the remains are recovered. I thus strongly urge that the Social Security Act be amended to include equitable assistance for every family of a deceased serviceman.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a description of the current regulations of the Armed Forces which provide for the disposition of the remains of military decedents dying on active duty. These regulations were revised as of July 1, 1971.

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

DISPOSITION OF REMAINS PERSONS DYING ON ACTIVE DUTY

The Armed Forces provide for the final disposition of the remains of military decedents under the authority vested in the Secretaries by law and regulations. In each instance remains are recovered, identified, prepared, and clothed; placed in a metal casket and outer shipping container; and delivered with an escort and an interment flag to any destination in the world. These items are furnished at Government expense except as explained in the final paragraph below. In addition, a cash interment allowance that varies in accordance with the circumstances of burial is provided to cover costs at destination.

The interment allowances are reviewed from time to time in the light of actual costs incurred by families in a representative number of cases. Interment expenses normally incurred by next of kin include charges for cost of grave site, opening and closing the grave and use of cemetery equipment, a vault or grave liner (in metropolitan areas), use of a funeral director, hire of a hearse and limousines, church services and fees, obituary notices and flowers.

Average costs of interment expenses have increased considerably over the past several years as indicated in bills submitted by next of kin and surveys of price trends conducted by the funeral industry. As a result of the increased costs, the Armed Forces have approved a current scale of allowances payable in the cases of deceased military personnel buried on or after 1 July 1971. When remains are interred in a private cemetery, the maximum interment allowance is $625. If the remains are buried in a national cemetery with prior delivery to a funeral home, the maximum allowance is $375. If the remains are delivered directly to a national cemetery for final burial, the maximum allowance is $75.

The current scale of payments replaces one that was in effect from 1 February 1968 to 30 June 1971.

In a relatively few cases the next of kin of men and women who die on active duty in the Continental United States elect to arrange for the preparation of the remains at their expense and to claim reimbursement for the cost of the services and supplies. If the work is done in an area in which a military installation has an annual contract with a local funeral director to provide mortuary services, the person incurring the expenses may be reimbursed in an amount not to exceed the prices quoted in the contract for that area. If no Armed Forces contract is in effect in the place where the remains are prepared, the person who incurs expenses may be reimbursed in an amount not to exceed $500. Since the person incurring the costs of preparation of retends to be predominantly the Vietnam vet-interment expenses, as explained above, and for certain transportation items that vary from case to case, advice and guidance should be obtained in each instance from the nearest Armed Forces installation before any arrangements are made.

Mr. CRANSTON. Mr. President, in brief, the Armed Forces Regulations provide the following services related to the death of a serviceman who is serving on active duty: recovery and identification of the remains and transportation of the remains to any location in the world. In addition, the Armed Forces provides for preparation of the body for burial, a uniform, a flag, a casket and container, and a military escort. Once the remains have been delivered by the service to the location requested, the family may decide on whether they desire private or military services and arrangements.

The basic difference relevant to our concern is that the family of a serviceman whose remains are recovered is eligible for a maximum allowance of up to $625—$500 before July 1, 1971—whereas, the family where the remains are not recovered is allowed a maximum allowance of up to $375—$250 before July 1, 1971. Presumably the difference of $250 is for the opening and closing of the grave, and in appropriate instances, a vault or grave liner—an expense not faced by the family of an MIA deceased serviceman, this disparity of treatment under military regulations is, therefore, justifiable in my view.

However, the inequity which this bill seeks to remove arises in terms of the exclusion of social security benefits for the funeral and burial payments for the MIA serviceman. Currently, the Social Security Act provides that the survivors of insured individuals who die while serving on active duty in the armed services may receive up to $255 in benefits in addition to the Armed Forces allowance if the remains are recovered. This benefit is meant to help cover additional funeral expenses incurred by the family, such as burial plot, flowers, telephone calls, telegrams, permits, newspaper announcements, and so forth.

The irony and inequity is that the family of the serviceman who remains are not recovered is just as likely to incur the same additional expenses as the family of the serviceman whose remains are found, yet the former cannot qualify to receive the same social security benefits as the latter.

A case in point is that of Mrs. Joseph Pickett who was refused social security burial benefits for her son killed in the Vietnam war. Her son, Cpl. Robert Eugene Gratham, 19, a helicopter crewman, was reported missing in action this past March 8 in the A Shau Valley, Vietnam. In a Department of the Army telegram to Mrs. Pickett on May 14, she was notified that her son was killed in the crash of his helicopter and that his remains were consumed in the flames of the wreckage. Memorial services were held, a plot purchased, and a plaque made up by the Army. The $250 which Mrs. Pickett was awarded by the Army was totally inadequate to cover the reasonable expenses of memorial and burial services which were held.

Mr. President, I ask unanimous consent that an article from the Los Angeles Times on May 30, 1971, be inserted at

this point in the RECORD to describe Mrs. Pickett's unsuccessful efforts to receive reimbursement from the Social Security Administration for the costs of memorial and burial services given to her son.

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

SOCIAL SECURITY RULE BARS BURIAL BENEFITS FOR DEAD SOLDIER

(By Ed Meagher)

Cpl. Robert Eugene Grantham, 19, a helicopter crewman, was reported missing in action last March 8 in the A Shau Valley, Vietnam.

On May 14 the Army notified his mother, Mrs. Joseph (Marjorie) Pickett, 13006 E. Beverly Blvd., Whittier that he was dead.

His body, the Army's detailed telegram indicated, had been consumed in the flames of the helicopter which had exploded on impact.

Two days later, Sunday memorial services were held at Wilshire Methodist Church in Los Angeles. And a cemetery plot was purchased. On it would be placed the plaque being made up by the Army.

TOLD OF ELIGIBILITY

Mrs. Pickett said she was told by an army officer from the Casualty Branch at Ft. MacArthur that she was eligible to receive up to $255 for burial expenses from the Social Security Administration.

But when she applied at the agency's Whittier office she was told there would be no such payment made in her case because there was no body.

"I simply couldn't believe it," she said. "If Robert had been killed in a taxi in Saigon, they told me, or in any other way then the death benefits would have been paid.

"It seemed so unfair. To think that because he not only gave his life but his entire body he is not entitled to anything."

BITTER TELEGRAMS

Mrs. Pickett sent protesting telegrams to President Nixon, to California's U.S. Sens. Alan Cranston and John V. Tunney and to U.S. Rep. Chet Holifield (D-Montebello).

Her message to the White House was especially bitter. "I said that inasmuch as the Army insists that there be a grave for the plaque perhaps I should contact Hanoi and have them put it down in the A Shau Valley."

A spokesman for the Social Security office in Whittier confirmed its position to the Times citing a rule in the manual which states that "if there is no body available for burial or cremation there can be no burial expenses for which a lump sum may be paid."

He said her appeal would be decided by a reviewing board in the San Francisco office but this would be delayed until Cpl. Grantham's earnings record was received.

But a few hours later the Whittier office informed The Times that Mrs. Pickett's appeal had been transmitted to San Francisco by telephone and decision was made there to make an exception in her case.

The office said the payment would be considered as being "for other burial expenses—flowers, telephone calls plot and burial."

Mrs. Pickett recalled her indignation when the Whittier office called her with the news.

"I told them I wouldn't take a cent," she said. "I told them I didn't want to be treated as an exception. What about all of the other mothers who have been turned down? I told them the U.S. government did not have enough money to pay me off, just because some pressure had been brought to bear. I told them that all I wanted was that rule to be changed."

Mrs. Pickett might as well have saved her breath. Within a few hours, the Social Security Administration headquarters in Washington reversed the San Francisco office ruling on her appeal. She was not to be given a chance to turn down payment.

But the Social Security Administration told The Times by telephone that a change in the rule to embrace such cases as Mrs. Pickett's had "undeniable appeal and would not result in significant increase in costs to the program."

A spokesman pointed out, however, that only one bill to effect such a change had been introduced in Congress and that it died in committee.

At the same time, the spokesman said, the agency could not understand why Mrs. Pickett had not taken advantage of a recent amendment to U.S. Public Law 91-487.

Signed by President Nixon last Oct. 22, the amendment provides that payment for memorial services in cases such as hers will be paid by the secretary of whichever branch of service the decedent served.

APPLIES TO ARMY

Mrs. Pickett has, in fact applied for the Army payment of $250 for the memorial service. And no doubt will receive it.

But if there had been remains, the Army would have paid up to $500 for services and burial in a private cemetery, or $250 for a military funeral and interment in a military cemetery.

Mrs. Pickett said that the memorial service for her son cost approximately $400. The cemetery plot where the plaque is to be placed cost an additional $300, she said. A total of about $700.

Of this, the Army will pay, $250; Social Security, nothing. Had there been a body, the Army would have paid $500 and Social Security the balance of $200, or up to $255 had her expenses been that high.

"I think this is unjust," said Mrs. Pickett. "I think the laws should be changed by both the Social Security Administration and the armed forces."

Mr. CRANSTON. The bill which I introduced today along with the Senator from North Dakota (Mr. YOUNG) would help eliminate this unjust and senseless discrimination among our war dead. The bill itself is virtually identical to S. 3692 introduced by Senator YOUNG in the 2d session of the 90th Congress, except we have added a provision requiring the appropriate service secretary to make a determination of death in appropriate cases where the remains have not been recovered. Although this legislation offers relatively minor financial relief, its impact upon the sensibilities and morale of the family of the deceased far outweigh any monetary considerations.

Mr. President, enactment of this bill would assure a full burial allowance for our missing servicemen and would guarantee all our war dead an honorable and decent funeral and burial service at home.

Mr. President, I ask unanimous consent that the text of the bill be set forth in the RECORD at this point.

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

S. 2456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 202(1) of the Social Security Act is amended (a) by striking out "or" at the end of clause (2), renumbering clause (3) as clause (4), and adding after clause (2) the following new clause (3):

"(3) if the body of such insured individual is not available for burial, to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid expenses of a burial or memorial service or both and related expenses for such individual (and the Secretary shall by regulations prescribe the criteria for determining when and whether an insured individual has died if, at the time such individual is alleged to have died, such individual was serving as a member of the Armed Forces of the United States and if the body of such individual has not been recovered; or"; and (c) by striking out in the renumbered clause (4) "clauses (1) and (2)" and inserting in lieu thereof "clauses (1), (2) and (3)".

SEC. 2. The amendments made by the first section of this Act shall be effective only in the case of lump-sum death payments under title II of the Social Security Act made with respect to deaths which occur after December 31, 1970.

By Mr. KENNEDY (for himself, Mr. BAYH, Mr. EAGLETON, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. MAGNUSON, Mr. MCGOVERN, Mr. MONDALE, Mr. MUSKIE, Mr. PELL, Mr. RIBICOFF, and Mr. WILLIAMS):

S. 2457. A bill to establish a system of universal voter registration for Federal elections, and for other purposes. Referred, by unanimous consent, to the Committee on Post Office and Civil Service; then to be rereferred by Parliamentarian, if reported from the Committee on Post Office and Civil Service.

UNIVERSAL VOTER REGISTRATION ACT OF 1971

Mr. KENNEDY. Mr. President, on behalf of myself and Senators BAYH, EAGLETON, HART, HARTKE, HUGHES, MAGNUSON, MCGOVERN, MONDALE, MUSKIE, PELL, RIBICOFF, and WILLIAMS, I send to the desk a bill to establish a Universal Voter Registration Administration in the Bureau of the Census, and I ask that it be referred to the Committee on Post Office and Civil Service.

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

Mr. KENNEDY. Mr. President, the bill would contain the following principal provisions:

First, it would provide a simple post card system of voter registration, in which any citizen could register to vote merely by filling out a post card application form.

Second, burdensome residence requirements under existing laws would be abolished. Simply by filling out the address of his residence on the post card form, a citizen would establish his voting residence.

Third, a new computerized agency created within the Census Bureau—the Universal Voter Registration Administration—would process the post card forms, compile voting lists by precinct throughout the country, and make the lists available to State and local election officials at appropriate times before any election.

Fourth, use of the new system would be mandatory for all Federal elections and optional for State and local elections. Where the system is used for State and local elections, however, the Federal list must be accepted intact. No person entitled to vote in Federal elections can be deleted from the list for failure to meet other qualifications.

The time has come to take another major step forward in our national quest for universal suffrage. To be sure, we have made great strides in recent years. But always in the past, our efforts have ignored one of the most burdensome qualifications for voting—the requirement of registration, a requirement that operates to disfranchise tens of millions of Americans in every Federal election.

One of the brightest chapters in the history of America is the progress we have made toward our goal of universal suffrage and full participation by every citizen in the political life of our Nation. The route we have traveled in the past 100 years since the Civil War is marked with the major milestones of the efforts we have made to broaden our democracy. Indeed, six of the last 12 amendments to the Constitution have been concerned with extending the right to vote.

The 15th amendment, adopted in 1870, guaranteed the vote to citizens regardless of their race or color.

The 17th amendment, adopted in 1913, provided for the direct popular election of Senators.

The 19th amendment, adopted in 1920, extended the franchise to women.

The 23d amendment, adopted in 1961, extended the franchise to citizens of the District of Columbia in presidential elections.

The 24th amendment, adopted in 1964, abolished the poll tax as a condition of voting in Federal elections.

Most recently, the 26th amendment, adopted last June, extended the franchise to 18-year-olds in all elections.

Hand in hand with these great constitutional amendments have come a series of landmark decisions by the Supreme Court and historic laws by Congress, all concerned with insuring the broadest possible exercise of the right to vote. Within our recent memory, legislation like the Civil Rights Acts of the fifties and sixties and the Voting Rights Acts of 1965 and 1970, and the one-man, one-vote decisions of the Supreme Court, stand as eloquent tributes to the Nation's continuing commitment to extend and secure the right to vote.

Now the time has come to take another great step, by ending the arbitrary and unfair practices of voting registration that operate in so many States to deny the right to vote. Having stripped away so many other blatant impediments to the right to vote, the existing practices of voters registration in America can be seen all the more clearly for what they are—an arbitrary, obsolete, and unfair system by which vast numbers of Americans are silenced at the polls. In spite of the progress we have made in extending the franchise, the voting record of America ranks among the worst of all the great democracies of the Western World.

Of the 120 million potential voters in the presidential election of 1968, only 73 million—or 61 percent—actually went to the polls. Forty-seven million people stayed home, at a time when the winner—President Nixon—was receiving only 31 million votes. Incredible as it may seem, half again as many people stayed away from the polls as voted for the man who is our President.

In 1970, in Britain, by contrast, 72 percent of the eligible voters went to the polls, and yet they called it one of the lowest turnouts in history, the lowest since 1935. In the most recent elections in other democratic nations, the turnout has been even higher—75 percent in Ireland, 76 percent in Canada, 80 percent in France, 87 percent in West Germany, 89 percent in Sweden and Denmark.

The low turnout of American voters has been a consistent flaw in the political life of our Nation for many years. In the presidential election of 1900, the turnout was 73 percent. Not once since then has our voter turnout exceeded 66 percent. Seven times it fell below 60 percent. Twice, in 1920 and 1924, it fell below 50 percent.

And yet, it has not always been this way. Throughout the greater part of the 19th century, voter turnout in our presidential elections ranged in the neighborhood of 70 percent to 80 percent. The highest turnout was in 1876, when 82 percent of the potential voters went to the polls. The lowest was in 1852, when "only" 70 percent did so.

It is no coincidence, therefore, that the turn of the century, which saw the advent of voter registration, also saw a sharp decline in voter turnout. According to a recent study, registration was adopted at the turn of the century partly for the worthy purpose of prohibiting the abuses of machine politics in the growing cities of the North, and partly for the darker purpose of disfrancising black citizens in the South. Today, as this history strongly implies, the requirement of voter registration is the largest single obstacle to the right to vote in America.

The figures in 1968 tell the story. Of the 120 million potential voters in the presidential election of 1968, only 82 million—or 68 percent—were registered to vote and therefore eligible to go to the polls on election day. But of that number, fully 73 million, or 89 percent, actually went to the polls and cast their ballots.

The lesson is clear. Americans who are registered are Americans who vote. Of the 47 million citizens who stayed home on election day, the overwhelming majority—38 million, or 81 percent—were not registered to vote. Only 19 percent of those who stayed home were citizens who were registered to vote.

THE PRESENT SYSTEM OF VOTER REGISTRATION

Clearly, the paramount cause of America's dismal record of voter participation today is our inadequate nonsystem of voter registration. Virtually without exception, the registration laws of the 50 States and the District of Columbia are a nightmare of confusing, conflicting, and overlapping requirements, ranging from Missouri, which has six different registration systems for cities, depending on their size, and a seventh system available to counties at their option, to North Dakota, which has no statewide laws requiring voter registration, although local jurisdictions may do so at their option.

The defects of the present system are well known. They are not confined to any particular State or region of the country. They are as current as today's headlines:

With the exception of 3 days of precinct registration 30 days before an election, the only place that a person can register to vote in the Nation's largest city is at the downtown central office of the Board of Elections. For thousands of the city's residents, the expense and inconvenience of a trip downtown are overwhelming deterrents to voting.

The situation is the same in a large midwestern city. With the exception of 3 days of registration in local precincts a month before an election, the only place that anyone can register is at City Hall. Year round, with the exception of these 3 days, there is one central place for voter registration in the entire city. For thousands of citizens, the path to the polls is made unnecessarily difficult by the requirement of central registration.

In another midwestern city, shortly before a primary election last spring, approximately 2,500 black citizens were purged from the voter lists. They were not notified of the action until less than a week before the primary, when they were told that if they wished to be reinstated on the lists, they would have to go in person to the county courthouse, which is outside the city limits.

A much more extensive purge took place in a large eastern city in connection with a primary election last spring. Before the primary, somewhere between 80,000 and 90,000 citizens were purged from the lists of eligible voters.

And, in a major Southern State, large numbers of potentially eligible citizens will be denied the vote in the coming fall elections because of the State's requirement that voter registration books must close 4 months before an election. The burden of this early closing requirement falls most heavily on young citizens newly enfranchised by the 26th amendment to the Constitution, which lowered the voting age to 18 in State and local elections. The amendment was ratified on June 30. Less than 48 hours later—at 5 p.m. on July 2—registration closed, thereby effectively depriving tens of thousands of young residents of their newly won right to vote. Yet, we know their strong desire to vote. In the 2 short days of registration, there was a rush to join the voter rolls. According to press reports, large numbers of eager 18- to 20-year-olds formed long lines outside courthouses throughout the State, hoping to register on the 2 available days. But many were turned away, still standing in line, at the close of business on July 2.

