McCLORY, Mr. WHITEHURST, Mr. DOW, Mr. MITCHELL, Mr. ROBISON of New York, Mr. MCKINNEY, Mr. STOKES, Mrs. DWYER, and Mr. THONE):

H. Con. Res. 394. Concurrent resolution to relieve the suppression of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. CONABLE:

H. Res. 582. Resolution to amend the Rules of the House of Representatives to require that meetings of the Committee on House Administration for consideration of the fixing and adjusting of allowances of Members and committees be open to all Members of the House, and for other purposes; to the Committee on Rules.

H. Res. 583. Resolution authorizing the Speaker, during the remainder of the 92d Congress, after agreement with the minority leader, to entertain motions to adjourn the House to a day and time certain; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:

H.R. 10506. A bill for the relief of Josephine Cummings; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 10507. A bill for the relief of Mrs. Ruth G. Palmer; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 10508. A bill for the relief of Sea Oil & General Corp., of New York, N.Y.; to the Committee on the Judiciary.

By Mr. ROUSSELOT:

H.R. 10509. A bill for the relief of Juan Marcos Cordova-Campos; to the Committee on the Judiciary.

By Mr. THOMSON of Wisconsin:

H.R. 10510. A bill for the relief of Gerasimos Telemachos Agoudemos; to the Committee on the Judiciary.

By Mr. VEYSEY:

H. Res. 584. Resolution to refer the bill (H.R. 10477) entitled "A bill to clear and settle title to certain real property situated in the vicinity of the Colorado River in Riverside County, California", to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H. Res. 585. Resolution to refer the bill (H.R. 10478) entitled "A bill to clear and settle title to certain real property located in the vicinity of the Colorado River in Imperial County, California", to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

SENATE—*Friday, August 6, 1971*

The Senate met at 8:15 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

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

O God, our help in ages past, our hope for years to come, we commit to Thee the work of this body in the months just past, beseeching Thee to complete elsewhere what has begun here. If we have done those things which we ought not to have done and left undone those things we ought to have done, good Lord, forgive us. Confirm and complete all that has been right and good. Overrule all shortcomings and failures.

Give to the Republic a new sense of national purpose which arises out of faith in the invincibility of goodness and commitment to the spiritual verities which abide all change.

Be with Thy servants as they separate at the close of the day. Give journeying mercies to those who travel. Guard them in moments of peril. Bring them back to this place renewed in energy, enlarged in vision, and deepened in faith in Thee.

Now may the Lord bless you and keep you; the Lord make His face to shine upon you and be gracious unto you; the Lord lift up His countenance upon you and give you peace now and evermore. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 6, 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.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, August 5, 1971, be dispensed with.

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

COMMITTEE MEETINGS DURING SESSION OF THE SENATE TODAY

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

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask that the Senate turn to the consideration of the unobjected to items on the calendar, beginning wih Calendar No. 344 and concluding with Calendar No. 350.

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

TAX EXEMPTION FOR PROPERTY OF SUPREME COUNCIL OF THE SCOTTISH RITE OF FREE MASONRY

The bill (H.R. 7718) 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 was announced as next in order.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 343, S. 2387, be indefinitely postponed. It is the same bill, I understand, as Calendar No. 344, H.R. 7718, which the Senate has passed.

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

PARTICIPATION IN THE METROPOLITAN POLICE BAND

The bill (H.R. 2596) 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 was considered, ordered to a third reading, read the third time, and passed.

EQUALIZATION OF RETIREMENT BENEFITS FOR DISTRICT OF COLUMBIA POLICE AND FIREMEN

The bill (H.R. 2600) 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 was considered, ordered to a third reading, read the third time, and passed.

HEALTH SERVICES FOR DISTRICT OF COLUMBIA POLICE AND FIREMEN

The bill (H.R. 8794) 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 was considered, ordered to a third reading, read the third time, and passed.

EMPLOYMENT OF MINORS IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H.R. 2592) to amend the act entitled "An act to regulate the employ-

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ment of minors in the District of Columbia," approved May 29, 1928, which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That the Act entitld "An Act to regulate the employment of minors within the District of Columbia", approved May 29, 1928, is amended as follows:

(1) Section 1 of such Act (D.C. Code, sec. 36–201) is amended (A) by striking out "That no child" and inserting in lieu thereof "Except as provided in section 6, no minor", (B) by striking out "boys" and inserting in lieu thereof "minors", and (C) by striking out "17 to 24" and inserting in lieu thereof "15 to 21."