These examples are only the tip of the iceberg. Comparable problems and obstacles can be found in every community throughout America. Wherever we look, we find citizens disfranchised by our archaic registration system.

Typically, State and local registration rolls are unwieldy, inaccurate, and obsolete. A large percentage of the names are persons no longer qualified to vote because of death, conviction of a crime, change of residence, or other reasons. In order to keep the lists at least reasonably current, the States are driven to the use of arbitrary rules, such as the

disqualification of voters who fail to vote in a previous election, or requirements of annual or periodic re-registration.

The burden of our present system of voter registration are multiple. Frequently, they are a thin disguise for blatant racial discrimination against the right to vote. The hearing records of Congress during the debates of the Voting Rights Act of 1965 and its extension in 1970 are replete with examples of such discrimination.

For some citizens, registration means loss of income through loss of time on the job or time away from business. Many individuals simply cannot take time off to register during working hours, and are thereby relegated to the status of second-class citizens.

For others, the most important burden is the sheer difficulty and inconvenience of the registration process. Too often, registration is an obstacle course for the voter instead of the incentive to total participation it ought to be. The obstacles are enormous. Many citizens find it difficult to determine where and when they can register. They refuse to endure the long lines and waiting periods. They are baffled by the inaccessibility of registration offices. In some States, registration offices may be open only a few hours a day or week. Other States prohibit precinct, neighborhood, or mobile registration. They allow registration only in the county courthouse, which may require a trip downtown or even out of town. Frequently, the expense of the trip itself is sufficient to inhibit registration—a de facto poll tax that frustrates the right to vote.

For still others, there is the problem of early registration deadlines. In a number of States, the registration books close weeks or months before the election, and there is no opportunity whatever to register in the period immediately preceding the election. In Mississippi, the registration offices close 4 months before the election—the rolls are routinely purged after the deadline, so that a citizen erroneously removed from the list has no opportunity to register again. In 14 other States with early registration deadlines—Arizona, California, Colorado, Georgia, Hawaii, Kentucky, Michigan, Montana, Nevada, New Jersey, New Mexico, Ohio, Pennsylvania, and Rhode Island—the registration books close more than a month before the election.

For yet another group of citizens, especially those who travel frequently, who are away from home for extended periods, or who are ill or disabled, the problem is the lack of any procedure for absentee registration. Although virtually every State has established absentee voting procedures, few have taken the additional step of establishing absentee registration procedures as an alternative to the traditional requirement that registration must be in person.

And finally, for another substantial group of citizens, the burden is one of unreasonable re-registration requirements. In Texas, for example, annual re-registration is required, a procedure declared unconstitutional by a Federal district court earlier this year and now the subject of an appeal. Other States require voters to renew their registration so frequently that many citizens simply find themselves unable to keep up with the requirements. Often a citizen arrives at the polls to vote, only to be told that his registration has been canceled because he failed to vote in the previous election, even though he was never given notice of the cancellation.

An especially insidious aspect of the problem of registration is the evidence that the burden of State and local registration requirements falls most heavily on the poor, the black, the uneducated, and manual and service workers. For example, according to a census study of the 1968 election, 87 percent of those with a college degree are registered to vote, whereas only 49 percent of those with 1 to 4 years education are registered. And, two decades of hearings in Congress on Civil Rights Acts and Voting Rights Acts have overwhelmingly demonstrated the ease with which voter registration requirements lend themselves to discriminatory application.

THE BURDEN OF RESIDENCE REQUIREMENTS

Impediments to the right to vote of a different sort, but no less burdensome for millions of citizens, are the hundreds of different State and local residence requirements that now exist throughout the Nation. Typically, under present voting laws, a potential voter must fulfill three different residence requirements before he is entitled to vote—he must have resided in his State for periods ranging from 6 months to a year; he must have resided in his county for periods from 30 days to 6 months; and, he must have resided in his precinct for periods from 10 to 30 days. In some jurisdictions, the minimum residence requirements is lower; many, it is substantially higher.

In the quieter and less mobile era of our history when these residence requirements were imposed, the burden was not as huge as it is today. The Census Bureau estimates that every year, 20 million Americans, or 10 percent of the population move their residence from one State to another. On the average, each family in the Nation moves its residence once every 4 years.

The plight of the disfranchised mobile voter in America is well known, and no extended discussion is needed here. As many experts have noted, the right of a citizen to travel freely from State to State is one of our fundamental rights protected by the Constitution, and the exercise of that right should never trigger the loss of an even more basic constitutional right, the right to vote.

Last year, as part of the statute lowering the voting age to 18, Congress took a significant step to alleviate the burden of so-called durational residence requirements by reducing such requirements to 30 days for voting in Presidential elections.

Now the time is ripe for Congress to go further, and there is growing sentiment in the Senate to make the same 30 day requirement applicable to all Federal elections. Indeed, a bill to this effect has recently been introduced in the Senate by Senator JOHN TUNNEY of California, with strong bipartisan support, and similar legislation has already been introduced by Senator HAROLD HUGHES.

BACKGROUND OF EFFORTS TOWARD UNIVERSAL VOTER REGISTRATION

In recent years, discussions of various proposals to establish a system of universal voter registration for the United States have dwelled essentially exclusively on what may be called local action methods—that is, door-to-door canvassing at the local level, at the initiative of local jurisdictions. Each of two major studies of the decade of the sixties has recommended this approach, partly because it is the approach apparently responsible for the higher voter turnouts in foreign democracies, and partly because of philosophical and constitutional objections to methods relying on the initiative of the Federal Government.

The first study was made by the President's Commission on Registration and Voting Participation, established by President Kennedy in March of 1963, chaired by Richard Scammon, the Director of the Census Bureau at that time, and charged with the task of determining the reasons for low voter turnout in America and recommending solutions. The Commission's report in November of 1963 was a major milestone in the analysis of the complex psychological and legal factors that lie at the heart of the problem.

The Commission made more than 20 major recommendations to end restrictive legal and administrative procedures inhibiting the right to vote. In the area of voter registration, the Commission urged the State to adopt procedures to make registration easily accessible to every citizen. As patterns to be followed, the Commission pointed to the example of Canada and noted a number of States and communities in America that had successfully used registration procedures involving door-to-door canvassing, deputy registrars, and mobile registration units.

The second major study was prepared by the freedom to vote task force, established by the Democratic National Committee in 1969 and chaired by Ramsey Clark, the former Attorney General of the United States. Notwithstanding its partisan sponsorship, the report of the task force, entitled "That All May Vote," is a persuasive nonpartisan document challenging the Nation to end the abuses we have endured for so long and to act to increase the strength of our democracy. As the report states:

> People who vote believe in the system. They participate. They have a stake in government. But, to the nonparticipants their stake in government is not so apparent. Their alienation from the system is harmful not only in their own lives, but it threatens the survival of democracy itself.
>
> Registration efforts must not be concerned with how people vote. The important consideration is that they vote. We can live with decisions made by a full electorate, but those who do not participate may be unwilling to live with decisions they had no voice in making. We must do everything within our power to encourage them to vote. Let the people choose.

The report of the task force made clear that voter registration is the real villain, the principal barrier that stands between

the citizen and the ballot box. As in the case of the 1963 commission study, the report pointed to the success of "local action" for voter registration in South Dakota, Idaho, and in parts of California and Washington, and urged a similar program for America. The proposal was introduced in legislative form in the 91st Congress by Senator INOUYE, a member of the task force, and it has been reintroduced as S. 1199 in the present Congress.

Because of doubts that have been raised about the feasibility of the "local action" approach to voter registration, progress has been slow in efforts to implement such proposals. More and more, attention has turned to the alternative of a "Federal" system of voter registration to achieve the universal system we need.

The Senate took a major step in this direction last June, when it approved by the vote of 47 to 31 an amendment to the draft bill, authorizing selective service offices to register 18-year-olds to vote at the time they register for the draft. And, Senator HUMPHREY is offering a similar proposal to use the facilities of the Internal Revenue Service to promote voter registration.

In large measure, recent Supreme Court decisions have eliminated possible constitutional objections to a Federal system of universal voter registration. Now and for the foreseeable future, I believe that such a system is the only hope we have for pulling ourselves out of the present morass of registration requirements.

THE SOUTH CAROLINA EXPERIENCE

In the face of growing demands imposed on outdated voter registration procedures, a number of cities and counties throughout the Nation have begun to use computers to moderize their procedures. In 1967, South Carolina became the first and only State to centralize its voter registration procedure through a computer system on a State-wide basis. Although registration in South Carolina continues to be initiated through the county registration boards in the State, and citizens must still appear in person to register at the local boards, their applications are now forwarded to the State data processing office, where the information is stored and processed.

The familiar but cumbersome ledger books that used to form the registration record in South Carolina have now been replaced by magnetic tapes in a computer system. The records are continuously kept current through data provided to the State agency from various sources—for example, the bureau of vital statistics provides monthly reports on persons who have died, and the State and Federal courts provide data on persons convicted of crimes. Prior to the new system, the registration records were rarely cleaned for any reason.

On the basis of the data in the computer files, official lists of registered voters for each county and precinct are printed and made available to local officials 10 days before each State, county, municipal, or other election. Thus, it is no longer necessary to use the entire county ledger for a municipal election, or to copy manually from the county rolls the names of persons eligible to vote in elections held in smaller jurisdictions. Since the computer lists contain all the information provided by the voter when he registered, election officials are able to identify registrants easily at the polls. Under the previous system, only the voter's name and address were on the rolls.

As a result of the vastly increased efficiency of the new system, the county registration boards in South Carolina that used to be open only a few days a month are now open on a daily basis during normal courthouse hours. During the first year of the new system, 850,000 South Carolina voters were registered, the highest figure in the history of the State. The total cost of the computer portion of the system is approximately $170,000 a year, and the entire store of registration information is contained on five reels of computer tape.

A SYSTEM OF UNIVERSAL VOTER REGISTRATION FOR THE NATION

At a single stroke, the system of universal voter registration I favor would eliminate the arbitrary and unfair requirements of residence and registration that now operate to disfranchise so many of our citizens. Durational residence requirements would be abolished for Federal elections, and registration would involve a procedure no more complicated than filling out a post card form and placing it in the mail. Local control of the actual election process would remain unchanged, but virtually the entire financial cost and administrative burden of voter registration would be lifted from the States and transferred to the Federal Government.

The program would be administered by a new bipartisan agency to be established in the Census Bureau. Citizens would register to vote simply by filling out the post card form and mailing it to the new agency. Merely by specifying the address of his residence on the form, the citizen would determine his voting residence. There would be no requirement of residence for a specific period of time. The system would thus do away not only with burdensome registration requirements, but also with unfair residence requirements that operate to bar voters in almost every State.

With the assistance of computers, the information would be stored and divided according to election districts, and made available by the census agency to appropriate State and local election officials, as the official list of eligible voters.

Use of the new voter registration list would be mandatory in Federal elections, and optional for State and local elections. I believe, however, that the simplicity, efficiency, and cost savings of the system would lead to its rapid acceptance for State and local elections as well, so that within a brief period of time, the Nation would have a truly universal voter registration system for all elections. Our system of democracy deserves no less.

In its details, the system would function as follows:

First, a new bipartisan agency—the Universal Voter Registration Administration (UVRA)—will be established in the Bureau of the Census to organize and administer a program of universal voter registration for all Federal elections, and to assist States in their registration for State and local elections. The UVRA will be authorized to establish State and regional data processing centers to carry out its functions. The agency will be under the direction of an administrator and two associate administrators, no more than two of whom can be members of the same political party. The new agency is created in the Bureau of the Census because that agency has established a long-standing reputation of efficiency and confidentiality, and has already developed the computer programs and technology essential to the implementation of a successful universal voter registration system.

Second, individuals will register to vote through post card voter registration forms, to be mailed free of charge to UVRA. The post card forms will be of the type which allows visual scanning by computers to read the information. They will be widely available in post offices and other Federal agencies, and will also be available to private voter registration groups. Where appropriate, bilingual forms will also be available. In addition, any State or local jurisdiction will be authorized to send its current registration records to UVRA for assimilation into the new Federal system.

Third, the information on the post card forms will include only the name, address, ZIP code, and date of birth of the individual, together with a statement that the individual is not disqualified from voting under State or local law by reason of conviction of a crime or adjudication of mental incompetence. In addition, the individual may specify his party affiliation if he wishes to register for primary elections. UVRA registration will remain valid for 4 years, or for longer periods according to State law.

Fourth, the post card form will also include a line for the signature or mark of the individual, and a statement of the penalty for fraudulent registration. The penalty will be a fine of not more than $10,000, imprisonment for not more than 5 years, or both. The form will also include a statement that the signature or mark of the individual attests to the accuracy of the information he provides on the form.

Fifth, UVRA registration will close 30 days before primary, general or other elections. UVRA will compile lists of registered voters by local precincts, and forward the lists to the appropriate State or local election officials. Simply by having his name on the list, any person will thereby be authorized to vote in Federal elections. States will be able to supplement and update the lists in advance of the Federal election. However, in cases where a State removes a name from the list, notice of the removal must be given promptly to UVRA and to the individual, together with the reason for the removal.

Sixth, use of the UVRA list will be

mandatory for all Federal elections and optional for State and local elections. If State and local officials decide to use the UVRA lists for State and local elections, they may not delete anyone from the list for failure to meet other qualifications.

Seventh, UVRA will be authorized to establish appropriate procedures for individuals to verify their registration. It will also inform each voter of the location of his polling place, so that on election day, every citizen will know where he must vote.

Eighth, to protect the right of privacy, UVRA information and voting lists will not be available to any other Federal agency and will not be made available by UVRA to any private source. In addition, UVRA will not draw on information collected for other purposes by other Federal data centers, such as the Internal Revenue Service or the Social Security Administration. The UVRA system will be used for voter registration and no other purpose. However, to the extent that State or local law requires voting lists to be publicized, UVRA information may become public at that level, although the information still may not be used by any Federal agency.

CONSTITUTIONAL JUSTIFICATION

In light of a long line of Supreme Court decisions in the area of voting rights in the decade of the Sixties, and especially the decision by the Court in *Oregon* v. *Mitchell*, 400 U.S. 112 (1970)—the 18-year-old voting case decided last December—there is solid constitutional support for the establishment of a nationwide system of Universal Voter Registration in the United States. Indeed, although the issue may be somewhat less clear-cut, there would also be ample constitutional justification for the extension of the Federal registration system to State and local elections as well.

As in the issues surrounding the Voting Rights Act Amendments of 1970, which Congress passed last year, the issue in the current context concerns the power of Congress to legislate by statute in the area of State and local election requirements.

There can be no question, of course, that the Constitution grants to the States the primary authority to establish qualifications for voting. Article I, section 2 of the Constitution and the 17th amendment specifically provide that the voting qualifications established by a State for members of the most numerous branch of the State legislature shall also determine who may vote for U.S. Senators and Representatives. Although the Constitution contains no specific reference to qualifications for voting in Presidential elections or State elections, it has traditionally been accepted that the States also have primary authority to set the qualifications in these areas as well.

At the same time, however, these constitutional provisions are only the beginning, not the end of the analysis. They must be read in the light of all the other specific provisions of the Constitution, including the great amendments that have been adopted at various periods throughout the Nation's history. Most recently, a month ago, the 26th amendment, lowering the voting age to 18, became part of the Constitution, and conferred power on Congress to enforce the new amendment by appropriate legislation.

The constitutional issues must also be interpreted in the light of the basic Supreme Court decisions interpreting the provisions in question. Although a State may have primary authority under article I of the Constitution to set voting qualifications, it has long been clear that it has no power to condition the right to vote on qualifications prohibited by other provisions of the Constitution, including the various amendments to the Constitution. No one believes, for example, that a State could deny the right to vote to a person because of his race or his religion.

Thus, the Supreme Court has specifically held that the equal protection clause of the 14th amendment itself prohibits certain unreasonable State restrictions on the franchise:

In *Carrington* v. *Rash*, 380 U.S. 89 (1965) the Court held that a State could not withhold the franchise from residents merely because they were members of the Armed Forces. Obviously, the rationale of this decision is directly applicable to the present national controversy over the voting residence of students.

In *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966), the Court held that a State could not impose a poll tax as a condition of voting.

In *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), the Court upheld the constitutionality of a statute passed by Congress overriding State literacy requirements in English and conferring the franchise on voters literate in Spanish.

But the key Supreme Court precedent supporting a universal voter registration system for Federal elections is Oregon against Mitchell. In that important decision, the Court not only sustained the constitutionality of a Federal statute lowering the voting age to 18 for Federal elections, but also upheld the constitutionality of two other provisions in the 1970 statute, provisions that were applicable not only to Federal elections, but also to State and local elections:

A provision abolishing State literacy requirements altogether;

And, a provision reducing the residence requirements for voting in presidential elections to 30 days, and requiring the States to make available appropriate absentee registration and absentee voting procedures for such elections.

The Mitchell decision is especially significant because of the substantial majority by which the Supreme Court upheld the constitutionality of the literacy and residence provisions of the 1970 statute passed by Congress.

To be sure, the provision lowering the voting age to 18 in Federal elections was sustained by the narrow margin of 5 to 4, with Justice Black casting the deciding vote on the basis of the power of Congress under Article I, Section 4 of the Constitution to regulate the time, place, and manner of conducting Federal elections.

At the same time, however, in spite of the narrow vote on the 18-year-old issue, the Court upheld the validity of the literacy and residence provisions by overwhelming majorities—9 to 0 in the case of the literacy provision, and 8 to 1 in the case of the residence provision, with only Justice Harlan dissenting on the latter issue.

The crucial link in the reasoning of the Justices leading to the strong majority in favor of the residence aspect of the case was their view that the provision was a valid exercise of the power of Congress under the necessary and proper clause of the Constitution to protect the constitutional right to change one's residence and to travel freely from State to State, a right that had been clearly reaffirmed by the Supreme Court as recently as 1966, in its decision in *United States* v. *Guest*, 383 U.S. 745 (1966).

Similarly, the crucial link in the reasoning of the Justices leading to the unanimous decision upholding the literacy provision in the statute was their view that the provision was a valid exercise of the power of Congress to enforce the 15th amendment of the Constitution, which bars racial discrimination in voting.

The present proposal for a system of universal voter registration for Federal elections, involving action by Congress in the areas of both residence and registration as qualifications for voting, is easily supported under the literacy and residence rationales of Oregon against Mitchell, since it would be action by Congress to promote the right to travel and to end racial discrimination in voting. No substantial distinction can be drawn on the basis that the residence provisions in the Mitchell case applied only to presidential elections, whereas the proposed universal registration system would apply to all Federal elections. As Justice Stewart stated in discussing the residence provision in the Mitchell case, in an opinion joined by Chief Justice Burger and Justice Blackmun.

I have concluded that, while section 202 applies only to presidential elections, nothing in the Constitution prevents Congress from protecting those who have moved from one State to another from disenfranchisement in any Federal election, whether congressional or presidential (400 U.S. 112, 287).

Further, as I have indicated, the constitutional rationales supporting the literacy and residence provisions in the Mitchell case might easily support the extension of the universal voter registration proposal to State and local elections as well. A fortiori, however, the proposal is clearly valid for Federal elections as an exercise by Congress of its power under article I of the Constitution to regulate such elections, and I urge the Senate to adopt it.

Mr. President, I ask unanimous consent that the text of the bill may be printed at this point in the RECORD. I also ask unanimous consent that a table of existing State residence requirements for voting, prepared by the youth citizenship fund, and a series of tables on voter turnout, contained in the reports of the freedom to vote task force of the Demo-

cratic National Committee, may also be printed in the RECORD.

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

S. 2457

A bill to establish a system of universal voter registration for Federal elections, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Universal Voter Registration Act of 1971."

S. 382

DECLARATION AND FINDINGS

SEC. 2. (a) The Congress hereby finds and declares that the administration of voter registration procedures by the various States as a precondition to voting in Federal elections—

(1) denies or abridges the constitutional right of citizens to vote in Federal elections;

(2) denies or abridges the constitutional right of citizens to enjoy free movement across State lines;

(3) denies or abridges the privileges or immunities of citizens of the United States, deprives them of due process of law, and denies them the equal protection of the laws, in violation of the fourteenth amendment;

(4) denies or abridges the right to vote on account of race or color in violation of the fifteenth amendment;

(5) denies or abridges the right to vote on account of sex in violation of the nineteenth amendment;

(6) denies or abridges the right to vote on account of age in violation of the twenty-sixth amendment;

(7) in some instances has the impermissible effect of denying citizens the right to vote because of the way they may vote; and

(8) does not bear a reasonable relationship to any compelling State interest in the conduct of Federal elections.

(b) Upon the basis of these findings, Congress hereby exercises its authority under section 4 and section 8 of article I of the Constitution, and the fourteenth, fifteenth, nineteenth, and twenty-sixth amendments thereto.

ESTABLISHMENT OF OFFICE

SEC. 3. (a) There is hereby established in the Bureau of the Census a Universal Voter Registration Administration (hereafter referred to in this title as "Administration"). The Administration shall be composed of an Administrator and two Associate Administrators, who shall be appointed by the President, by and with the advice and consent of the Senate. No more than two members of the Administration shall be of the same political party.

(b) The Administration shall establish and administer a program of voter registration for voting in Federal elections and shall, upon request, assist States in conducting registration for voting in State and local elections.

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(131) Administrator and Associate Administrators, Universal Voter Registration Administration."

USE OF DATA PROCESSING

SEC. 4. The Administration shall establish one or more data processing centers in order to carry out its functions. Voter lists shall be compiled and maintained through the use of electronic data processing equipment in such a manner that a list of persons registered under this Act in each of the units in which persons are registered to vote under State and local laws shall be readily available. The lists shall contain the name, address, ZIP code, party affiliation (if supplied), date of birth, and voting unit of each individual registered to vote under this Act and such additional information as the Administration determines to be essential to the efficient operation of this Act.

REGISTRATION

SEC. 5. (a) The Administration shall prepare and distribute registration forms for use by individuals who wish to register to vote under the provisions of this Act, or who wish to change a previous registration. Such forms shall be of a type which permits visual scanning by electronic data processing equipment, shall contain appropriate places for the designation of the registrant's name, address, ZIP code, date of birth, and party affiliation, and may be in languages other than English in such cases as the Administration deems appropriate.

(b) Such forms shall contain a statement that such individual is not disqualified from voting under State law by reason of conviction of a crime or mental incompetence, and such other information as the Administration determines to be essential to the efficient operation of this Act. Such forms shall also require the signature of the individual seeking to register through the use of such forms and a statement of the penalty for fraudulent use of such forms. The signature of an individual on his form shall attest to the accuracy of the information contained thereon.

(c) The Administration shall enter into arrangements with the Postmaster General so that supplies of such forms shall be reasonably available free of charge in each post office, and shall make such other arrangements as it deems appropriate for the distribution of such forms, including their availability to groups engaged in voter registration. Such forms shall be mailed free of all postage including airmail to the Administration upon completion, and the Administration shall reimburse the Postal Service for the cost of such mail.

(d) Any individual who is a citizen, who is eighteen years of age or older (or will attain such age on or before the date of the next Federal election held in the congressional district or State in which he registers), who is not disqualified from voting under State law by reason of conviction of a crime or mental incompetence, and who is registered under this Act shall be eligible to vote in Federal elections held in the congressional district or State in which he is registered under this Act. No other requirement or qualification shall be imposed by any State or political subdivision thereof on the right of such individual to vote in such election.

(e) The Administration is authorized to receive registration lists and other information with respect to eligible voters from State or local jurisdictions for inclusion in the registration lists prepared by the Administration under this Act.

(f) Unless the Administration or a State or local jurisdiction removes a person's name from the list of registered voters because of his death or his disqualification from voting under State law by reason of conviction of a crime or mental incompetence, registration under this Act in any State shall remain in effect for a period of time not less than four years, or such longer period as registration under State law in such State remains in effect.

(g) The Administration shall remove from its list of registered voters the name of any person who is found to be fraudulently or otherwise improperly registered or who, after registration, becomes disqualified to vote in the State or congressional district in which he is registered. If the Administration removes the name of any person from such list, it shall notify such person of such action by certified mail within one week of such action and the reason therefor.

(h) Any State or local jurisdiction which removes the name of any person from such list shall notify such person and the Administration of such action by certified mail within one week of such action. Such notice shall include the name and address of such person, and a statement of the reason for such action. The Attorney General is authorized and directed to institute in the name of the United States such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this subsection, and it shall be the duty of a judge designated to hear any such case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

REGISTRATION DATE

SEC. 6. An individual may register to vote in a Federal election under this Act at any time until thirty days before the date of such election, or at such later date before such election as the Administration may determine.

LIST OF REGISTERED VOTERS

SEC. 7. (a) Not later than thirty days prior to the date of any Federal election, the Administration shall furnish to the appropriate election officials of the State or local jurisdiction in which an election is to be held a list of individuals, by precinct or other similar voting unit, registered under this Act to vote in such election within the congressional district or State in which the election is to be held. No person whose name appears on such list shall be denied the right to vote in such election, unless such name is removed from such list in accordance with the provisions of this Act. The Administration is authorized to establish appropriate procedures to supplement the lists made available to States and local jurisdictions under this subsection.

(b) The Administration is authorized to establish appropriate procedures for individuals to verify their registration under this Act.

(c) Prior to the date of any such election, the Administration shall inform individuals registered with it of the precinct or other voting unit in which they are registered to vote.

(d) The provisions of this Act shall not apply in the case of any election in which registration is not a condition of voting in such election.

STATE REGISTRATION

SEC. 8. (a) Nothing in this Act shall interfere with any voter registration procedure conducted by any State with respect to voting in State or local elections.

(b) Any individual registered to vote under any State voter registration procedure, who is a citizen of the United States, who is eighteen years of age or older (or who will attain such age on or before the date of the next Federal election to be held in the congressional district or State in which he registers), and who is not disqualified from voting under State law by reason of conviction of a crime or mental incompetence, shall also be eligible to vote in any Federal election held in such district or State, whether registered under this Act or not.

(c) Any State which determines by law that it wishes to use voting registration lists compiled under this Act as evidence of registration to vote in State or local elections shall be furnished such lists no later than thirty days prior to any such election. Any State which so determines may not remove the name of any individual from such lists with respect to any such election nor deny to any individual whose name appears on such lists the right to vote in any such election, except in accordance with the provisions of this title.

REPORTS FROM STATES

SEC. 9. The Administration is authorized to request from each State periodic reports of the names and addresses of individuals eighteen years of age or older who have died in such State. The Administration is also authorized to request from appropriate State or Federal agencies periodic reports of the names and addresses of persons disqualified from voting under State law by reason of conviction of a crime or mental incompetence.

REGISTRATION INFORMATION

SEC. 10. The Administration shall undertake, through the use of broadcast and nonbroadcast communications media and such other means as the Administration deems appropriate, to inform potential voters of their eligibility to register to vote in Federal elections under the provisions of this Act.

PENALTIES

SEC. 11. (a) Whoever knowingly or willfully gives false information as to his name, address, residence, age, or other information for the purpose of establishing his eligibility to register or vote under this Act, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts or offers to accept payment either for registration to vote or for voting shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(b) Any person who deprives, or attempts to deprive, any other person of any right under this Act shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(c) The provisions of section 1001 of title 18, United States Code, are made applicable to the registration form promulgated under section 5.

RIGHT OF PRIVACY

SEC. 12. (a) No information provided by or in connection with any person under this Act shall be made available by the Administration to any other Federal agency or for any commercial activity. No such information shall be made available by the Administration to any agency of any State or local jurisdiction except for the purpose of carrying out functions directly related to the provisions of this Act.

(b) The Administration is authorized to adopt regulations for the enforcement of this section.

(c) Any person who violates this section or regulations adopted thereunder shall be fined not more than $5,000 or imprisoned not more than five years, or both.

OTHER FEDERAL VOTER REGISTRATION

SEC. 13. This Act shall not affect the provisions of the Federal Voting Assistance Act of 1955. Persons eligible to use the form and procedures provided under such Act may register under this Act.

DEFINITIONS

SEC. 14. As used in this Act the term—

(a) "Federal election" means any primary, general, or special election held for the election of a Federal officer, including an election held for the selection of delegates to a national nominating convention or to a caucus for such selection, and a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(b) "Federal officer" means President, Vice President, Senator, Representative, Delegate to the Congress, or delegate to a national nominating convention or caucus thereto.

(c) "State" means each of the United States and the District of Columbia.

AUTHORIZATION OF APPROPRIATIONS

SEC. 15. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

YOUTH CITIZENSHIP FUND INC., 2100 M STREET NW., SUITE 306, WASHINGTON, D.C. 20037, (202) 833-2090

STATE RESIDENCE REQUIREMENTS

State	State	County	Precinct
Alabama	1 year	6 months	3 months.
Alaska	do		30 days.
Arizona	do		Do.
Arkansas	12 months	6 months	1 month.
California	90 days	90 days	54 days.
Colorado	3 months		32 days.
Connecticut	(City or town: 6 months).		
Delaware	1 year	3 months	30 days.
District of Columbia	(Bona fide resident)		
Florida	1 year	6 months	
Georgia	do	do	(City: 90 days [municipal election only]).
Hawaii	do		
Idaho	6 months	30 days	
Illinois	do		
Indiana	do	60 days (township)	30 days.
Iowa	do	60 days	
Kansas	do	30 days (township or ward).	
Kentucky	1 year	6 months	60 days.
Louisiana	do	6 months (municipality: for municipal election, 4 months).	3 months.
Maine	6 months	3 months	
Maryland	do	28 days	
Massachusetts	(6 months city or town [formerly 1 year]).		
Michigan	6 months	(4 weeks, township, city or village).	
Minnesota	(6 months struck down Dec. 14, 1970).		30 days.
Mississippi	1 year	1 year	6 months.
Missouri	do	60 days	10 days (in some counties).
Montana	do	30 days (6 months, city).	30 days.
Nebraska	6 months	40 days	10 days.
Nevada	do	30 days	Do.
New Hampshire	do		
New Jersey	do	40 days	(30 or 15 days, some cities for municipal election).
New Mexico	12 months	90 days	30 days.
New York	3 months	3 months (3 months in city or village.)	10 days.
North Carolina	1 year	30 days	
North Dakota	do	90 days	30 days.
Ohio	6 months	40 days	40 days.
Oklahoma	do	2 months	20 days.
Oregon	do		
Pennsylvania	90 days	60 days	60 days.
Rhode Island	1 year (6 months, town or city).		
South Carolina	1 year	6 months	3 months.
South Dakota	180 days (5 years in United States).	90 days	30 days.
Tennessee	1 year	3 months	
Texas	do	(6 months, county, city or town).	
Vermont	do	(90 days town)	(180 days in town for municipal election).
Virginia	1 year (6 months, city, town or country).		30 days.
Washington	1 year	90 days	Do.
West Virginia	do	60 days	(60 days in municipality for municipal election).
Wisconsin	6 months		10 days.
Wyoming	1 year	60 days	Do.

REGISTRATION AND TURNOUT IN THE 1968 PRESIDENTIAL ELECTION, BY STATE [1]

State	1968 voting age population	Total registration	Actual turnout	Percent turnout of registered voters	Percent turnout of voting age population
Alabama	2,037,000	1,389,196	1,044,177	75.2	51.3
Alaska [2]	151,000	NA	83,035	NA	55.0
Arizona	1,003,000	614,718	486,936	79.2	48.5
Arkansas	1,188,000	845,759	609,590	72.1	51.3
California	12,052,000	8,587,673	7,251,587	84.4	60.2
Colorado	1,211,000	966,070	806,983	83.5	66.6
Connecticut	1,813,000	1,341,519	1,256,232	93.6	69.3
Delaware	306,000	248,915	214,367	86.1	70.1
District of Columbia	515,000	201,937	170,578	84.5	33.1
Florida	3,924,000	2,765,316	2,187,805	79.1	55.8
Georgia	2,824,000	1,850,000	1,250,100	67.6	44.1
Hawaii	421,000	274,104	236,218	86.2	56.1
Idaho	708,000	366,532	291,183	79.4	41.1
Illinois	6,580,000	5,676,131	4,619,749	81.4	70.2
Indiana	2,947,000	2,653,219	2,123,597	80.0	72.1
Iowa [2]	1,653,000	NA	1,167,931	NA	70.7
Kansas [2]	1,339,000	NA	872,783	NA	65.2
Kentucky	2,062,000	1,471,343	1,055,893	71.8	51.2
Louisiana	2,032,000	1,449,231	1,097,450	75.7	54.0
Maine	596,000	509,888	392,936	77.1	65.9
Maryland	2,168,000	1,595,779	1,235,039	77.4	57.0
Massachusetts	3,379,000	2,591,051	2,331,752	90.0	69.0
Michigan	4,853,000	3,950,000	3,306,250	83.7	68.1
Minnesota [3]	2,097,000	NA	1,588,510	NA	75.8
Mississippi [2]	1,308,000	775,000	654,509	84.5	50.0
Missouri [2]	2,770,000	NA	1,809,502	NA	65.3
Montana	412,000	331,078	274,404	82.9	66.6
Nebraska	891,000	637,719	536,851	84.2	60.3
Nevada	285,000	188,811	154,218	81.7	54.1
New Hampshire	418,000	387,660	297,190	78.5	71.1
New Jersey	4,402,000	3,319,752	2,875,395	86.6	65.3
New Mexico	562,000	445,304	327,281	73.5	58.2
New York	11,773,000	8,113,216	6,691,690	85.5	59.1

Footnotes at end of table.

REGISTRATION AND TURNOUT IN THE 1968 PRESIDENTIAL ELECTION, BY STATE[1]—Continued

State	1968 voting age population	Total registration	Actual turnout	Percent turnout of registered voters	Percent turnout of voting age population
North Carolina	2,919,000	1,858,987	1,587,493	85.4	54.4
North Dakota[2]	370,000	NA	247,882	NA	67.0
Ohio[4]	6,235,000	3,097,000	3,959,698	101.3	63.5
Oklahoma	1,546,000	1,163,328	943,086	81.1	61.0
Oregon	1,193,000	971,851	819,622	84.3	68.7
Pennsylvania	7,234,000	5,599,364	4,747,928	84.8	65.6
Rhode Island	561,000	471,112	384,938	81.7	68.6
South Carolina	1,455,000	853,014	666,978	78.2	45.8
South Dakota	408,000	348,254	281,264	80.0	68.9
Tennessee	2,361,000	1,840,077	1,248,617	67.9	52.9
Texas	6,289,000	4,073,576	3,079,576	75.6	49.0
Utah[3]	562,000	475,000	422,568	89.0	75.2
Vermont	244,000	208,221	161,403	77.5	66.1
Virginia	2,690,000	1,510,592	1,359,928	90.0	50.6
Washington	1,838,000	1,649,734	1,304,281	79.1	71.0
West Virginia	1,073,000	993,024	754,206	76.0	70.3
Wisconsin[3]	2,484,000	2,425,000	1,691,538	69.8	68.1
Wyoming	202,000	142,739	127,205	89.1	63.0
Total	120,353,000	82,029,426	73,359,762	89.4	60.9

[1] These figures are from State and U.S. Census sources. The Task Force figures and those compiled by the Republican National Committee are in substantial agreement. The figures used are the same as those in the Republican National Committee's report on the 1968 election.
[2] States which have no Statewide registration, or where registration is not required.
[3] Approximate figures, furnished by Secretary of State.
[4] Ohio does not require total registration, therefore the voter turnout figure exceeds the registration figure. Figure not included in total percentage.
NA—Not available.