(2) Section 2 of such Act (D.C. Code, sec. 36-202) is amended (A) by striking out in the first sentence (i) "17" and inserting in lieu thereof "14", and (ii) "nor shall any girl under eighteen years of age or boy under sixteen years of age be so employed, permitted, or suffered to work before the hour of seven o'clock in the morning or after the hour of seven o'clock in the evening of any day, nor shall any boy between sixteen and eighteen years of age be so employed before the hour of six o'clock in the morning or after the hour of ten o'clock in the evening of any day" and inserting in lieu thereof "nor shall any minor sixteen or seventeen years of age be employed, permitted, or suffered to work before the hour of six o'clock in the morning or after the hour of ten o'clock in the evening of any day, nor shall any minor fourteen or fifteen years of age be employed, permitted, or suffered to work before the hour of seven o'clock in the morning or after the hour of seven o'clock in the evening of any day, except during the summer (June 1 through Labor Day) when the evening hour shall be nine o'clock", and (B) by striking out in the second sentence ", and the hours when the time allowed for meals begins and ends for said minors".

(3) The proviso of section 3 of such Act (D.C. Code, sec. 36–203) is amended (A) by striking out "to 7" and inserting in lieu thereof "through 6", and (B) by inserting immediately before the period at the end thereof a colon and the following: *"Provided further,* That no investigation or hearing shall be necessary when the order prohibits employment in any occupation found by the Secretary of Labor under the authority of the Fair Labor Standards Act to be particularly hazardous for minors under eighteen years of age or detrimental to their health and well-being".

(4) Section 5 of such Act (D.C. Code, sec. 36–205) is amended by striking out clause (1) and all that follows, and inserting in lieu thereof "at operating any freight or non-automatic elevator, or in any tunnel or excavation."

(5) Section 6 of such Act (D.C. Code, sec. 36–206) is repealed.

(6) Section 7 of such Act (D.C. Code, sec. 36–207) is renumbered section 6 and amended to read as follows:

"SEC. 6. The Board of Education is authorized to issue a theatrical permit to any minor under eighteen years of age authorizing and permitting said minor to appear on the stage of a licensed legitimate or vaudeville theater within the District of Columbia in any professional theatrical production or act, or in a musical or dance recital or concert, or to participate in a professional sports activity, circus, radio, or television program, or to appear as a fashion model: *Provided,* That such minor shall not appear in more than two performances in any one day, nor more than eight performances in any one week, and shall not appear in any performance after the hour of eleven-thirty in the evening. Application for a theatrical permit shall be made by the parent or guardian or agent of such minor to the Board of Education. The Board may issue such a permit if satisfied that the parent or guardian of the minor has made adequate provision for his educational instruction, for safeguarding his health, and for his proper supervision."

(7) Section 8 of such Act (D.C. Code, sec. 36–208) is renumbered section 7 and amended (A) by striking out "his employer procures and keeps on file and accessible to any attendance officer, inspector, or other person authorized to enforce this Act a work or vacation permit" and inserting in lieu thereof "he shall have obtained a certificate of eligibility", (B) by striking out "children" and inserting in lieu thereof "minors", and (C) by striking out "permit" and inserting in lieu thereof "certificate of eligibility".

(8) Section 9 of such Act (D.C. Code, sec. 36–209) is renumbered section 8 and amended (A) by striking out in the first sentence (i) "The work or vacation permit required by this Act shall be issued only by the director of the department of school attendance and work permits created under the board of education according to the provisions of the Act of Congress, approved February 4, 1925, entitled 'An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes,' or by any person duly authorized by said director," and inserting in lieu thereof "The certificate of eligibility required by this Act shall be issued only by the Board of Education", and (ii) "sex, color," and "the grade last completed by said minor,", (B) by striking out in the second sentence "work or vacation permit" and inserting in lieu thereof "certificate of eligibility", (C) by striking out the third sentence, (D) by striking out in the fourth sentence "and shall be mailed to the employer by the issuing officer, and in no case given to the minor" and inserting in lieu thereof "and shall bear the signature of the parent or guardian if the minor is under sixteen years of age", (E) by amending the fifth sentence to read as follows: "An office record for each applicant containing the minor's name, date, and place of birth, evidence of age, residence, the name and address of the minor's parent, guardian, or custodian, and the grade and school last attended by the minor, shall be kept by the Board of Education.", and (F) by striking out the last sentence.

(9) Section 10 of such Act (D.C. Code, sec. 36–210) is renumbered section 9 and amended to read as follows:

"SEC. 9. The Board of Education shall issue a certificate of eligibility only upon the application in person of the minor desiring employment, accompanied, if the minor is under sixteen years of age and is withdrawing from school for purposes of employment, by his parent, guardian, or custodian, and upon submission to and approval by the Board of the following:

"(a) Evidence of age as provided in section 10 of this Act.