TURNOUT IN PRESIDENTIAL ELECTIONS, 1824–1968, BY STATE

State	1824	1828	1832	1836	1840	1844	1848	1852	1856	1860
Alabama	49.1	54.6	(1)	64.9	89.7	80.3	69.7	45.3	71.0	76.7
Alaska										
Arkansas				28.9	67.6	63.5	55.9	48.6	60.2	79.5
California								75.7	81.6	71.2
Connecticut	14.9	27.2	46.0	52.3	75.7	80.0	72.3	72.3	81.8	73.3
Delaware	(1)	(1)	67.1	69.5	82.8	85.8	80.4	75.0	78.5	79.5
Florida							64.0	56.9	77.6	79.5
Georgia	(1)	31.8	29.0	61.8	88.8	92.6	86.0	54.8	82.8	85.1
Hawaii										
Illinois	24.3	52.4	46.0	43.5	86.0	76.0	70.5	64.7	72.4	80.5
Indiana	37.1	68.7	71.9	69.2	84.4	84.7	78.5	80.3	88.3	89.4
Iowa							90.7	80.2	87.0	94.8
Kentucky	25.4	70.7	74.0	61.1	74.3	80.7	73.9	64.2	76.7	74.1
Louisiana	(1)	36.2	22.3	19.2	39.4	47.1	51.1	48.7	53.6	58.6
Maine	19.1	42.7	66.2	37.7	89.7	71.3	68.4	61.2	78.1	68.9
Maryland	58.7	70.3	55.7	67.6	84.5	81.4	76.0	72.8	80.0	81.0
Massachusetts	29.0	25.7	39.4	43.4	66.7	65.8	64.6	57.8	69.8	65.9
Michigan				35.0	84.9	79.8	74.5	71.3	81.1	80.2
Minnesota										74.5
Mississippi	41.3	56.6	28.0	64.4	88.2	86.1	80.7	61.7	78.3	89.0
Missouri	19.8	54.0	40.0	36.1	75.1	77.8	62.5	46.3	54.7	69.4
New Mexico	18.0	74.3	70.1	38.2	86.3	68.9	67.4	65.7	87.9	80.7
New Jersey	35.6	71.0	68.8	69.2	80.4	87.2	82.7	79.8	83.1	89.4
New York	(1)	80.2	84.2	70.5	91.9	92.1	79.6	84.7	89.9	95.5
North Carolina	41.8	56.9	31.3	53.0	82.4	78.8	71.4	65.8	66.7	70.9
Ohio	34.8	75.9	73.9	75.5	84.5	83.6	77.5	80.6	82.3	88.3
Oregon										97.8
Pennsylvania	18.8	56.5	52.3	53.1	77.5	77.3	76.3	72.6	84.8	78.4
Rhode Island	12.0	17.1	26.3	23.8	33.2	45.1	41.1	57.8	62.9	59.4
South Carolina	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Tennessee	28.3	55.0	31.3	57.3	89.7	89.8	83.4	72.9	82.9	80.9
Texas							69.6	42.6	58.1	67.4
Vermont	(1)	54.5	50.0	52.5	73.8	70.8	70.5	63.5	72.5	63.0
Virginia	11.6	27.7	31.1	35.2	54.7	54.2	47.3	63.3	67.8	71.5
Wisconsin							58.3	39.6	80.8	79.0
U.S.A.	26.9	57.6	55.4	57.8	80.2	78.9	72.7	69.6	78.9	81.2

[1] Not available.

State	1864	1868	1872	1876	1880	1884	1888	1892	1896	1900
Alabama	(1)	77.9	79.6	72.8	58.8	54.2	56.6	68.5	51.9	38.9
Arkansas	(1)	49.0	67.6	64.7	59.5	50.1	68.9	55.0	48.2	40.8
California	64.6	72.3	57.9	75.9	67.1	68.8	76.5	73.8	75.0	69.9
Colorado				(1)	57.4	52.4	57.4	54.6	65.2	71.2
Connecticut	76.3	80.1	71.3	82.0	81.4	79.9	85.5	85.4	83.3	79.7
Delaware	79.8	84.3	73.3	73.4	81.9	76.0	68.8	80.4	64.0	81.9
Florida	(1)	(1)	77.0	93.5	85.9	83.1	85.0	35.3	40.0	29.9
Georgia	(1)	73.2	55.2	63.5	49.4	41.0	37.6	53.1	34.3	24.4
Idaho								63.1	76.1	77.8
Illinois	69.2	76.7	75.0	87.5	89.9	84.4	92.9	85.0	95.7	89.9
Indiana	82.9	92.5	85.3	94.6	94.4	92.2	93.3	89.0	95.1	92.1
Iowa	95.4	97.7	79.0	99.1	93.7	90.0	87.9	88.5	96.1	91.0
Kansas	31.8	51.3	77.8	65.7	80.8	85.1	88.2	80.7	89.5	91.2
Kentucky	44.0	69.9	66.2	80.9	75.5	70.8	81.1	73.8	89.2	87.0
Louisiana	(1)	75.9	76.4	77.9	50.3	49.8	50.0	45.1	35.8	21.7
Maine	73.2	74.4	57.9	71.5	85.0	75.0	71.7	63.5	63.0	56.0
Maryland	57.7	72.6	75.0	82.7	79.8	79.9	84.8	79.9	87.3	85.9
Massachusetts	63.8	66.9	62.0	72.3	71.2	69.3	71.7	74.6	70.6	67.4
Michigan	66.2	77.4	64.0	78.0	75.5	76.0	80.9	73.2	95.3	89.0
Minnesota	57.6	71.1	67.5	71.3	68.9	68.2	76.3	66.6	75.2	76.7
Mississippi	(1)	(1)	71.1	79.7	50.1	49.2	43.8	18.8	22.1	16.9
Missouri	36.3	43.0	66.6	76.6	78.0	77.0	81.8	77.4	88.5	83.1
Montana								74.2	73.8	75.3
Nebraska		46.1	43.7	53.0	67.7	67.8	75.9	66.2	74.1	80.2
Nevada	57.5	73.7	74.4	90.0	76.5	61.6	71.4	70.1	69.2	71.4
New Hampshire	84.3	82.3	80.9	92.0	93.3	87.1	90.2	85.8	78.1	83.9
New Jersey	81.0	89.5	81.4	94.8	95.4	88.6	91.9	90.3	88.4	85.9
New York	89.3	91.7	80.5	89.6	89.3	87.5	92.3	86.3	84.3	84.6
North Carolina	(1)	91.2	71.9	90.1	83.0	86.3	85.2	78.0	85.3	70.2
North Dakota								56.6	63.1	65.2
Ohio	87.6	90.4	84.4	94.4	94.4	93.4	91.9	86.2	95.5	91.5
Oregon	91.8	85.8	80.5	70.4	79.1	65.0	93.5	58.4	69.9	58.3
Pennsylvania	85.0	88.3	68.6	83.5	88.8	82.3	83.0	75.7	81.8	75.0
Rhode Island	58.8	46.6	40.2	49.4	48.7	48.1	53.4	63.0	59.2	56.2
South Carolina	(1)	79.6	60.4	101.0	83.9	43.0	35.0	29.1	25.2	18.0
South Dakota								70.7	78.0	85.4
Tennessee	(1)	39.7	66.2	74.6	75.1	73.1	77.6	64.0	70.8	56.6
Texas	(1)	(1)	56.3	54.6	68.8	80.2	78.3	79.4	88.3	61.4
Utah									79.4	84.5
Vermont	77.0	75.9	69.1	83.3	81.6	70.5	71.4	60.4	67.5	57.9
Virginia	(1)	(1)	66.2	77.6	64.1	81.7	83.2	75.3	71.0	59.6
Washington								67.3	63.1	64.9
West Virginia	51.6	58.0	61.2	83.6	82.6	86.7	94.5	90.3	93.6	91.3
Wisconsin	66.8	79.8	70.6	83.9	82.4	82.2	81.1	76.8	84.9	77.5
Wyoming								47.7	50.7	51.1
U.S.A.	73.8	78.1	71.3	81.8	79.4	77.5	79.3	74.7	79.3	73.2

State	1904	1908	1912	1916	1920	1924	1928	1932	1936	1940
Alabama	24.2	21.5	22.6	24.3	20.6	13.5	19.1	17.5	18.8	18.9
Arizona			8.6	48.7	46.8	44.4	47.9	55.1	52.0	57.0
Arkansas	33.8	40.2	30.7	40.0	20.9	15.3	21.4	22.1	17.3	18.2
California	61.7	60.2	46.9	58.0	47.2	50.8	59.0	64.0	66.0	73.4
Colorado	71.0	65.4	59.1	60.5	56.0	62.5	68.4	75.3	75.7	79.7
Connecticut	80.5	76.3	71.5	73.8	58.7	57.9	72.6	70.8	74.6	77.2
Delaware	82.0	86.2	84.1	86.1	75.1	68.1	75.3	76.3	79.8	79.4
Florida	24.4	26.2	24.2	33.8	30.3	17.0	33.0	30.5	31.3	40.9
Georgia	23.8	22.0	18.9	23.7	10.5	11.5	15.7	16.5	17.7	17.7
Idaho	65.3	65.8	59.8	67.4	61.1	65.2	66.0	74.4	71.8	77.0
Illinois	80.5	81.6	74.7	66.8	60.5	64.1	73.4	74.6	18.6	28.2
Indiana	89.7	89.9	77.8	81.9	71.0	70.7	74.9	78.9	78.7	81.1
Iowa	79.7	77.6	74.2	75.0	64.5	68.4	68.9	69.1	73.6	75.5
Kansas	78.1	82.5	76.3	65.8	58.0	64.1	65.9	71.1	76.6	75.1
Kentucky	77.7	84.0	74.6	82.8	71.8	61.0	67.7	67.4	59.9	59.5
Louisiana	15.6	19.8	19.3	21.6	14.1	12.4	20.1	23.4	27.3	29.4
Maine	49.5	53.2	63.4	65.1	46.9	44.9	60.2	66.3	64.4	65.0
Maryland	69.6	70.9	64.8	68.1	52.3	41.0	56.8	51.2	58.1	57.2
Massachusetts	67.6	65.1	63.4	62.8	53.3	65.6	74.0	69.5	75.9	78.7
Michigan	78.9	75.9	69.8	72.9	55.1	53.7	56.3	62.0	62.1	66.6
Minnesota	64.3	66.1	61.2	65.0	59.5	62.0	68.5	66.2	69.7	72.3
Mississippi	15.6	16.5	15.1	20.0	9.4	12.0	15.2	13.8	14.4	14.7
Missouri	74.9	79.7	74.9	81.5	67.6	63.3	69.1	70.9	77.3	74.4
Montana	65.8	61.9	63.3	68.0	61.4	59.2	65.3	70.3	70.8	72.2
Nebraska	70.1	77.8	77.1	84.5	55.7	63.8	71.5	72.1	75.6	75.4
Nevada	59.2	92.1	68.1	73.6	61.0	56.1	63.0	73.2	69.1	75.7
New Hampshire	81.6	80.8	78.2	77.3	67.5	67.4	77.8	77.5	77.8	70.6
New Jersey	38.6	82.4	69.1	70.7	59.1	60.7	75.6	72.0	75.0	76.1
New Mexico			59.6	77.8	62.3	61.8	60.3	69.7	68.7	66.6
New York	83.3	79.7	72.1	71.6	56.4	56.3	68.3	66.1	72.6	75.7
North Carolina	46.1	52.0	46.1	49.8	44.6	35.9	43.1	44.0	47.4	42.7
North Dakota	61.4	73.2	60.8	77.7	67.4	63.8	72.4	74.5	78.0	78.4
Ohio	83.1	87.5	74.8	76.5	62.6	57.8	66.9	65.5	71.8	75.4
Oklahoma		71.5	57.4	60.4	48.6	47.4	50.5	54.4	56.4	60.5
Oregon	47.6	47.3	51.8	54.2	52.3	55.3	57.7	60.7	62.5	67.1
Pennsylvania	74.3	71.8	64.4	63.4	47.8	45.8	62.7	53.1	72.5	67.6
Rhode Island	63.4	62.4	62.7	65.8	57.9	66.3	68.9	71.7	78.0	75.6
South Carolina	18.4	20.6	14.6	17.5	8.6	6.4	8.5	12.3	12.5	10.1
South Dakota	73.0	69.5	61.9	60.9	56.6	59.4	72.0	76.5	77.5	79.5
Tennessee	47.7	48.0	45.1	46.6	35.4	23.3	25.7	26.5	30.0	30.6
Texas	79.6	33.6	30.8	35.0	21.7	25.8	24.8	27.2	24.8	30.1
Utah	78.4	73.0	66.4	79.5	69.6	69.7	73.4	80.0	77.9	83.1
Vermont	50.7	48.9	56.8	58.2	45.3	51.3	66.8	66.6	68.5	72.1
Washington	60.9	59.0	50.8	54.7	52.4	51.2	56.6	64.2	66.6	70.6
West Virginia	89.2	86.9	81.9	83.6	71.7	75.2	76.4	81.9	84.9	83.0
Wisconsin	72.0	68.7	68.7	70.7	52.3	57.3	65.9	65.1	68.9	72.4
Wyoming	50.8	49.2	50.3	54.9	52.3	71.0	68.7	74.9	74.0	74.8
U.S.A.	65.2	65.4	58.8	61.6	49.2	48.9	56.9	56.9	61.0	62.5

TURNOUT IN PRESIDENTIAL ELECTIONS, 1824–1968, By STATE—Continued

	1944	1948	1952	1956	1960	1964	1968
Alabama	15.0	12.6	24.2	27.6	31.2	36.0	51.5
Alaska					49.1	48.7	56.4
Arizona	42.2	45.4	53.9	47.8	53.8	54.7	43.6
Arkansas	19.3	21.9	36.9	38.0	41.1	49.9	52.5
California	65.1	63.2	69.4	64.0	67.9	64.7	61.0
Colorado	67.9	64.5	76.2	69.2	71.4	68.0	70.2
Connecticut	73.9	71.2	80.9	75.8	76.8	71.8	68.5
Delaware	66.9	68.5	78.4	72.7	73.6	71.1	71.7
Florida	33.5	34.1	47.6	43.6	50.0	52.7	58.2
Georgia	17.6	21.4	31.9	29.6	31.2	44.9	41.6
Hawaii					53.0	52.5	62.7
Idaho	64.5	63.1	78.2	75.2	80.7	75.8	72.8
Illinois	74.8	70.3	76.0	72.4	75.7	74.0	69.3
Indiana	71.7	67.2	75.7	73.7	76.9	74.0	71.5
Iowa	64.3	62.4	75.8	74.0	76.5	72.3	71.6
Kansas	62.2	65.0	71.7	67.4	70.3	74.8	63.5
Kentucky	51.9	49.6	58.9	58.6	60.5	52.9	46.8
Louisiana	25.1	27.5	40.2	36.0	44.8	47.3	55.6
Maine	57.3	49.0	63.1	61.8	72.6	65.6	67.5
Maryland	46.7	41.7	57.5	54.6	57.2	56.0	57.7
Massachusetts	71.0	71.5	75.0	72.0	73.8	71.3	67.8
Michigan	63.7	55.6	68.5	71.1	72.4	68.9	64.9
Minnesota	63.0	65.7	72.6	68.7	77.0	76.8	71.8
Mississippi	15.0	16.0	23.8	21.0	25.5	32.9	51.6
Missouri	62.2	61.0	71.8	68.8	71.8	67.4	63.1
Montana	59.0	62.3	71.8	71.6	61.4	69.8	65.0
Nebraska	67.9	58.2	71.9	67.6	71.4	66.6	59.9
Nevada	64.8	64.0	69.7	65.9	61.2	55.5	54.2
New Hampshire	73.5	70.3	79.2	74.4	79.4	72.3	70.9
New Jersey	69.1	63.0	72.3	68.9	71.8	68.6	65.1
New Mexico	48.8	53.4	60.5	56.8	62.1	63.9	63.3
New York	70.9	65.0	71.2	67.9	67.0	63.2	57.3
North Carolina	38.0	35.4	51.3	47.4	53.5	51.8	54.7
North Dakota	61.5	61.6	75.5	71.3	78.5	72.2	65.5
Ohio	66.9	58.4	69.7	66.4	71.3	66.6	63.6
Oklahoma	52.8	52.5	68.6	61.4	63.8	62.5	62.9
Oregon	58.4	56.5	69.6	71.1	72.3	69.6	64.4
Pennsylvania	59.8	56.0	66.5	65.5	70.5	68.1	63.2
Rhode Island	65.0	66.0	79.8	73.2	75.1	68.7	68.2
South Carolina	9.8	12.8	29.1	24.7	30.5	38.0	48.0
South Dakota	59.3	63.3	74.4	74.7	78.3	72.6	70.8
Tennessee	28.2	28.7	44.7	45.9	50.3	51.1	53.0
Texas	28.2	26.0	43.5	37.9	41.8	44.4	51.6
Utah	75.0	76.0	82.9	77.2	80.1	76.9	76.9
Vermont	56.9	54.5	66.8	66.5	72.5	68.0	65.5
Virginia	22.3	21.6	29.9	31.8	33.3	41.0	52.1
Washington	67.0	63.2	71.2	70.4	72.3	71.5	65.0
West Virginia	65.5	65.8	76.3	74.6	77.2	75.2	70.0
Wisconsin	67.7	59.8	72.5	67.8	73.4	70.8	68.0
Wyoming	63.3	59.6	72.5	67.4	74.0	73.2	69.3
District of Columbia						40.2	33.5
U.S.A.	55.9	53.0	63.3	60.6	64.0	61.8	60.6

Source: Compiled by Prof. Walter Dean Burnham, Department of Political Science, Washington University, St. Louis, Mo.