"(b) Written consent of the parent, guardian, or custodian, if the minor is under sixteen years of age, specifying permission for employment of such minor.

"(c) A school record, if the minor is under sixteen years of age, signed by the principal of the public, private, or parochial school last attended by the minor, or by a person duly authorized by said principal. The school record shall certify that the minor has completed the eighth grade or the equivalency thereof in a public school, or has regularly received in a private or parochial school, instruction deemed equivalent by the Board of Education to that prescribed for the completion of the eighth grade in the public schools of the District of Columbia. The school record shall contain also the full name, date of birth, grade last completed, and residence of the minor as shown on the records of the school."

(10) Section 11 of such Act (D.C. Code, sec. 36–211) is renumbered section 10 and amended (A) by striking out in paragraph (c) "director of the department of school attendance and work permits" and inserting in lieu thereof "Board of Education". (B) by striking out the colon and the provisos at the end of paragraph (c) and inserting in lieu thereof a period, (C) by striking out paragraph (d) and all that follows, and (D) by redesignating paragraphs (b) and (c), as amended by this section, as paragraphs (c) and (d), respectively, and adding after paragraph (a) the following new paragraph:

"(b) A record of age is given in the records of the school first attended by the minor, if obtainable, or in the earliest available school census."

(11) Section 12 of such Act (D.C. Code, sec. 36–212) is renumbered section 11 and amended (A) by striking out in the first sentence (i) "The director of the department of school attendance and work permits, or any person duly authorized by him, shall have authority to issue a vacation permit to a minor between the age of fourteen and sixteen years," and inserting in lieu thereof "The Board of Education is authorized to issue a certificate of eligibility to a minor under sixteen years of age", (ii) "11" and inserting in lieu thereof "10", and (iii) "work permit" and inserting in lieu thereof "certificate of eligibility", and (B) by striking out in the second sentence (i) "permits" and inserting in lieu thereof "certificates", and (ii) "work permit" and inserting in lieu thereof "certificate of eligibility".

(12) Section 13 of such Act (D.C. Code, sec. 36–213) is repealed.

(13) Section 14 of such Act (D.C. Code, sec. 36–214) is renumbered section 12 and amended (A) by striking out in the first sentence (i) "permit" and inserting in lieu thereof "certificate of eligibility", (ii) "work permit or vacation permit" and inserting in lieu thereof "certificate", and (iii) "minor's employer that such employer shall either furnish him within ten days the evidence required for a work permit showing that the minor is in fact eighteen years of age, or shall refuse to employ or permit or suffer such child to work" and inserting in lieu thereof "minor for his certificate of eligibility", and (B) by striking out "department enforcing "evidence is not furnished to such person within ten days after such demand," and inserting in lieu thereof "certificate of eligibility or proof of age is not furnished,".

(14) Section 15 of such Act (D.C. Code, sec. 36–215) is renumbered section 13 and amended (A) by striking out "14" each place it appears and inserting in lieu thereof "12", (B) by striking out "department enforcing the child labor law" and inserting in lieu thereof "Board of Education", and (C) by striking out "$200" and inserting in lieu thereof "$300".

(15) Section 16 of such Act (D.C. Code, sec. 36–216) is renumbered section 14 and amended (A) by striking out in the first sentence "director of the department of school attendance and work permits organized under the Board of Education of the District of Columbia and of the authorized inspectors and agents of said department" and inserting in lieu thereof "Board of Education", (B) by striking out in the second sentence (i) "director of the said department" and inserting in lieu thereof "Board of Education", and (ii) "work or vacation permits kept on file by the employer and such other" and inserting in lieu thereof "such", and (C) by striking out the third sentence.

(16) Section 17 of such Act (D.C. Code, sec. 36–217) is renumbered section 15 and amended by striking out in the first sentence

"boy" each place it appears and inserting in lieu thereof "minor".

(17) Section 18 of such Act (D.C. Code, sec. 36–218) is repealed.

(18) Section 19 of such Act (D.C. Code, sec. 36–219) is renumbered section 16 and amended (A) by striking out "boy" and inserting in lieu thereof "minor", (B) by striking out "17" and inserting in lieu thereof "15", and (C) by striking out "director of the department of school attendance and work permits, or some person duly authorized by him" and inserting in lieu thereof "Board of Education".