TURNOUT IN U.S. SENATE ELECTIONS, 1946–68

State	1946	1948	1950	1952	1954	1956	1958	1960	1962	1964	1966	1968
Alabama		(1)	(1)		(1)	(1)		(1)	21.5		40.5	44.4
Alaska							76.5	72.2	51.5		44.8	
Arizona	31.7		43.9	52.0		47.7	48.5		53.8	53.3		50.6
Arkansas		(1)		(1)	(1)			(1)	(1)		(1)	50.3
California	39.7		51.1	61.9	49.0	63.7	58.7		55.9	65.3		59.7
Colorado		70.8	53.3		56.0	66.8		71.6	57.2		55.8	66.5
Connecticut	49.9		62.0	75.7		76.4	66.2		63.3	71.1		66.1
Delaware	59.9	72.1		77.6	62.7		57.4	73.9		70.7	56.3	
Florida	(1)		(1)	(1)		(1)	(1)		28.3	45.2		52.7
Georgia	(2)	(2)	(2)	(2)	(1)	(1)		(1)	31.7		(1)	(1)
Hawaii								3 51.0	59.1	52.9	52.0	
Idaho	56.9	67.4	57.7		64.3	75.2		78.5	67.7		65.1	71.8
Illinois		66.0	60.7		56.1	70.0		74.9	59.5		59.4	67.4
Indiana	53.9		62.9	74.1		72.0	62.4		64.8	73.7		69.4
Iowa		58.2	50.6		51.3	70.7		74.2	48.8		52.4	69.3
Kansas		55.4	41.8		49.1	64.5		67.6	48.4		51.8	59.6
Kentucky	38.6	49.1	35.4	58.0	46.9	54.4		58.0	43.7		37.0	45.7
Louisiana	(1)	(1)			(1)	(1)		(1)	28.1		(1)	(1)
Maine	31.0	39.3		43.5	43.3		50.2	72.6		66.1	55.6	
Maryland	33.7		40.3	56.1		52.5	43.3		38.7	54.3		54.3
Massachusetts	53.8	63.7		73.3	57.5		58.7	74.9	64.7	71.2	60.9	
Michigan	40.9	51.7		66.2	49.2		48.8	71.4		66.5	51.1	
Minnesota	47.2	64.0		73.1	58.5		47.0	76.7		76.5	62.2	
Mississippi	(1)	(1)	16.8	(1)	(1)		(1)	(1)		(1)	31.5	
Missouri	42.8		48.3	70.3		66.3	44.0	70.9	45.9	65.3		61.2
Montana	64.0	69.2		72.5	60.2		57.5	71.5		70.9	65.8	
Nebraska	45.8	55.7	66.0	67.1	48.9		46.7	69.9		64.8	56.6	
Nevada	55.8		57.6	70.5	57.4	64.3	55.2		50.6	54.7		54.1
New Hampshire		61.1	53.7		48.4	71.0		78.4	59.5			67.7
New Jersey	45.4	57.0		66.7	50.6		51.5	69.6		65.7	49.7	
New Mexico	48.9	63.9		63.8	49.1		49.1	61.2		63.8	49.8	
New York	51.7		52.7	66.6		64.5	53.1		51.8	63.5		56.1
North Carolina		(1)	(1)	(1)	(1)	(1)		(1)	31.5		31.7	48.8
North Dakota	(2)		50.9	68.0		64.4	54.0		64.3	71.9		65.3
Ohio	43.9		51.2	64.3	45.9	61.8	55.4		50.4	64.4		60.0
Oklahoma		49.3	45.7		43.9	62.9		61.8	46.1	61.6	42.9	59.3
Oregon		44.9	50.2		54.4	68.1		69.4	57.5		58.2	65.6
Pennsylvania	46.6		50.7	64.2		64.3	56.8		61.6	67.8		63.7
Rhode Island	53.1	60.5	55.4	77.1	62.2		63.6	75.0		70.8	59.0	
South Carolina		(1)	(1)		(1)			(1)	25.0		31.1	44.9
South Dakota	64.6	62.6		60.4	60.4	71.4		78.8	63.9		59.3	72.5
Tennessee	(1)	(1)		(1)	(1)		(1)	(1)		47.8	38.0	
Texas	(1)	(1)		(1)	(1)		(1)	(1)	15.8	44.2	24.6	
Utah	55.4		67.8	79.0		75.3	63.6		63.7	78.2		75.5
Vermont	32.2		37.5	66.7		69.6	56.6		52.3	70.2		(1)
Virginia	(1)	(1)		(1)			20.9	27.8		36.8	28.2	
Washington	45.2		47.7	68.6		69.7	54.1		54.8	69.4		67.3
West Virginia	52.2	68.2		77.7	53.1	70.2	55.6	76.3		71.5	46.4	
Wisconsin	48.8		50.2	71.3		56.4	50.1		52.8	70.4		67.0
Wyoming	49.5	60.0		72.3	62.4		62.7	74.5	59.4	74.2	66.0	

1 Ran unopposed.
2 Not available.
3 1959.
Source: COPE Research Department, Washington, D.C.

TURNOUT IN U.S. HOUSE OF REPRESENTATIVES ELECTIONS, 1920–68

[Vote as a percentage of the civilian population of voting age

Year:	
1920	41.4
1922	32.4
1924	41.0
1926	30.1
1928	48.2
1930	34.1
1932	50.2
1934	41.8
1936	54.0
1938	44.5
1940	56.2
1942	32.7
1944	53.0
1946	37.6
1948	48.6
1950	41.6
1952	58.2
1954	42.2
1956	56.6
1958	43.4
1960	59.4
1962	48.9
1964	57.8
1966	45.6
1968	54.8

Source: U.S. Bureau of the Census, Statistical Abstract of the United States: 1962, 83d edition, Washington, D.C., 1962; Congressional Quarterly, Washington, D.C.

TURNOUT IN GUBERNATORIAL ELECTIONS, 1946–68

State	1946	1948	1950	1952	1954	1956	1958	1960	1962	1964	1966	1968
Alabama											42.8	
Alaska							75.3		50.2		44.8	
Arizona	33.4	47.0	46.3	52.6	43.3	49.5	48.0	58.4	44.2	52.9	42.6	51.1
Arkansas									31.7	52.9	49.7	52.3
California			52.6		50.3		60.1		57.9		57.7	
Colorado	47.6	68.6	53.4	69.7	56.6	67.7	55.3		57.5		58.1	
Connecticut	48.0	63.6	63.4	75.7	63.1		66.6		63.4		57.8	
Delaware		71.6		77.6		70.9		73.8		70.5		67.6
Florida										47.4	41.2	
Georgia	(1)	(1)	(1)	(1)					35.4		34.6	
Hawaii								[2] 62.4	59.0		52.0	
Idaho	57.3		58.1		65.0		63.6		66.9		65.1	
Illinois		66.0		74.0		70.8		47.2		73.2		68.2
Indiana		63.8		73.6		71.6		76.5		73.6		69.2
Iowa	37.5	57.6	50.0	72.9	51.5	72.3	49.7	74.1	49.5	71.4	54.9	68.9
Kansas	47.1	58.7	49.8	67.0	49.5	67.6	58.3	70.2	49.7	64.0	50.1	62.9
Kentucky			33.5	(1)	45.8	54.2	45.2		47.2		43.7	
Louisiana										49.8		50.1
Maine	31.9	37.4	43.7	45.6	43.8	55.9	49.5	72.7	50.6		56.3	
Maryland	35.0		42.2		44.2		43.9		42.0		44.2	
Massachusetts	52.8	65.0	59.6	73.2	57.9	75.0	59.8	74.8	65.1	72.0	62.1	
Michigan	42.1	53.0	45.7	67.2	50.2	66.4	49.7	72.1	60.0	67.7	51.5	
Minnesota	47.4	63.5	60.7	74.7	59.8	71.9	57.5	77.4	62.1		63.4	
Mississippi												[4] 34.7
Missouri		59.7		70.4		66.6		71.2		65.7		62.2
Montana		69.8		72.9		72.1		72.3		71.1		68.7
Nebraska	45.5	55.2	54.9	67.5	48.4	64.8	47.2	69.9	53.7	66.5	56.8	
Nevada	55.3		56.1	58.1			55.5		50.5		52.5	
New Hampshire	46.6	61.0	54.2	75.7	57.1	72.9	57.3	79.2	61.0	72.1	57.4	67.3
New Jersey						56.9			56.2		52.7	
New Mexico	48.7	64.4	47.9	63.9	49.0	61.6	49.5	62.2	48.4	62.2	50.2	59.7
New York	50.8		50.9		49.3		54.9		52.7		54.0	
North Carolina										51.0		52.9
North Dakota	(1)	62.1	50.1	72.6	52.7	66.6	56.5	78.7	65.7	73.0		67.8
Ohio	45.2	50.1	54.2	67.4	47.5	62.1	57.7		52.5		47.9	
Oakland	36.5		46.6		44.5		39.1		49.2		45.5	
Oregon	34.3		49.7		54.2	68.0	55.4		57.5		58.0	
Pennsylvania	46.5		50.1		53.0		56.8		61.6		56.9	
Rhode Island	53.5	61.1	55.2	75.4	62.4	73.8	64.0	75.3	63.1	71.7	60.5	68.4
South Carolina											31.4	
South Dakota	65.3	63.2	72.7	60.6	60.6	71.7	64.6	78.5	64.4	73.9	59.6	71.7
Tennessee											28.7	
Texas									28.0	43.2	23.5	46.0
Utah		74.3		79.2		75.8		79.2		78.4		75.9
Vermont	31.6	51.2	36.9	59.9	48.2	69.0	56.2	71.6	52.3	70.2	57.7	65.5
Virginia											[5] 20.9	
Washington		53.1		69.9		70.1		71.4		71.5		68.9
West Virginia		68.6		78.2		71.3	54.4	76.3		74.1		68.9
Wisconsin	50.0	58.9	50.5	71.7	51.8	66.9	50.4	72.8	53.1	71.3	48.6	68.4
Wyoming	49.4		54.2		61.9		61.8		59.3		65.0	

[1] Not available.
[2] 1959.
[3] Incomplete.
[4] 1967.
[5] 1965.
Source: COPE Research Department, Washington, D.C.

TURNOUT IN SELECTED LOCAL AND SPECIAL DISTRICT ELECTIONS, 1969

City	Type of Election	Percentage of turnout
Akron, Ohio	2, 3	39.9
Atlanta, Ga	1, 4, 5, 6, 7	36.4
Austin, Tex	2	27.8
Boise, Idaho	1, 2	43.6
Boston, Mass	2, 8	33.0
Buffalo, N.Y	1	55.7
Birmingham, Ala	2	6.8
Charlotte, N.C	1, 2	25.5
Cincinnati, Ohio	2	37.7
Cleveland, Ohio	1	53.2
Columbus, Ohio	2, 3, 9, 10, 11	53.2
Dallas, Tex	1, 2	9.1
Dayton, Ohio	1, 3, 12	27.1
Des Moines, Iowa	2	33.2
Detroit, Mich	1, 2, 13, 14	58.6
El Paso, Tex	1, 3, 5, 15	17.7
Fort Worth, Tex	1, 2	14.7
Hartford, Conn	1	39.8
Houston, Tex	1, 2, 16	28.4
Los Angeles, Calif	1, 2, 6, 10, 16	48.8
Louisville, Ky	1	26.8
Miami, Fla	1, 2	11.1
Minneapolis, Minn	1, 5, 14, 16, 17, 18, 19, 20.	48.5
New Haven, Conn	1, 5, 13, 14, 15, 21, 22, 23, 24, 25.	45.1
New York, N.Y	1	45.2
Oklahoma City, Okla	2	4.4
Omaha, Nebr	1, 2	35.4
Philadelphia, Pa	1, 16, 26, 27, 28	49.7
Phoenix, Ariz	1, 2	28.4
Pittsburgh, Pa	1, 2	56.9
Richmond, Va	11, 14, 21, 29	32.8
Rochester, N.Y	2, 6	47.1
San Antonio, Tex	2	16.9
San Diego, Calif	2, 10	26.6
Seattle, Wash	1, 2, 30	51.2
St. Louis, Mo	1, 5, 16	27.3
St. Petersburg, Fla	1, 2	19.9
Syracuse, N.Y	1, 2, 6	47.9

Key: 1. Mayoral.
2. City Council.
3. Municipal Judge.
4. President, Board of Aldermen.
5. Board of Aldermen.
6. Board of Education.
7. City Executive Committee.
8. School Committee.
9. City Auditor.
10. City Attorney.
11. Clerk of Courts.
12. City Commissioners.
13. City Clerk.
14. City Treasurer.
15. Tax Collector.
16. City Controller.
17. Park Commissioners.
18. Library Board of Directors.
19. School Directors.
20. Board of Estimate and Taxation.
21. City Sheriff.
22. Town Clerk.
23. Registrar of Vital Statistics.
24. Selectman.
25. Constable.
26. District Attorney.
27. Magistrates.
28. Inspectors of Elections.
29. Commissioner of Revenue.
30. Corporation Council.

Source: Rand, McNally, Commercial Atlas & Marketing Guide' Washington, D.C., 1969; Congressional Quarterly, Washington. D.C.; Local-election officials.

TURNOUT IN SELECTED DEMOCRATIC NATIONS, 1920–68

UNITED STATES

Year:	Turnout
1920	49.2
1924	48.9
1928	56.9
1932	56.9
1936	61.9
1940	62.5
1944	55.9
1948	53.0
1952	63.6
1956	60.6
1960	64.0
1964	61.8
1968	60.6

GREAT BRITAIN

Year:	Turnout
1922	71.3
1923	70.8
1924	76.6
1929	76.1
1931	76.3
1935	71.2
1945	72.7
1950	84.0
1951	82.5
1955	76.7
1959	78.8
1964	77.1
1966	75.9

CANADA

Year:	Turnout
1921	70.3
1925	68.7
1926	70.2
1930	76.1
1935	76.2
1940	70.9
1945	76.3
1949	74.8
1953	67.9
1957	75.0
1958	80.6
1962	80.1
1963	80.3
1965	75.9
1968	75.7

Source: Compiled by Prof. Walter Dean Burnham, Department of Political Science, Washington University, St. Louis, Mo.

TURNOUT IN THE MOST RECENT ELECTIONS IN OTHER SELECTED DEMOCRACIES

Country	Election year	Turnout
Denmark	1968	89.3
Finland	1966	84.9
France	1968	80.0
Germany	1969	86.8
Ireland	1965	75.1
New Zealand	1966	86.6
Norway	1969	82.5
Sweden	1968	89.3

Source: Compiled by Richard M. Scammon, Governmental Affairs Institute, Washington, D.C.

UNIVERSAL VOTER REGISTRATION

Mr. RIBICOFF. Mr. President, I am pleased to join with the distinguished Senator from Massachusetts (Mr. KENNEDY) in sponsoring legislation which will encourage all eligible Americans to register and vote. The record indicates that registered voters will vote—some 89 percent did so in the 1968 presidential election. The problem is in getting people to register. Only 68 percent of the potential voting population registered in 1968.

The reason for America's poor voter turnout seems clear: the voter registration laws in the 50 States and the District of Columbia are confusing, overlapping, conflicting, and unintelligible to the voter.

The legislation which I am cosponsoring would end this crazy-quilt pattern of confusion and substitute a simple post-card system of voter registration in which any citizen could register to vote merely by filling out a post-card form.

This legislation would also put an end to existing burdensome residence requirements now imposed by States. The address filled out on the post-card form would suffice to establish voter residence. This provision would give real meaning to the recently passed constitutional amendment extending the franchise to all 18-year-old citizens.

While the new 26th amendment grants these young citizens the right to vote, existing registration laws in effect throughout the country essentially nullify this right. The reason is that many of these people are away at college and are now forced to go through a complicated process of registration and absentee voting.

Connecticut furnishes a good example of this complication. Registration must be done in person, generally months before election time. Having registered, the absentee voter who wishes to cast his ballot in his home State must write to the appropriate local authority and obtain an application for an absentee ballot. Having obtained this application, he must then fill it out, return it, await receipt of the absentee ballot, and then return the absentee ballot before election day.

Under the post-card system the student away at college could register to vote in his college area simply by putting that address on his post card.

This legislation also sets up a new computerized agency within the Census Bureau—the Universal Voter Registration Administration—which would process the post-card forms, compile voting lists by precinct throughout the country, and make the lists available to State and local election officials at appropriate times before any election.

The use of the new system would be mandatory for all Federal elections and optional for State and local elections. Where the system is used for State and local elections, the Federal list must be accepted intact. No person entitled to vote in Federal elections could be deleted from the list for failure to meet other qualifications.

The system being proposed today will be a major step forward in this Nation's effort to assure universal suffrage.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1307

At the request of Mr. RANDOLPH, the Senator from Alabama (Mr. ALLEN) was added as a cosponsor of S. 1307, the Middle-Aged and Older Americans Employment Act.

S. 1775

At the request of Senator TUNNEY, the Senator from Utah (Mr. Moss), the Senator from Washington (Mr. MAGNUSON), the Senator from Tennessee (Mr. BAKER), and the Senator from Nevada (Mr. BIBLE), were added as cosponsors of S. 1775, the Agricultural Marketing and Bargaining Act of 1971.

S. 2091

At the request of Mr. CRANSTON, the Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Utah (Mr. Moss), the Senator from Hawaii (Mr. INOUYE), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 2091, the Veterans Employment and Readjustment Act of 1971.

S. 2217

At the request of Mr. HUGHES, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 2217, the Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1971.

SENATE JOINT RESOLUTION 117

At the request of Mr. MCINTYRE, the Senator from Arkansas (Mr. MCCLELLAN) was added as a cosponsor 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."

EDUCATION AMENDMENTS OF 1971—AMENDMENTS

AMENDMENT NO. 397

(Ordered to be printed and to lie on the table.)

Mr. METCALF, for himself and Mr. MANSFIELD, submitted an amendment intended to be proposed to S. 659, a bill to amend the Higher Education Act of 1965, the Vocational Educational Act of 1963, and related acts, and for other purposes.

AMENDMENT NO. 398

(Ordered to be printed and to lie on the table.)

Mr. BAYH. Mr. President, the Senate will shortly consider the Higher Education Act of 1971. Under the able leadership of the distinguished Senator from Rhode Island (Mr. PELL) the committee has brought out a bill which promises to have a revolutionary impact on our American system of higher education.

While we have always looked to education as the ultimate answer to our national problems of poverty, discrimination, and development, never before have we sought to embody this belief in substantive public policy. Now we are attempting to establish access to higher education as a basic Federal right. By establishing a minimum level of scholarship assistance for each needy student who wishes to pursue postsecondary education, we hope to break forever the bonds that have tied generation upon generation to the ghettos and economic backwaters of America.

But as we seek to help those who have been the victims of economic discrimination, let us not forget those Americans who have been subject to other, more subtle but still pernicious forms of discrimination. As we turn our attention to these provisions of the Higher Education Act, let us ensure that no American will be denied access to higher education because of race, color, religion, national origin, or sex. Today, I am submitting an amendment to this bill which will guarantee that women, too, enjoy the educational opportunity every American deserves.

The problem is greater than most of us realize. While over 50 percent of our population is female, there is no effective protection for them as they seek admission and employment in educational facilities. The antidiscrimination provisions of the Civil Rights Act of 1964 do not deal with sex discrimination by our institutions of higher learning. Indeed, title IV of the act, dealing with discrimination in education, expressly provides that—

> Nothing in this title shall prohibit classification and assignment for reasons other than race, color, religion, or national origin.

We allow this gap in our civil rights laws to continue despite the fact that the evidence of sex discrimination is truly appalling. While racial discrimination has been explicitly prohibited for nearly 20 years, only a few months ago the Supreme Court summarily affirmed a lower court decision upholding the constitutionality of a State's maintenance of a branch of its public university system on a sexually segregated basis.

Between January 1970 and March 1971, the Women's Equity Action League found it necessary to file charges of sex discrimination against over 250 colleges and universities—fully 10 percent of all our institutions of higher learning. Among the respondents in this suit are the entire public college and university systems of Florida, California, and New Jersey.

How equal is educational opportunity when admissions brochures for a State university can explicitly state—as one did recently:

Admission of women on the freshmen level will be restricted to those who are especially well qualified.

How can we possibly justify an arbitrary and compulsory ratio of 2½ men to every woman at a State university? How can we tolerate discrimination by a land-grant college that refuses all women admission to regular academic sessions unless they are related to employees or students and are pursuing a course of study otherwise unavailable?

Today, women seeking employment in higher education face an array of obstacles almost as insuperable as those which used to face blacks. WEAL has compiled statistics indicating that Columbia University annually awards 24 percent of its doctorates to women, but that it has awarded 2 percent of its tenured faculty positions to females; and the last time the Department of Psychology at Berkeley hired a woman was in 1924. In short, just as in other professions an old axiom applies, the higher the rank, the fewer the women.

And this is not, I submit, because women are uninterested in pursuing such careers. Most female Ph. D.'s do not marry and give up their careers; 91 percent of the women with doctorates are working today. Moreover, in a study of 2,000 women 10 years after they have received their doctorates, 79 percent had yet to interrupt their career. The diligence of these women is worthy of note: by way of contrast 10 percent more men than women had interrupted their careers within 10 years of completing their doctoral program.

If Congress is to solve this knotty problem, if the benefits of a free and open society are to be extended to all Americans, now is the time to act. Coming before us under the Pell bill is the most far-reaching program of Federal aid to higher education ever debated in this body. I support this bill wholeheartedly. But I also believe that constructive changes—such as the ones I am proposing today—can and should be adopted. I do hope that my colleagues will give this issue their most careful attention, and that, after having looked over the provisions of my amendment, they will lend their support to this important cause.

My proposed amendment contains three major provisions, which I would like to describe briefly:

First. Nondiscrimination by recipient institutions: Section 601 expressly prohibits discrimination on account of sex—including the denial of admission or benefits—by any public institution of higher education or any institution of graduate education receiving Federal educational financial assistance. As to admissions the applicability of the section is delayed for up to 7 years in the case of any institution carrying out a plan, approved and supervised by the Commissioner of Education, for changing from admitting only students of one sex to admitting students of both sexes. Sections 602 to 604 contain enforcement, judicial review and other technical provisions for the implementation of the section 601 prohibition. These provisions are identical to those provided under title VI of the 1964 Civil Rights Act—forbidding discrimination in federally assisted programs—which does not presently include a prohibition on sex discrimination.

Second. Suits and intervention by Attorney General: Section 605 would amend title IV of the 1964 Civil Rights Act by adding discrimination by reason of sex to the present grounds—race, color, religion, or national origin—on which the Attorney General can initiate legal proceedings on behalf of individuals alleging that they have "been denied admission to or not permitted to continue in attendance at a public college." Title IV requires the Attorney General to believe that the claim is meritorious, that the complainants are otherwise unable to prosecute it, and that the institution of the action will materially further the orderly elimination of such discrimination. In order to conform with the changes described above, section 902 of the Civil Rights Act is also amended by extending to cases of sex discrimination the Attorney General's power to intervene, on behalf of the United States, in such litigation already commenced by others. These amendments were recommended by President Nixon's Task Force on Women's Rights and Responsibilities in its report, "A Matter of Simple Justice," April, 1970.

Third. Study by Commissioner of Education: Section 606 requires the Commissioner of Education to conduct a nationwide survey of both public and private higher educational institutions—including institutions for technical and vocational training—to determine the extent to which equality of educational opportunity is being denied to citizens of the United States by reason of sex. Within 12 months from the date of enactment, the Commissioner must submit to Congress the results of his survey along with recommendations for legislation to guarantee equality of opportunity in higher education between the sexes. This amendment was also recommended by President Nixon's Task Force on Women's Rights and Responsibilities.

I urge the Senate to adopt this amendment, and to take a forward step, both in higher education and in protecting equal rights for all Americans.

Mr. President, I ask unanimous consent that the full text of my amendment, a summary of the amendment, and an excerpt from "A Matter of Simple Justice," the report of President Nixon's Task Force on Women's Rights and Responsibilities, April, 1970, be printed in the RECORD.

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

AMENDMENT No. 398

At the end thereof, add the following new title:

TITLE VI—NONDISCRIMINATION ON THE GROUND OF SEX

NONDISCRIMINATION BY RECIPIENT INSTITUTIONS

SEC. 601. No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of or be subject to discrimination under any program or activity conducted by a public institution of higher education, or any school or department of graduate education, which is a recipient of Federal financial assistance for any education program or activity, provided that this subsection shall not apply in regard to admissions for seven years from the date an educational institution begins the process of changing from being an institution which admits only students of one sex to being an institution which admits students of both sexes without discrimination, but only if it is carrying out a plan for such change, approved by the Commissioner of Education, which shall contain requirements for such reports to the Commissioner of Education, which shall contain requirements for such reports to the Commissioner as will enable him to determine whether the plan is being carried out.

SEC. 602. (a) The Secretary of Health, Education, and Welfare, in extending Federal financial assistance to any education program or activity subject to the provisions of section 601, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the law authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President.

(b) Compliance with any requirement adopted pursuant to subsection (a) may be effected (1) by the termination of or refusal to grant or to continue assistance to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and such noncompliance has been so found or (2) by any other means authorized by law: *Provided, however,* That no such action shall be taken until the Secretary has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means.

(c) In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to subsection (a), the Secretary shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

SEC. 603. Any department or agency action taken pursuant to section 602 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by any Federal department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 602, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with chapter 7 of title 5, United States Code, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of the chapter.

SEC. 604. Nothing in this title shall add to or detract from any existing authority with respect to any education program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

SUITS AND INTERVENTION BY THE ATTORNEY GENERAL

SEC. 605. Sections 401(b), 407(a)(2), 410, and 902 of the Civil Rights Act of 1964 (42 U.S.C. 2000c(b), 2000c-6(a)(2), 2000c-9,

2000h-2) are each amended by inserting after "religion", the following: "sex,".

STUDY BY COMMISSIONER OF EDUCATION

SEC. 606. The Commissioner of Education shall conduct a survey of the higher educational institutions throughout the country, including both public and private educational institutions, at all levels, and institutions for technical and vocational training as well as academic institutions, in order to determine the extent to which equality of educational opportunity is being denied to citizens of the United States by reason of sex. Within 12 months from the date of enactment of this Act the Commissioner shall submit to Congress the results of his survey along with recommendations for legislation to guarantee equality of opportunity in postsecondary education between the sexes. There are authorized to be appropriated such funds as are necessary to carry out the purposes of this section.

SUMMARY OF PROPOSED TITLE VI—NONDISCRIMINATION ON THE GROUND OF SEX

Nondiscrimination By Recipient Institutions.—Section 601 expressly prohibits discrimination on account of sex—including the denial of admission or benefits—by any public institution of higher education or any institution of graduate education receiving Federal educational financial assistance. As to admissions the applicability of the section is delayed for up to seven years in the case of any institution carrying out a plan, approved and supervised by the Commissioner of Education, for changing from admitting only students of one sex to admitting students of both sexes.

Sections 602-604 contain enforcement, judicial review and other technical provisions for the implementation of the section 601 prohibition. These provisions are identical to those provided under Title VI of the 1964 Civil Rights Act—forbidding discrimination in federally assisted programs—which does not presently include a prohibition on sex discrimination.

Suits and Intervention By Attorney General.—Section 605 would amend Title IV of the 1964 Civil Rights Act by adding discrimination by reason of sex to the present grounds (race, color, religion, or national origin) on which the Attorney General can initiate legal proceedings on behalf of individuals alleging that they have "been denied admission to or not permitted to continue in attendance at a public college." (Title IV requires the Attorney General to believe that the claim is meritorious, that the complainants are otherwise unable to prosecute it, and that the institution of the action will materially further the orderly elimination of such discrimination.) In order to conform with the changes described above, Section 902 of the Civil Rights Act is also amended by extending to cases of sex discrimination the Attorney General's power to *intervene*, on behalf of the United States, in such litigation already commenced by others. These amendments were recommended by President Nixon's Task Force on Women's Rights and Responsibilities in its report, "A Matter of Simple Justice," April 1970.

Study by Commissioner of Education.—Section 606 requires the Commissioner of Education to conduct a nationwide survey of both public and private higher educational institutions (including institutions for technical and vocational training) to determine the extent to which equality of educational opportunity is being denied to citizens of the United Stats by reason of sex. Within 12 months from the date of enactment, the Commissioner must submit to Congress the results of his survey along with recommendations for legislation to guarantee equality of opportunity in higher education between the sexes. This amendment was also recommended by President Nixon's Task Force on Women's Rights and Responsibilities.

EXCERPTS FROM A MATTER OF SIMPLE JUSTICE

(The Report of The President's Task Force on Women's Rights and Responsibilities, April 1970)

PRESIDENTIAL TASK FORCE ON WOMEN'S RIGHTS AND RESPONSIBILITIES,

Washington, D.C., December 15, 1969.

The PRESIDENT,

The White House, Washington, D.C.

DEAR MR. PRESIDENT: As President of the United States, committed to the principle of equal rights for all, your leadership can be crucial to the more than half our citizens who are women and who are now denied their full constitutional and legal rights.

The quality of life to which we aspire and the questioning at home and abroad of our commitment to the democratic ideal make it imperative that our nation utilize to the fullest the potential of all citizens.

Yet the research and deliberation of this Task Force reveal that the United States, as it approaches its 200th anniversary, lags behind other enlightened, and indeed some newly emerging, countries in the role ascribed to women.

Social attitudes are slow to change. So widespread and pervasive are discriminatory practices against women they have come to be regarded, more often than not, as normal. Unless there is clear indication of Administration concern at the highest level, it is unlikely that significant progress can be made in correcting ancient, entrenched injustices.

American women are increasingly aware and restive over the denial of equal opportunity, equal responsibility, even equal protection of the law. An abiding concern for home and children should not, in their view, cut them off from the freedom to choose the role in society to which their interest, education, and training entitle them.

Women do not seek special privileges. They do seek equal rights. They do wish to assume their full responsibilities.

Equality for women is unalterably linked to many broader questions of social justice. Inequities within our society serve to restrict the contribution of both sexes. We have witnessed a decade of rebellion during which black Americans fought for true equality. The battle still rages. Nothing could demonstrate more dramatically the explosive potential of denying fulfillment as human beings to any segment of our society.

What this Task Force recommends is a national commitment to basic changes that will bring women into the mainstream of American life. Such a commitment, we believe, is necessary to healthy psychological, social and economic growth of our society.

The leader who makes possible a fairer and fuller contribution by women to the nation's destiny will reap dividends of productivity measurable in billions of dollars. He will command respect and loyalty beyond measure from those freed from second-class citizenship. He will reaffirm, at a time of renewed worldwide emphasis on human rights, America's fitness for leadership in the community of nations.

His task will not be easy, for he must inspire and persuade government and the private sector to abandon outmoded attitudes based on false premises.

Without such leadership there is danger of accelerating militancy or the kind of deadening apathy that stills progress and inhibits creativity.

Therefore, this Task Force recommends that the President:

1. Establish an Office of Women's Rights and Responsibilities, whose director would serve as a special assistant reporting directly to the President.

2. Call a White House conference on women's rights and responsibilities in 1970, the fiftieth anniversary of the ratification of the suffrage amendment and establishment of the Women's Bureau.

3. Send a message to the Congress citing the widespread discrimination against women, proposing legislation to remedy these inequities, asserting Federal leadership, recommending prompt State action as a corollary, and calling upon the private sector to follow suit.

The message should recommend the following legislation necessary to ensure full legal equality for women:

a. Passage of a joint resolution proposing the equal rights amendment to the Constitution.

b. Amendment of Title VII of the Civil Rights Act of 1964 to (1) remove the burden of enforcement from the aggrieved individual by empowering the Equal Employment Opportunity Commission to enforce the law, and (2) extend coverage to State and local governments and to teachers.

c. Amendment to Titles IV and IX of the Civil Rights Act of 1964 to authorize the Attorney General to aid women and parents of minor girls in suits seeking equal access to public education, and to require the Office of Education to make a survey concerning the lack of equal educational opportunities for individuals by reason of sex.

d. Amendment of Title II of the Civil Rights Act of 1964 to prohibit discrimination because of sex in public accommodations.

e. Amendment of the Civil Rights Act of 1957 to extend the jurisdiction of the Civil Rights Commission to include denial of civil rights because of sex.

f. Amendment of the Fair Labor Standards Act to extend coverage of its equal pay provisions to executive, administrative, and professional employees.

g. Amendment of the Social Security Act to (1) provide benefits to husbands and widowers of disabled and deceased women workers under the same conditions as they are provided to wives and widows of men workers, and (2) provide more equitable retirement benefits for families with working wives.

h. Adoption of the liberalized provisions for child care in the family assistance plan and authorization of Federal aid for child care for families not covered by the family assistance plan.

i. Enactment of legislation to guarantee husbands and children of women employees of the Federal government the same fringe benefits provided for wives and children of male employees in those few areas where inequities still remain.

j. Amendment of the Internal Revenue Code to permit families in which both spouses are employed, families in which one spouse is disabled and the other employed, and families headed by single persons, to deduct from gross income as a business expense some reasonable amounts paid to a housekeeper, nurse, or institution for care of children or disabled dependents.

k. Enactment of legislation authorizing Federal grants on a matching basis for financing State commissions on the status of women.

4. The executive branch of the Federal government should be as seriously concerned with sex discrimination as with race discrimination, and with women in poverty as with men in poverty. Implementation of such a policy will require the following Cabinet-level actions:

a. Immediate issuance by the Secretary of Labor of guidelines to carry out the prohibition against sex discrimination by government contractors, which was added to Executive Order 11246 in October 1967, became effective October 1968, but remains unimplemented.

b. Establishment by the Secretary of Labor

of priorities, as sensitive to sex discrimination as to race discrimination, for manpower training programs and in referral to training and employment.

c. Initiation by the Attorney General of legal actions in cases of sex discrimination under section 706(e) and 707 of the Civil Rights Act of 1964, and intervention or filing of amicus curiae briefs by the Attorney General in pending cases challenging the validity under the 5th and 14th amendments of laws involving disparities based on sex.

d. Establishment of a women's unit in the Office of Education to lead efforts to end discrimination in education because of sex.

e. Collection, tabulation, and publication of all economic and social data collected by the Federal government by sex as well as race.

f. Establishment of a high priority for training for household employment by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

5. The President should appoint more women to positions of top responsibility in all branches of the Federal government, to achieve a more equitable ratio of men and women. Cabinet and agency heads should be directed to issue firm instructions that qualified women receive equal consideration in hiring and promotions.

Respectfully submitted.

VIRGINIA R. ALLAN,
Chairman.

Elizabeth Athanasakos, Ann R. Blackham, P. Dee Boersma, Evelyn Cunningham, Ann Ida Gannon, B.V.M., Vera Glaser, Dorothy Haener, Patricia Hutar, Katherine B. Massenburg, William C. Mercer, Alan Simpson, Evelyn E. Whitlow.

The President today announced the establishment of the Task Force on Women's Rights and Responsibilities, with Miss Virginia R. Allan, former President of the National Federation of Business & Professional Women's Clubs as the Chairman. The task force will review the present status of women in our society and recommend what might be done in the future to further advance their opportunities.

The members of the Task Force on Women's Rights and Responsibilities are:

Miss Virginia R. Allan, Executive Vice President, Cahalan Drug Stores, Inc., Wyandotte, Michigan.

Hon. Elizabeth Athanasakos, Municipal Court Judge and Practicing Attorney, Fort Lauderdale, Florida.

Mrs. Ann R. Blackham, President, Ann R. Blackham & Company, Winchester, Massachusetts.

Miss P. Dee Boersma, Student Govt. Leader, Graduate Student, Ohio State University, Columbus, Ohio.

Miss Evelyn Cunningham, Director, Women's Unit, Office of the Governor, New York, New York.

Sister Ann Ida Gannon, B.V.M., President, Mundelein College, Chicago, Illinois.

Mrs. Vera Glaser, Correspondent, Knight Newspapers, Washington, D.C.

Miss Dorothy Haener, International Representative, Women's Department, UAW, Detroit, Michigan.

Mrs. Laddie F. Hutar, President, Public Affairs Service Associates, Inc., Chicago, Illinois.

Mrs. Katherine B. Massenburg, Chairman, Maryland Commission on the Status of Women, Baltimore, Maryland.

Mr. William C. Mercer, Vice President, Personnel Relations, American Telephone & Telegraph Co., New York, New York.

Dr. Alan Simpson, President, Vassar College, Poughkeepsie, New York.

Miss Evelyn E. Whitlow, Attorney at Law, Los Angeles, California.

TITLE IV AND TITLE IX OF THE CIVIL RIGHTS ACT OF 1964 SHOULD BE AMENDED TO AUTHORIZE THE ATTORNEY GENERAL TO AID WOMEN AND PARENTS OF MINOR GIRLS IN SUITS SEEKING EQUAL ACCESS TO PUBLIC EDUCATION, AND TO REQUIRE THE OFFICE OF EDUCATION TO MAKE A SURVEY CONCERNING THE LACK OF EQUAL EDUCATIONAL OPPORTUNITIES FOR INDIVIDUALS BY REASON OF SEX

Discrimination in education is one of the most damaging injustices women suffer. It denies them equal education and equal employment opportunity, contributing to a second class self image.