(19) Section 20 of such Act (D.C. Code, sec. 36–220) is renumbered section 17 and amended to read as follows:

"SEC. 17. The Board of Education shall issue a street-trades badge only upon the application of the minor desiring it, with the written consent of the parent, guardian, or custodian of such minor, and upon proof that the minor is of the age required by section 15 of this Act, which shall consist of the same evidence as is required for a certificate of eligibility under this Act. A certificate of eligibility issued as requred by this Act may be accepted in lieu of any other requirements for said badge."

(20) Section 21 of such Act (D.C. Code, sec. 36–221) is renumbered section 18 and amended (A) by inserting immediately after "minors" in the first sentence thereof "name,", (B) by striking out in the second sentence (i) "the height and weight of the minor," and (ii) "in the office of the director of the department of school attendance and work permits" and inserting in lieu thereof "by the Board of Education", and (C) by striking out the fourth sentence and all that follows.

(21) Section 22 of such Act (D.C. Code, sec. 36–222) is renumbered section 19 and amended to read as follows:

"SEC. 19. The Board of Education shall order any minor found to be engaged in any of the trades or occupations mentioned in section 15, in violation of any of the provisions of sections 15 through 21 of this Act, to cease and desist from engaging in such trade or occupation, and the parent, guardian, or custodian of such minor shall be notified by the Board of its order. The Board of Education may also revoke the badge or certificate of eligibility of any minor who violates any provision of this Act, or who fails to comply with all the legal requirements concerning school attendance, for such period as the Board may require. Upon revocation the Board shall so notify the parent, guardian, or custodian having such minor in charge, and it shall thereupon become the duty of said parent, guardian, or custodian to surrender or require said minor to surrender said badge or certificate of eligibility to the Board. After notice to the minor and his parent, guardian, or custodian of the revocation of such badge or certificate of eligibility, he shall be deemed to be in the same status as a minor without a badge."

(22) Section 23 of such Act (D.C. Code, sec. 36–223) is renumbered section 20 and amended (A) by striking out $200" and inserting in lieu thereof "$300", (B) by striking out "17 to 23" and inserting in lieu thereof "15 to 20", and (C) by striking out "$100" the second time it appears in the last sentence of such section and inserting in lieu thereof "$200".

(23) Section 24 of such Act (D.C. Code, sec. 36–224) is renumbered section 21 and amended to read as follows:

"SEC. 21. No minor under the age of sixteen years required by law to attend school shall be permitted by an owner or employee of any business establishment to loiter or remain around the premises of such establishments between the hours of the opening of school in the morning and the close of school in the afternoon on days when school is in session. Any owner or employee of any business establishment convicted of violating this section may be punished by a fine of not less than $25 nor more than $300 or by imprisonment for not less than ten days or more than thirty days."

(24) Section 25 of such Act (D.C. Code, sec. 36–225) is repealed.

(25) Section 26 of such Act (D.C. Code, sec. 36–228) is renumbered section 22 and amended to read as follows:

"SEC. 22. Prosecutions for violations of any of the provisions of this Act, or of any regulation made by the Board of Education under authority of this Act, shall be on information filed in the Superior Court of the District of Columbia in the name of the District of Columbia by the Corporation Counsel or any of his assistants."

(26) Sections 27 and 28 of such Act (D.C. Code, sec. 36–226) are renumbered sections 23 and 24, respectively.

(27) Section 29 of such Act (D.C. Code, sec. 36–227) is renumbered section 25 and amended to read as follows:

"SEC. 25. The Board of Education of the District of Columbia is hereby empowered to carry out and enforce the provisions of this Act, and is authorized to promulgate such regulations as may be necessary to effectuate the purposes of this Act. The Board of Education is further authorized to delegate the performance of any of its functions and duties under this Act to any officer, agent, or department of the Board."

(28) Such Act is amended by adding the following new section:

"SEC. 26. This Act may be cited as the 'District of Columbia Employment of Minors Act'."

SEC. 2. The amendments made by this Act shall take effect on the first day of the first month which begins thirty days after the date of its enactment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AMENDMENT OF DISTRICT OF COLUMBIA HEALING ARTS PRACTICE ACT

The Senate proceeded to consider the bill (H.R. 8589) to amend the Healing Arts Practice Act, District of Columbia, 1928, to revise the composition of the Commission on Licensure To Practice the Healing Arts, and for other purposes which had been reported from the Committee on the District of Columbia with amendments on page 1, at the beginning of line 3, strike out:

SECTION 1. (a) Section 4 of the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2, 103), is amended to read as follows:

"SEC. 4. (a) (1) There is established a commission to be known as the Commission on Licensure To Practice the Healing Art (hereafter in this Act referred to as the 'Commission'). The Commission shall be composed of eleven members. The Commissioner of the District of Columbia shall appoint nine members of the Commission as follows:

"(A) Three members shall be appointed from a panel of six physicians licensed under this Act who are in private practice in the District of Columbia and who are nominated by the Medical Society of the District of Columbia.

"(B) One member shall be appointed from a panel of two physicians licensed under this Act who are nominated by the dean of the Georgetown University Medical School.

"(C) One member shall be appointed from a panel of two physicians licensed under this Act who are nominated by the dean of the George Washington University Medical School.

"(D) One member shall be appointed from a panel of two physicians licensed under this Act who are nominated by the dean of the Howard University Medical School.

"(E) One member shall be appointed from a panel of two osteopathic physicians licensed under this Act who are nominated by the Association of Osteopathic Physicians of the District of Columbia, Incorporated.

"(F) Two members shall be appointed from persons who are not physicians and who represent the community at large.

"(2) The Corporation Counsel of the District of Columbia (or his delegate) and the Director of Public Health of the District of Columbia (or his delegate) shall be ex officio members of the Commission.

"(3) A vacancy in the Commission shall be filled in the same manner as the original appointment was made.

"(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, members of the Commission (appointed under paragraph (1) of subsection (a)) shall be appointed for terms of three years.

"(2) Of the members first appointed to the Commission under such paragraph (1)—

"(A) three members shall be appointed for terms of one year,

"(B) three members shall be appointed for terms of two years, and

"(C) three members shall be appointed for terms of three years,

as designated by the Commissioner of the District of Columbia at the time of appointment.

"(3) Any member of the Commission appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member of the Commission may serve after the expiration of his term until his successor has taken office.

"(c) The Commission shall elect a President and a Vice President from among its members. The Director of Public Health of the District of Columbia (or his delegate) shall be the Secretary of the Commission.

"(d) The Commission shall make, and may alter, such rules as it deems necessary to conduct its business. The Commission shall adopt a common seal and from time to time may alter it. The courts shall take judicial notice of the seal."

(b) The Commissioner of the District of Columbia shall appoint the first nine members of the Commission on Licensure To Practice the Healing Art, established by section 4 of the Healing Arts Practice Act, District of Columbia, 1928 (as amended by this Act), not later than ninety days after the date of the enactment of this Act.

And, in lieu thereof, insert:

SECTION 1. (a) In the administration of the provisions of the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2–103), the Commissioner of the District of Columbia shall take such action as may be necessary to expand the Commission on Licensure To Practice the Healing Art in the District of Columbia by two additional members, such additional members to be appointed by the Commissioner of the District of Columbia from physicians and osteopathic physicians licensed under such Act.

(b) In the addition to the members authorized pursuant to subsection (a), the Commissioner is authorized to take such action as may be necessary to further expand

such Commission by appointing such additional members thereto as he determines necessary to represent the changing needs of the District of Columbia and to reflect the views of the medical profession.

And, on page 9, after line 18, strike out:

SEC. 5. (a) Section 50 of the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2-141), is repealed.

(b) The amendments made by this Act shall not be construed as affecting any provision of Reorganization Plan Numbered 3 of 1967, except that the Commissioner of the District of Columbia and the District of Columbia Council shall exercise their respective functions under the Healing Arts Practice Act, District of Columbia, 1928, through the Commission on Licensure To Practice the Healing Art established by section 4 of such Act (as amended by this Act).

(c) The members of the Commission on Licensure To Practice the Healing Art in office on the date of the enactment of this Act shall continue in office until at least four members have been appointed to that Commission under section (4)(1) of the Healing Arts Practice Act, District of Columbia, 1928 (as amended by this Act).

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

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

EXECUTIVE SESSION

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

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

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar beginning with New Reports will be stated.

ATOMIC ENERGY COMMISSION

The second assistant legislative clerk read the nomination of James R. Schlesinger, of Virginia, to be a member of the Atomic Energy Commission.

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

The second assistant legislative clerk read the nomination of William Offutt Doub, of Maryland, to be a member of the Atomic Energy Commission.

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

U.S. CUSTOMS COURT

The second assistant legislative clerk read the nomination of Nils A. Boe, of South Dakota, to be a judge of the U.S. Customs Court.

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

AMBASSADOR

The second assistant legislative clerk read the nomination of Edwin W. Martin, of Maryland, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Burma.

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

AGENCY FOR INTERNATIONAL DEVELOPMENT

The second assistant legislative clerk read the nomination of James F. Campbell, of Maryland, to be an Assistant Administrator of the Agency for International Development.