There have been enough individual instances and limited surveys publicized recently to make it apparent that substantial discrimination does exist. For example, until forced to do so by legal action, the New York City Board of Education did not admit girls to Stuyvesant High School,[1] a specialized high school for science with a national reputation for excellence. Legal action recently has forced the State of Virginia to admit women to the University College of Arts and Sciences at Charlottesville.[2]

Higher admission standards for women than for men are widespread in undergraduate schools and are even more discriminatory in graduate and professional schools. For this reason counselors and parents frequently guide young women into the "feminine" occupations without regard to interests, aptitudes and qualifications.

Only 5.9 percent of our law students and 8.3 percent of our medical students are women,[3] although according to the Office of Education women tend to do better than men on tests for admission to law and medical school.

Section 402 of Title IV, passed in 1964, required the Commissioner of Education to conduct a survey of the extent of discrimination because of race, religion, color, or national origin. Title IV should be amended to require a similar survey of discrimination because of sex, not only in practices with respect to students but also in employment of faculty and administration members.

Section 407 of Title IV authorizes the Attorney General to bring suits in behalf of persons denied equal protection of the laws by public school officials. It grants no new rights. While no case relating to sex discrimination in public education has yet reached the Supreme Court, discrimination based on sex in public education should be prohibited by the 14th amendment. The President's Commission on the Status of Women took this position in its 1963 report to the President.[4] Section 902 of the Civil Rights Act authorizes the Attorney General to intervene in cases of this kind after a suit is brought by private parties. Both section 407 and section 902 should be amended to add sex, and section 410 should be similarly amended.

FOOTNOTES

[1] *De Rivera* v. *Fliedner*, Sup. Ct. N.Y. Civil Action, 00938–69. Resolved by administrative appeal.

[2] *Kirstein et al.* v. *University of Virginia*, E. C. Va. Civil Action No. 22069–R.

[3] Executive Secretary, Association of American Law Schools, 1968. Association of American Medical Colleges, 1967.

[4] President's Commission on the Status of Women, *American Women*, p. 45, 1963.

AMENDMENT NO. 399

(Ordered to be printed and to lie on the table.)

EQUALITY FOR WOMEN IN HIGHER EDUCATION

Mr. McGOVERN. Mr. President, I hope that before the end of the 92d Congress the U.S. Constitution will be amended to outlaw all discrimination on grounds of sex. Until such time as the equal rights amendment is passed, there is available to us another effective way of fighting discrimination. I urge my colleagues to take every opportunity to prohibit Federal funding of sex discrimination. While amending individual bills in no way reduces the need for the constitutional amendment, it does provide at least a step-by-step attack giving women equality in at least those areas covered by the specific bills. A case in point is S. 659, the Omnibus Education Amendments Act of 1971.

The pretty schoolmarm is such an honored figure in American tradition that we are apt to assume that American education is dominated by women. Nothing could be farther from the truth. Though women may have a near monopoly in nursery school, only 9 percent of the Nation's full professors are women. As with other aspects of our economic and social structure, the more money, the more prestige, the fewer women.

It is harder for a girl to go to many colleges than for men, For example, in 1967 Yale College accepted one out of 7.5 male applicants. Only one out of 14 females got in. Nationwide, in 1968, 40 percent of female college freshmen had graduated from high school with a B-plus average. Only 18 percent of the boys had done so well.

Although studies show that women tend to do better on entrance examinations than men, only 6 percent of our law students are female, only 8 percent of the medical students. And the situation is getting worse. In 1930, women received 40 percent of the master's degrees awarded and 15 percent of the Ph. D.'s. In 1966, they received 34 percent and 12 percent, respectively. Low though the 1930 figures are, they show that the 9 percent of professors that are female is clearly lower than the number that qualified.

Prejudice against women is the last socially accepted bigotry. It is frequently quite overt. As an example, the University of North Carolina's expressed policy is that the admission for freshman women is "restricted to those who are especially well qualified." No such statement is made of men.

Dr. Frances Norris, president of the Maryland Women's Equity Action League, has called attention to hearings in the House of Representatives, finding that—

> Admission quota systems exist at many universities and colleges, either as official policy or unwritten policy, and in public, private, state or federal programs. The Honorable Mrs. Green concludes from her hearings, 'My concern is that, on the part of the Labor Department, the Justice Department, the Compliance Division, the Civil Service Commission and the Civil Rights Commission, there has been little if any attention given to discrimination based on sex'; it was further noted that the Office of Education, the Government, by its policies, its programs and its guidelines fails to condemn measures arbitrarily restricting potential women students.

I urge the passage of this amendment to assure that no funds from S. 659, the Omnibus Education Amendments Act of 1971, be extended to any institution that

practices biased admissions or educational policies.

EDUCATION AMENDMENTS OF 1971

Mr. BYRD of West Virginia. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. HUGHES). The pending business in S. 659.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Presiding Officer.

Mr. President, I ask unanimous consent that time thereon not run until tomorrow.

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

ORDER FOR ADJOURNMENT TO 8:15 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 8:15 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATORS RIBICOFF, PROXMIRE, CHILES, AND COOPER TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order tomorrow the following Senators be recognized, each for not to exceed 15 minutes, and in the following order: Senator RIBICOFF, Senator PROXMIRE, Senator CHILES, and Senator COOPER.

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

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the conclusion of the orders recognizing Senators tomorrow there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

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

ORDER FOR CONSIDERATION OF THE EDUCATION AMENDMENTS OF 1971 S. 659, TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the period for the transaction of routine business tomorrow the Senate immediately proceed to further consideration of S. 659.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, if there be no further business, I shall proceed to state the program for tomorrow.

The Senate will convene at 8:15 a.m. After recognition of the two leaders under the standing order, the following Senators will be recognized for not to exceed 15 minutes each in the order stated: Senators RIBICOFF, PROXMIRE, CHILES, and COOPER.

At the conclusion of the order recognizing Senators there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Under the order previously entered the distinguished junior Senator from Indiana (Mr. BAYH) will be recognized first when the period for the transaction of routine morning business begins.

Immediately following the period for the transaction of routine morning business the Senate will resume consideration of S. 659, the so-called omnibus education bill.

Also on tomorrow, I remind Senators, the Senate is operating under a time agreement with respect to S. 659.

Mr. President, other than that, the Senate tomorrow will consider the so-called $1 billion Public Service Act and also the continuing resolution.

Mr. President, in addition thereto the Senate will take up the conference report on the Labor-HEW appropriation bill.

There will be a call of the calendar with respect to unobjected to items on the calendar.

In addition to these measures the Senate will take up other conference reports or other items on the calendar which may be agreed to by the majority leader and the minority leader.

Rollcall votes are expected tomorrow.

Mr. President, before making the motion to adjourn, how much time remains on the bill S. 659?

The PRESIDING OFFICER. There are remaining 147 minutes to the proponents and 159 minutes to the opponents.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

ADJOURNMENT TO 8:15 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 8:15 o'clock tomorrow morning.

The motion was agreed to; and (at 10 o'clock and 23 minutes p.m.) the Senate adjourned until tomorrow, Friday, August 6, 1971, at 8:15 a.m.

NOMINATIONS

Executive nominations received by the Senate August 5 (legislative day of August 3), 1971:

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

Henry M. Ramirez, of California, to be Chairman of the Cabinet Committee on Opportunities for Spanish-Speaking People, vice Martin G. Castillo, resigned.

IN THE NAVY

Vice Adm. John A. Tyree, Jr., U.S. Navy, and Vice Adm. James W. O'Grady, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

IN THE AIR FORCE

The following officer to be placed on the retired list, in the grade of general, under the provisions of section 8962, title 10, of the United States Code:

Gen. Joseph R. Holzapple, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility designated by the President, in the grade of general, under the provisions of section 8066, title 10, of the United States Code:

Lt. Gen. David C. Jones, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general, under the provisions of section 8066, title 10, of the United States Code:

Maj. Gen. William V. McBride, [redacted] R (major general, Regular Air Force), U.S. Air Force.

IN THE ARMY

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be general

Lt. Gen. George Vernon Underwood, Jr., [redacted] Army of the United States (major general, U.S. Army).

IN THE COAST GUARD

The following-named officer of the Coast Guard for promotion to the grade of rear admiral:

William M. Benkert.

IN THE NAVY

The following named (Naval Reserve Officers' Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualification therefor as provided by law:

James A. Kasica	William C. Whitner, Jr.
Charles L. Kent	
Donald R. Richmond	

The following named (naval enlisted scientific education program candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualification therefor as provided by law:

Alvin E. Cerveny	James E. Kaucher, Jr.
Rubin H. Christian	George M. Murray

The following named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

George A. Hobby	William C. Whitner, Jr.
Kevin C. Neilson	
Jay E. Noffsinger	

Sam R. Frank (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

The following named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Donald D. Antrim	Stephen R. Hertzberg
Kenneth J. Davis	Donald A. Hesby
Bryant D. Denk	Richard P. McLaughlin
James Dunny	
James G. Fleming, Jr.	Howard V. Peskin
Gregory Furin	Robert M. Post

The following named (civilian college graduates) to be permanent lieutenants (jun-

ior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

George L. Billeauo
Earl F. Eschette, Jr.
Jan H. Larson
George F. Pinsak
Michael J. Revenig

The following-named chief warrant officers to be lieutenants (junior grade) in the Navy, limited duty, for temporary service in the classification indicated and as permanent warrant and/or permanent and temporary warrant, subject to the qualification therefor as provided by law in lieu of ensigns as previously nominated and confirmed to correct grade:

SUPPLY

Andrew P. Blackwell
George T. Boring
Clifford R. Hall
Jefferson C. Hughes
William B. Keith, Jr.
Gerald E. Kirkpatrick
Robert J. Reardon
Allen R. Siegel
Edward M. Strackbein
Joseph M. Thompson
Joel F. Tibbetts
James C. Woodiel

CIVIL ENGINEERS

William G. Glynn
Robert E. Herning
Cecil M. Hillman
John G. Masler, Jr.
Francis S. Thomson Jr.

DECK

Gideon W. Almy III
James P. Bailey
Eugene Davenport
Charles D. Johnson, Jr.
Rodney R. Jones
Russel D. McEntire
Phillip B. Moaney
Kerry A. Peters
Tommy F. Shirley
David M. Valenta
James L. Worley
Ira G. Worrell

OPERATION

Richard M. Almand
Vincent G. Brackett
Stephen R. Jones
John A. King, Jr.
Raymond L. Marshall
John L. Sweet

ORDNANCE

Philip E. Dechene
Richard L. Goyette
David S. Haus
Ellis L. High
George K. Johns
Milton J. Moyer
Ralph W. Padgett
William L. Percival
Thomas L. Ratliff
Glenn Rice, Jr.
Thomas R. Stephenson
Donald R. Thomas

EXPLOSIVE ORDNANCE DISPOSAL

Robert F. Fisher.
Donald R. Reeves.

ADMINISTRATION

James C. Biernesser, Jr.
Vernon R. Bowen
Leonard H. Brown, Jr.
Edward H. Choate
Robert S. Erskine
Robert M. Grace
Bobby E. Greene
John D. Greene
Richard P. Gudis
Eli E. Hager
Ernest J. Malboeuf
Leon Morris
Jose T. Nededog
Patrick L. O'Sullivan
John M. Oyler
Joseph J. Pajuf
John E. Pearl, Sr.
George F. Pearman
Eugene J. Perry
Ronald O. Prestidge
Mirian E. Ruryk
Gerald D. Ryan
John C. Varley
Howard A. Wallace, Jr.

DATA PROCESSING

Harold T. Hugghins
John C. Mueller.

BANDMASTER

Billy J. Aten
Eugene E. McGowan

ENGINEERING

David G. Bates
Raleigh T. J. Blanchard
Allen G. Brice
Richard L. Brisby
Robert A. Brouse
Frank L. Canfield
Harry M. Carter
Jerome J. Culberson
Richard W. Ellis
Leroy E. Gardner
Billy T. Gay
Raymond Hahn
Ralph E. Hite
Ted L. Hunt
Charles L. Jensen
Isaiah J. Jones
Raymond J. Kehoe
Richard B. Knighton
Howard J. Kuhnert, Jr.
James F. Maddock
Elmer H. Mann
Edwin L. Neasham
James J. Ottesen
David E. Perkins
Henry W. Poch, Jr.
Charles J. Raggo
Richard A. Riddle
Edward E. Rundberg
Wayne A. Scott
Dallas T. Smith
Donald G. Smith
Larry A. Tew
Donald E. Thomas
Kenny D. Williamson
Fred L. Wolking

HULL

William J. Dills
Robert T. Finney
Daniel A. Frame
James O. Headrick
Raymond M. Hennessy
John A. Othmer
James L. Smith
William B. Stonecipher
Chester A. Watson, Jr.
Alfred E. Wollenburg
Robert R. York

ELECTRICIAN

Wyndolin G. Collins
Harold L. Drurey
Herbert Halpern
Clayton T. Hicks
Roger A. Hutchings
Richard L. Prevatte
Michael L. South

ELECTRONICS

Douglas W. Anderson
Joe R. Beaubouef
James R. Brown
Ramond E. Buote
Harry E. Clark
Leroy Dailey
Sammy L. Darr
Wallace G. Gutridge
Charlie H. Hall
Monte A. Hart
Noble F. Joel, Jr.
Robert J. Johnstone
William G. Kilby
Willie J. Mead
Wayne R. Merrill
Orville L. Meyers
Karl W. Nitschke
John W. Pierce, Jr.
Robert M. Smith
Francis L. Tosatto
Qube G. Watford
Cecil E. Wells

CRYPTOLOGY

Lloyd M. Ames
Andrew R. Buist
William O. Crank
David B. Dean
Hubert Moore
James C. Nadeau
Ronald E. Noel
Marvin E. Nowicki
James F. Perry
Walter F. Peszynski
Larry D. Poppe
Robert J. Robbins

COMMUNICATIONS

Joseph K. Butters
Gary D. Cooper
Andrew J. Eggett
Leon W. Gaut, Jr.
Bernard E. Gibson
John G. Greksouk
Thomas L. Harold
Clark G. Hill
Louis C. Loria
Herman D. Overton
Carl E. Rhudy
Donald J. Rossignol
James L. Townsend

AVIATION OPERATIONS

Clarence Forbes
Robert L. McPeak

AVIATION CONTROL

Norman E. Krug
George D. Zeitler

AIR INTELLIGENCE

William R. Bulmer

PHOTOGRAPHY

James R. Manhennett
Franklin D. Peele

METEOROLOGY

Raymond L. Boylan
Bobby E. May
William C. Oponick, Jr.

AVIATION ORDNANCE

Herbert Artis
Ronald A. Cleven
William T. Cox
James W. Ennis
Michael A. Harwell
Buddy R. Hembree
Dempsey D. James
Joe H. Lemaster
Ira J. Lewis
Charles E. Little
Carl W. Nolan
James M. Pokrywka
Gerald D. Stepherson
David J. Turriff
Richard A. Wales

AVIONICS

George E. Bollinger
Charles D. Evans
Walter S. Ingram
Edwin C. James
Donald D. Robbins
Aubrey P. Sauls
Dennis A. Westhoff

AVIATION MAINTENANCE

William E. Akins
Alfred E. S. Armfield
Ronald P. Baker
Gilbert H. Baron
Charles T. Barry
James A. Bartley
Gordon M. Bethune
Bobby G. Bettis
Gerlad C. Blocker
Arthur E. Carter
Ronald L. Coen
Albert C. Edmonson
James W. Fite
Boyd C. Fowler
Jerry W. Fox
George Freeman
Rolland R. Garrison
Boyd L. Goodrich
Marion W. Green
William J. Hicks
Charles E. Hughes
Charles R. James
Arthur L. Johnson
Rudolf H. Jopp
Ralph C. Lasky
Robert E. Luce
Dewey J. Millsap
Donald A. Minor
Larry E. Murphy
Santiago Orosco
Terry D. Owens
Ellis E. Peach
Thomas J. Pruter
William K. Rodgers
Robert L. Royal
Richard N. Sayles
Donald G. Scott
John S. Stankoski
Warner R. Tyler
Raymond R. Wegrzyn
George D. Welsh

Warren R. Peterson (civilian college graduate) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and a temporary lieutenant in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

Douglas A. Edwards. Peter W. Siudara.