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

NOMINATIONS PLACED ON THE SECRETARY'S DESK—U.S. COAST GUARD

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Coast Guard.

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

Mr. MANSFIELD. Mr. President, that concludes the call of the Executive Calendar. With the approval of the distinguished minority leader it is hoped we will be able to give consideration to Calendar No. 7, Executive A, 92d Congress, first session, the Convention for the Suppression of Unlawful Seizure of of Aircraft, if everything fits into place during the day.

Mr. SCOTT. Mr. President, I ask that the President be notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. The President will be so notified.

LEGISLATIVE SESSION

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

There being no objection, the Senate resumed the consideration of legislative business.

VIETNAM

Mr. SCOTT. Mr. President, our beloved Chaplain in the morning prayer referred to verses in the Book of Common Prayer, which reminds me of something which I wish to say at this time. He mentioned that we have left undone things we ought to have done and that we have done things we ought not to have done. I do not mean to have left undone things I ought to have done or to have done things I ought not to have done, but I see in this morning's Washington Post a paragraph which disturbs me because, while we do not yet have all the RECORD for yesterday, I believe the report does not convey what I was seeking to say. It was a long day and that may have led to the confusion.

The reference in the newspaper to the debate on the draft bill states that I suggested during the debate:

> The President's wording might imply that the administration is softening its insistence that South Vietnam be assured of a reasonable chance of defending itself before all the U.S. troops are withdrawn.

The article makes the point quite correctly that—

> The conference report specifies no such precondition of withdrawal.

That is right.

What I believe I said, and what I certainly intended to make clear was that there was obviously nothing to be read in the President's letter beyond the four corners of that letter to the distinguished chairman of the Committee on Armed Services, Mr. STENNIS.

What I believe I said, and know I wanted to say, was that if the prisoners of war were returned there would be less lapse of time in the ultimate withdrawal of all our forces in Vietnam than would occur otherwise; and that the withdrawal, if it followed the release of the prisoners of war, would not take many months, in all probability, which is a good deal different from the report here.

I see that the RECORD has not yet arrived. If the Chair will indulge me for a moment perhaps I can find it in the first part of the RECORD.

Mr. President, that part of the debate has not yet arrived.

In any event, let me make clear there was no intention on my part whatever to imply any change in the administration position regarding withdrawal from Vietnam unless and until there is some change regarding prisoners of war.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Connecticut (Mr. RIBICOFF) for 15 minutes.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that 10 minutes of my allotted time may be assigned to the distinguished Senator from Mississippi (Mr. STENNIS).

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

(The remarks of Mr. RIBICOFF when he introduced S. 2460 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I am especially grateful to the Senator from Connecticut for this courtesy and for this great assistance in yielding me this time.

Mr. RIBICOFF. Mr. President, I am

more than pleased to yield this time to my distinguished friend.

SENATE RESOLUTION 162—SUBMISSION OF A RESOLUTION RELATING TO THE HISTORY OF THE INVOLVEMENT OF THE UNITED STATES IN THE WAR IN VIETNAM

(Referred to the Committee on Rules and Administration.)

Mr. STENNIS. Mr. President, it is my privilege to introduce today a resolution, which is also cosponsored by the distinguished Senator from Montana (Mr. MANSFIELD) and the distinguished Senator from Pennsylvania (Mr. SCOTT), having to do with the treatment and analysis of the Pentagon papers and other papers related thereto by a selected group of noted historians and others qualified in that field.

I ask unanimous consent that the resolution be printed in full in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. STENNIS. Mr. President, the recent publication of large portions of the "Pentagon papers," the court cases in which the documents were involved, and the transmittal of a full set of the documents to the Congress have produced a great many analyses, speculations, charges, and refutations about the responsibility for our involvement in Vietnam. Today I introduce a resolution to provide for a careful study of these documents together with related documents.

As I believe it will become clear, the method I suggest is one which will place initial responsibility for analyzing this range of important issues in the hands of trained historians. They are the professionals best equipped to establish, by careful research, what transpired during the difficult period covered by the 47 Pentagon volumes.

It is now quite clear that the analysis included in the Pentagon papers is not based on complete Government records. For example, the August 9 issue of Time magazine reports that the State Department's Bureau of Intelligence and Research has done a study covering the period. Moreover the coordinator of the Pentagon papers study has himself stated that that analysis was not prepared by men schooled in the techniques of historical research. It is therefore not surprising that the document is producing charges and recriminations.

The anonymous analysis and, to a lesser extent, the basic documents have received a good deal of attention in the press. But I believe one illustration will show that the press is no better able to give us an objective account of such a tangled and complex subject than the anonymous Pentagon analysts. The press, in its constant thirst for simple judgments and in the excitement of conflict, has extrapolated from partial quotations to assertions, from assertions to alleged facts, and from facts to headlines. On June 14, for example, a reporter from the New York Times, Mr. Neil Sheehan, took from a document part of the following sentence:

> If such larger decisions are required at any time by a change in the situation, they will be taken.

And reported that an anonymous Pentagon analyst interpreted this as a "general consensus" in September of 1964 that air attacks against North Vietnam would probably have to be launched. The newspaper report then goes on to assume that this conclusion is a fact by stating:

> That such a consensus had been reached as early as September is a major *disclosure* of the Pentagon study. (Emphasis added.)

I might add that two other publications—The Washington Post on June 20 and Newsweek on June 28—expressed reservations about this particular extrapolation. But the Times account shows how a cryptic conditional sentence is magnified first into an opinion, then a fact, and finally a major issue on the front pages.

As chairman of one of the interested committees, Mr. President, I hope I will offend no one if I suggest that planned House and Senate inquiries will not by themselves answer the public demand for a full, careful and dispassionate analysis of what actually transpired during the years covered by the Pentagon volumes. We should understand that, in this matter, we operate under two handicaps.

First of all, hard-pressed Members of the Congress have neither the time nor the resources for the research and reflection required. A few of our Members, such as the distinguished Senator from Wyoming (Mr. MCGEE) are trained professional historians. But a study of this magnitude would simply eclipse all other important responsibilities for all of us who were engaged in it.

Even more importantly, many of us have been involved in one way or another in decisions about the war in Vietnam. Our judgment, and the judgment of staffs who work for us, are not likely to be viewed as dispassionate and objective in the matter.

I do not mean to imply at all that Congress has no useful role to play in assessing our involvement in Vietnam. We of the Congress have certain legislative responsibilities which the Pentagon papers, and related investigations, may help us to fulfill. For my own part, I believe that congressional investigations will help us sort out the complications of the security classification problem. It is my belief that the current tendency to overclassify is dangerous in two ways: It makes it difficult for truly sensitive matters to be properly protected; and it denies the public and the Congress important information about other matters that have no need to be classified, or at least no need to be classified for long.

I also believe that investigations which have already been begun by our committees will help us come to terms with the important issue of making Congress' constitutional power to declare a war a reality in the 20th century. I have already introduced Senate Joint Resolution 95 dealing with this matter, and other Senators have made similar proposals. I believe that all of these proposals can be better evaluated after we have a more complete understanding of some of the events which led us into the Vietnam war, in particular the Gulf of Tonkin affair.

In these matters the congressional responsibility is very clear and explicit. The Pentagon papers, now available to us, should help us discharge our responsibilities, but without involving us in any attempt to write history—a task for which, as I have said, Congress has neither the time nor the resources.

There are Americans, however, who are uniquely equipped to write history: our professional historians. It is to them we should turn for an exhaustive and deliberate treatment of the U.S. involvement in Vietnam. In an excellent article in the Washington Post on July 7—inserted in the CONGRESSIONAL RECORD on July 7 by the distinguished Senator from Wyoming (Mr. MCGEE), at page 23725—Mr. Henry Owen compares our current public agonies over the Vietnam involvement to the charges which followed World Wars I and II. He asserts, and I believe the assertion is accurate, that for each war in which the United States has been involved, including both World War I and World War II, public opinion about the origin of the war is divided into three phases: Phase 1 in which the Government's picture of the conflict's origin is accepted; phase 2 in which some initial accounts showing conflicting views convince many people that the war was largely the fault of their own leaders; and phase 3 in which, as Mr. Owen puts it:

> Professional historians showed the truth to be a lot more complicated than any of these "devil" theories would suggest.

Mr. Owen goes on to say that we are now in phase 2 on Vietnam, and it is important that we move as quickly as possible to phase 3.

I believe there is much wisdom in this analysis, Mr. President. The longer we continue to deal with the origins of the Vietnam war in an atmosphere of anger, recrimination, and domestic politics, the deeper will be the wounds on our society. The sooner we can have an objective and disinterested account by professional researchers of the origins, the conduct, and the wide-ranging effects of the Vietnam war, the sooner we will be able to begin the healing that can only come from understanding.

I emphasize the importance of congressional investigations, analysis, and recommendations, but, in substance, what I am pointing out now is that the reach of the legislative bodies is not sufficient; analyses of the Pentagon papers are not sufficient; there must be a broader approach and a more deliberate approach, an inclusive approach by trained men and historians and fine analysts who can put the pieces together.