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Gary S. George. Ronald M. Marini.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

John B. Castelli, Jr.
Vasa W. Cate
Donald W. Claeys
John J. Conroy III
Mark A. Cunningham
William L. Davis
Ronald E. Fessenden
Richard M. Gendron
Delbert H. Hahn, Jr.
Robert D. Harris
Frances F. Hicks
Carl W. Huff
Andrew E. Landis
William A. Keel, Jr.
Paul E. Lewis II
Stephen C. Mills
Brian P. Murray
Willard H. Nettles
Robert C. Osborne
Terrance A. Robinson
William F. Schrantz
Thurlow R. Underhill

Valentine D. Galasyn (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

IN THE ARMY

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be captain

Prince, Howard T., XXXX
Ross, Norman E., Jr., [redacted]

To be first lieutenant

Frushour, Stephen J. xxx-xx-xxxx
Smoluk, John J. xxx-xx-xxxx
Pollock, James L., xxx-xx-xxxx

To be second lieutenant

Bay, Lenny S., xxx-xx-xxxx

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Dimon, William J., xxx-xx-xxxx
Ferguson, Lindsay E., xxx-xx-xxxx
Horton, Edward J. xxx-xx-xxxx
Irizarry-Toro, Enrique xxx-xx-xxxx
Johnson, Jesse G., xxx-xx-xxxx
Marcotte, Louis H., xxx-xx-xxxx
Rappaport, Richard J. xxx-xx-xxxx
Vander Wende, Martin J. xxx-xx-xxxx

To be captain

Acosta Natal, Fausto, xxx-xx-xxxx
Alexander, Joe L., xxx-xx-xxxx
Barber, Larry W., xxx-xx-xxxx
Boaz, Evelyn E., xxx-xx-xxxx
Borriceno, Nicholas, xxx-xx-xxxx
Brouillard, Robert P. xxx-xx-xxxx
Burns, Danny A., xxx-xx-xxxx
Campbell, Jerry C., xxx-xx-xxxx
Cederburg, Carroll W., xxx-xx-xxxx
Chapa, Jose A., xxx-xx-xxxx
Ciliberto, Samuel D., xxx-xx-xxxx
Cochran, Pinckney C., Jr., xxx-xx-xxxx
Cone, Kenneth A., xxx-xx-xxxx
Cox, Billy W., xxx-xx-xxxx
Davis, Harry E., II, xxx-xx-xxxx

Domasinsky, Charles T., Jr., xxx-xx-xxxx
Eakin, William C., xxx-xx-xxxx
Ebener, Ralph I., xxx-xx-xxxx
Elliott, James F., xxx-xx-xxxx
Evans, George O., xxx-xx-xxxx
Graves, Hardy L., xxx-xx-xxxx
Griffith, William B., xxx-xx-xxxx
Harrington, Donald G., xxx-xx-xxxx
Hensley, James R., xxx-xx-xxxx
Hilliard, Edwin M., xxx-xx-xxxx
Hite, Donald R., xxx-xx-xxxx
Holroyd, Bruce E., xxx-xx-xxxx
Isler, Jerry L., xxx-xx-xxxx
Kavanaugh, Paul A., xxx-xx-xxxx
Keevert, Gary A., xxx-xx-xxxx
MacDonald, Howard M., xxx-xx-xxxx
McKnight, James L., xxx-xx-xxxx
Miller, James E., xxx-xx-xxxx
Moergeli, James R., xxx-xx-xxxx
Morefield, Iless W., xxx-xx-xxxx
Noble, Charles W., xxx-xx-xxxx
Paccerelli, George A., xxx-xx-xxxx
Perry, Richard O., xxx-xx-xxxx
Phipps, Charles A., xxx-xx-xxxx
Piche, Ronald J., xxx-xx-xxxx
Priest, William W., xxx-xx-xxxx
Reeves, James S., xxx-xx-xxxx
Reulein, Carol E., xxx-xx-xxxx
Rowe, Gerald H., xxx-xx-xxxx
Ryan, Kevin M., xxx-xx-xxxx
Schleicher, Richard G., xxx-xx-xxxx
Shaver, Frank J., xxx-xx-xxxx
Smith, Claude G., Jr., xxx-xx-xxxx
Snopek, Robert G., xxx-xx-xxxx
Stepp, Wendell, xxx-xx-xxxx
Thompson, Earl A., xxx-xx-xxxx
Vasey, Michael C., xxx-xx-xxxx
Walton, Bradford L., xxx-xx-xxxx
Wight, Denins A., xxx-xx-xxxx
Willis, William M., xxx-xx-xxxx
Wilson, Thomas D., xxx-xx-xxxx
Womack, Daniel Jr., xxx-xx-xxxx
Wurm, Charles M., xxx-xx-xxxx

To be first lieutenant

Allemond, Pierre, xxx-xx-xxxx
Anderson, George L., Jr., xxx-xx-xxxx
Anderson, Oren L., xxx-xx-xxxx
Bailey, Arthur W., xxx-xx-xxxx
Baker, Stephen M., xxx-xx-xxxx
Bannon, William H., xxx-xx-xxxx
Barber, Theodore M., xxx-xx-xxxx
Berry, Wildy F., xxx-xx-xxxx
Bowser, Larry H., xxx-xx-xxxx
Bowers, John E., xxx-xx-xxxx
Brown, Carlton W., Jr., xxx-xx-xxxx
Brown, Robert A., xxx-xx-xxxx
Brownlee, William R., xxx-xx-xxxx
Bryant, William K., xxx-xx-xxxx
Budzyna, Fred K., xxx-xx-xxxx
Burroughs, Ralph E., xxx-xx-xxxx
Calder, Frederick V., III, xxx-xx-xxxx
Carlile, Richard H., xxx-xx-xxxx
Cavanaugh, Daniel G., xxx-xx-xxxx
Celani, Albert F., xxx-xx-xxxx
Charbonnel, Thomas S., xxx-xx-xxxx
Charlton, William T., xxx-xx-xxxx
Colman, Michael D. V., xxx-xx-xxxx
Conger, Michael R., xxx-xx-xxxx
Cordes, Arben P., xxx-xx-xxxx
Cresswell, John R., xxx-xx-xxxx
Daluisio, Eugene V., xxx-xx-xxxx
Davis, Gene C., xxx-xx-xxxx
Derouen, Donald B., xxx-xx-xxxx
De Wolfe, Franklyn J., xxx-xx-xxxx
Dippel, Erich H., xxx-xx-xxxx
Doelle, John C., xxx-xx-xxxx
Dorsett, Michael L., xxx-xx-xxxx
Dougherty, Russell C., xxx-xx-xxxx
Duncan, Chester E., xxx-xx-xxxx
Eiland, Roderick N., xxx-xx-xxxx
Estrada, Martin, xxx-xx-xxxx
Evans, Alfred M., Jr., xxx-xx-xxxx
Fields, Randall L., xxx-xx-xxxx
Fisher, Ivory J., xxx-xx-xxxx
Fitz, Robert J., Jr., xxx-xx-xxxx
Foster, Douglas E., xxx-xx-xxxx
Fox, Robert, xxx-xx-xxxx
Garlinger, John C., xxx-xx-xxxx
Gendron, John T., xxx-xx-xxxx
Glancy, Eugene E., xxx-xx-xxxx
Glasgow, Robert C., xxx-xx-xxxx
Golightly, Clarice B., xxx-xx-xxxx
Gonzales, Henry N., xxx-xx-xxxx
Grant, George R., xxx-xx-xxxx
Gray, Robert E., xxx-xx-xxxx
Gray, William M., xxx-xx-xxxx
Greene, David D., xxx-xx-xxxx
Hall, Ronald E., xxx-xx-xxxx
Hammann, John, xxx-xx-xxxx
Harper, John A., xxx-xx-xxxx
Hazels, David R., xxx-xx-xxxx
Hill, Richard D., xxx-xx-xxxx
Hodes, Robert W., xxx-xx-xxxx
Huff, Charles M., xxx-xx-xxxx
Hutchinson, Jim S., xxx-xx-xxxx
Isbell, Paul R., xxx-xx-xxxx
Jackson, Michael D., xxx-xx-xxxx
Jacobelly, Robert C., xxx-xx-xxxx
Janes, William H., xxx-xx-xxxx
Jenkie, Ronald A., xxx-xx-xxxx
Jernigan, Irocus E., xxx-xx-xxxx
Johnston, Clifford St. Clair xxx-xx-xxxx
Johnston, Keith H., xxx-xx-xxxx
Kern, Donald S., xxx-xx-xxxx
Lalicker, Elmer L., xxx-xx-xxxx
Lambert, John D., xxx-xx-xxxx
Langeliers, Leonard L., xxx-xx-xxxx
Langer, William R., xxx-xx-xxxx
Lapsley, James R., xxx-xx-xxxx
Lauver, Stephen D., xxx-xx-xxxx
Lawrence, William T., xxx-xx-xxxx
Lewis, Timothy W., xxx-xx-xxxx
Lincoln, Larry H., xxx-xx-xxxx
Lintwaite, Stephens H. xxx-xx-xxxx
Lovelace, Hewitt E., III, xxx-xx-xxxx
Loveless, Steven D., xxx-xx-xxxx
Lowe, John H., xxx-xx-xxxx
Lowry, William I., xxx-xx-xxxx
Malinovsky, William E., xxx-xx-xxxx
Martina, Herman J. xxx-xx-xxxx
Massieu, Raymond W., xxx-xx-xxxx
Matheson, William A., xxx-xx-xxxx
McCarthy Michael J. xxx-xx-xxxx
McCoy, Frederick W., Jr., xxx-xx-xxxx
Meridith, Jerry R., xxx-xx-xxxx
Miller, Derrell H., xxx-xx-xxxx
Moen, Francis C., xxx-xx-xxxx
Montie, Michael E., xxx-xx-xxxx
Moon, James F., xxx-xx-xxxx
Morton, Joseph H., xxx-xx-xxxx
Mullady, Brian P., xxx-xx-xxxx
Neptune, Calvin, III, xxx-xx-xxxx
Netherton, David L., xxx-xx-xxxx
Noble, Jeffrey D., xxx-xx-xxxx
Osborne, Timothy W., xxx-xx-xxxx
Patterson, Donald L., xxx-xx-xxxx
Pecoraro, Richard, xxx-xx-xxxx
Perkins, Stephen K. xxx-xx-xxxx
Perry, Judson E., xxx-xx-xxxx
Poe, William H., xxx-xx-xxxx
Ragus, Leonard A., xxx-xx-xxxx
Reading, David K., xxx-xx-xxxx
Reid, Terry A., xxx-xx-xxxx
Rochon, Kenneth J. xxx-xx-xxxx
Roerig, Richard L., xxx-xx-xxxx
Ryan, Elizabeth G., xxx-xx-xxxx
Russell, James E., xxx-xx-xxxx
Schiemann, Heinz A., xxx-xx-xxxx
Shaddix, Larry G., xxx-xx-xxxx
Shearin, Robert B., xxx-xx-xxxx
Simons, John V., xxx-xx-xxxx
Smith, John B. xxx-xx-xxxx
Smith, Thomas A., xxx-xx-xxxx
Steward, Edward C., xxx-xx-xxxx
Tackett, John A., xxx-xx-xxxx
Taylor, Max H., xxx-xx-xxxx
Thompson, James H., xxx-xx-xxxx
Thurston, Daniel G. xxx-xx-xxxx
Trover, Robert M., xxx-xx-xxxx
Upchurch, Robert H., xxx-xx-xxxx
Ward, Jerry W., xxx-xx-xxxx
Watson, Richard A., xxx-xx-xxxx
Wells, Peggy A., xxx-xx-xxxx
Wessels, James V., xxx-xx-xxxx
West, Grover C., III, xxx-xx-xxxx
Weygand, Kenneth B. xxx-xx-xxxx
Wheaton, Roger S., xxx-xx-xxxx
Willard, Barry D., xxx-xx-xxxx
Wood, Larry D., xxx-xx-xxxx
Yuille, David L., xxx-xx-xxxx
Zanni, Joseph W., xxx-xx-xxxx

To be second lieutenant

Aaronson, David B., xxx-xx-xxxx
Arellano, Benito M., xxx-xx-xxxx
Arthur, Bradley K. xxx-xx-xxxx
Augsburger, Russell J., xxx-xx-xxxx
Bair, Tracy R., xxx-xx-xxxx
Bernath, Clifford H., xxx-xx-xxxx
Brown, Frederick W., xxx-xx-xxxx
Burch, Thomas E., xxx-xx-xxxx
Canas, Henry R., xxx-xx-xxxx
Caselli, Philip F., xxx-xx-xxxx
Cilley, Donald O., xxx-xx-xxxx
Cook, David R., Jr., xxx-xx-xxxx
Creech, William A., Jr., xxx-xx-xxxx
Cuttie, Donald T., xxx-xx-xxxx
Downs, Michael D., xxx-xx-xxxx
Drickey, Michael L., xxx-xx-xxxx
Ecks, Forrest W., Jr., xxx-xx-xxxx
Frank, Charles G., xxx-xx-xxxx
Freeman, Robert L., xxx-xx-xxxx
Garrett, Douglas W., xxx-xx-xxxx
Garza, Larry A., xxx-xx-xxxx
Gerron, Sheldon J. xxx-xx-xxxx
Gilbert, Derl H., xxx-xx-xxxx
Ham, Robert C., xxx-xx-xxxx
Heilman, Robert O. xxx-xx-xxxx
Helmold, Kenneth P., xxx-xx-xxxx
Howell, James L., xxx-xx-xxxx
Kennedy, William H., III xxx-xx-xxxx
Kirchner, Gerard C., xxx-xx-xxxx
Laible, Warren D., xxx-xx-xxxx
Landrus, William E., xxx-xx-xxxx
Le Vee, Kathryn E., xxx-xx-xxxx
Maple. Donald P., xxx-xx-xxxx
Mayer. Kielmann, Michael, xxx-xx-xxxx
McGee, Thomas A., xxx-xx-xxxx
McLemore, Dwight C., Jr., xxx-xx-xxxx
Mitchell, Charles T., xxx-xx-xxxx
Montgomery, Gilbert M., III, xxx-xx-xxxx
Nance, Willie B., xxx-xx-xxxx
Nash, Frank M., xxx-xx-xxxx
New, Hector, xxx-xx-xxxx
O'Donnell, Dennis M., xxx-xx-xxxx
Parker, Sherwood L., xxx-xx-xxxx
Parrish, George W., xxx-xx-xxxx
Poorbaugh, David R., xxx-xx-xxxx
Rankin, Johnnie D. xxx-xx-xxxx
Robinson, Larry M., xxx-xx-xxxx
Rose, Alexander J., xxx-xx-xxxx
Sandness, Stephen G., xxx-xx-xxxx
Schwartz, Allen, xxx-xx-xxxx
Stowell, Horace E., xxx-xx-xxxx
Tippie, Bryan T., xxxx
Van Cleave, Ronald M., xxx-xx-xxxx
Webb, John R., xxx-xx-xxxx
Williams, George E., III, xxx-xx-xxxx
Willson, Donn C., xxx-xx-xxxx
Wood, Lawrence, xxx-xx-xxxx

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Bicking, Cortes J., xxx-xx-xxxx
Carver, Roger P., xxx-xx-xxxx
Davis, James J., xxx-xx-xxxx
Edgel, John F., xxx-xx-xxxx
Greene, Cam R., xxx-xx-xxxx
Harris, Michael R., xxx-xx-xxxx
Heatherly, John A., Jr. xxx-xx-xxxx
Isenhower, Nelson N., xxx-xx-xxxx
Keneally, John T., xxx-xx-xxxx
Kivioja, Larry A., xxx-xx-xxxx
Klingenbeck, Robert P. xxx-xx-xxxx
Mein, Calvin E., xxx-xx-xxxx
Moser, Gordon H., xxx-xx-xxxx
Prewitt, Sherrod N., xxx-xx-xxxx
Shelby, Danny W., xxx-xx-xxxx
Smith, Judge C., xxx-xx-xxxx
Umstaedter, William B., xxx-xx-xxxx
Wood, Robert J., xxx-xx-xxxx
Young, Daniel E., xxx-xx-xxxx

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieu-

tenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Carlisle, Ellis L., [redacted].
Carreker, Larry E., [redacted].
Murphy, Rick L., [redacted].
Ortiz, Julio E., [redacted].
Powers, Donald G., [redacted].
Reid, John A., [redacted].

CONFIRMATIONS

Executive nominations confirmed by the Senate August 5 (legislative day of August 3) 1971:

NATIONAL LABOR RELATIONS BOARD

Peter G. Nash, of New York, to be General Counsel of the National Labor Relations Board for a term of 4 years.

IN THE AIR FORCE

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force, to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8392, title 10, of the United States Code:

To be brigadier general

Col. William A. Browne, [redacted] FG, Mississippi Air National Guard.
Col. William S. Elmore [redacted] FG, Alaska Air National Guard.
Col. Wendell G. Garrett [redacted] FG, Indiana Air National Guard.

IN THE AIR FORCE

The nominations beginning Cirilo L, Adan, Jr., to be captain, and ending Gary A. Zuelsdorf, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on July 28, 1971.

HOUSE OF REPRESENTATIVES—*Friday, August 6, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Endeavor to keep the unity of the spirit in the bond of peace.—Ephesians 4: 3.

God of grace and goodness, from whom cometh our help for the present and our hope for the future, ere we depart for our recess we invoke Thy blessing upon us and upon our country.

As we leave this Chamber, we commit ourselves with our loved ones to Thee, praying that the benediction of Thy presence may rest upon our President, our Speaker, Members of Congress, and all who work with them. In spite of our weaknesses and our shortcomings, speak Thou to us and through us that Thy kingdom may come. Thy will be done, and Thy peace be spread abroad in all human hearts.

"God save America, 'mid all her splendors;
Save her from pride and from luxury.
Enthrone in her heart the unseen and eternal:
Right be her might and truth keep her free."
Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2596. An act to amend the act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the U.S. Park Police force, and the Executive Protective Service, to participate in the Metropolitan Police Department Band, and for other purposes;

H.R. 2600. An act to equalize the retirement benefits for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who are retired for permanent total disability;

H.R. 7718. An act to exempt from taxation by the District of Columbia certain property in the District of Columbia which is owned by the Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the 33d Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America; and

H.R. 8794. An act to provide for the payment of the cost of medical, surgical, hospital, or related health care services provided certain retired, disabled officers and members of the Metropolitan Police force of the District of Columbia, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and the U.S. Secret Service, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4713. An act to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of committees of the House of Representatives to the use of certain currencies; and

H.R. 9844. An act to authorize certain construction at military installations, and for other purposes.

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

S. 291. An act to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, and for other purposes;

S. 996. An act relating to the transportation of mail by the U.S. Postal Service;

S. 1245. An act to amend the Act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data;

S. 1989. An act to amend title 39, United States Code, to provide for the renewal of certain star route contracts;

S. 2248. An act to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; and

S. 2393. An act to amend the Disaster Relief Act of 1970 to make areas suffering from economic disasters eligible for emergency Federal aid, to improve the aid which would become available to economic disaster areas, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 9844) entitled "An act to authorize certain construction at military installations, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. SYMINGTON, Mr. JACKSON, Mr. ERVIN, Mr. CANNON, Mr. BYRD of Virginia, Mr. THURMOND, Mr. TOWER, and Mr. DOMINICK to be the conferees on the part of the Senate.

TRIBUTE PAID JOHN MURPHY BY CONGRESSMAN SIKES

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, the good work done by Members of Congress seldom makes the headlines. It is one of the tragedies of modern news reporting that only the sensational is sought. Yet there is a great deal of sound, constructive work done by dedicated Members of the House and they do this out of devotion to their responsibilities.

One of the best examples of constructive and capable work is being performed by our distinguished colleague from New York, the Honorable JOHN M. MURPHY, whose work on drug problems, particularly as these problems affect servicemen, has been outstanding. He has examined the problem firsthand in the United States and abroad and he is probably better informed than any other Member of Congress on this serious and aggravated situation. His statements before the House and before the committees reveal the depth of his knowledge and the extent of his activities to provide useful information and constructive solutions. JOHN MURPHY'S work deserves the plaudits of the Nation. In particular, should we in the House express our appreciation for his untiring efforts in this field.

ANNOUNCEMENT OF HEARINGS ON U.S. MAGISTRATES AND INTERNATIONAL CRIMINAL POLICE ORGANIZATION

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, I would like to announce that Subcommittee No. 4 of the Committee on the Judiciary has scheduled the following hearings:

On September 9, 1971, the subcommittee will hold hearings on H.R. 7375, to