I am especially interested in these facts and they may help us get a clearer view of the need to return to the constitutional mandate that only Congress can declare war, only Congress can com-

mit this Nation and its manpower and its resources to war.

I think that a full consideration, analysis, and a summary of all these facts will make a tremendous contribution in that field. This question about the declaration of war is not one that is going to be resolved in a few months. I think it is only the beginning of the issue that will go on perhaps for years and require full analysis.

I am delighted that the Senator from Montana (Mr. MANSFIELD) and the Senator from Pennsylvania (Mr. SCOTT) have joined in the effort to have this broader and additional consideration of this grave problem.

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

Mr. STENNIS. I yield.

Mr. MANSFIELD. I am delighted to join in the resolution under the distinguished leadership of the Senator from Mississippi, and I think it is long overdue, because the Congress has been allowing its powers to be diluted ever since the days of Franklin D. Roosevelt, going back more than four decades. There have been too many hasty improvisations such as the Gulf of Tonkin resolution to indicate that a "due process" under the Constitution is being followed when it absolutely is not. It is not being followed when an attempt is made to use the so-called SEATO Treaty as a means of justifying our intervention in Vietnam and Indochina, because nothing could be further from the truth.

As I indicated yesterday, there was a well-researched study of the Southeast Asia Treaty and its relation to our involvement in Vietnam put in the RECORD. Both the distinguished Senator from Mississippi and I were concerned with that treaty before it was ratified. But the study referred to left out a number of words noted in the treaty. Those words, included "due constitutional process," which mean, of course, that Congress should be consulted in line with its constitutional authority to put this Nation into war. Nothing should be done outside that constitutional line except in the greatest emergency—at which time a President should have the power to act instantaneously. These matters should come before Congress; due process should be invoked; the Constitution should be adhered to.

I am delighted, because this is another step in the return to constitutionality as between the executive and the legislative branches.

Mr. STENNIS. Mr. President, I heartily agree with the remarks of the Senator from Montana, and thank him again especially for his interest.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 2 additional minutes.

Mr. STENNIS. Mr. President, I had about concluded my remarks. Let me summarize the procedural matters.

This resolution, of course, will be referred to a committee, and there will be a further chance there to work out a detailed program of operations. I am not wedded to any particular plan. All I am interested in is getting results.

Of course, there are certain difficulties presented in attempting to write a history of a period so recent, using in large measure, classified information. It will take eminence, ability, trained men removed from the so-called political channels, to do this work. But there are also precedents for dealing with these problems. For example, immediately after World War II, virtually the entire U.S. Government Archives, for the years immediately preceding World War II, including classified information, were thrown open to two distinguished historians: William L. Langer, and S. Everett Gleason. They were given, in Mr. Langer's words, "full run of the State Department Archives, the papers of the Office of Strategic Services, and even, to a limited extent, of the records of the Joint Chiefs of Staff." In addition, they had access to the Roosevelt papers at Hyde Park, the Morganthau Diaries, and many other records. Moreover, British and other foreign data was made available to them as a matter of courtesy. Their manuscript was submitted to the State Department before publication, but only—and I emphasize the word "only"—for a security check. The two volumes they produced did much to increase our understanding of the origins of World War II during the period in which the reasons for our involvement were still a matter of passionate national debate.

I have referred to this historical study after World War II—when a similar plan was carried out by a noted historian, Mr. Langer, now professor of history emeritus at Harvard—because I believe it is a good model to follow. It is men of that kind—I am not referring to him personally as my choice; but he is the type that I am referring to—by whom I believe a tremendous job could be done.

I believe that our experience in this matter gives us a valuable indication of the way in which we should proceed to deal with the historical record of our involvement in Vietnam, I propose that an independent Board of Historians be established to direct a nonpartisan, professional historical study of our involvement in Vietnam—the origins, conduct, and effects of the war. This Board would do the following:

First, work out arrangements whereby the materials of the Federal Government and other materials which deal with with the period and subject of our involvement in Vietnam—from World War II through 1968—would be open to certain historians.

Second, arrange, with the cooperation of the relevant officials of the executive branch, for appropriate security review procedures.

Third, arrange for financing of the study. I am proposing an initial grant of $250,000 to finance organization of the project, and I would be favorably disposed toward additional grants if they are later required. However, I would hope that private funding would also be obtained so that the study would not be viewed as an authorized government version of the Vietnam history.

Fourth, establish such advisory and editorial boards as may be necessary.

The details of these arrangements I believe would best be worked out by the historians themselves and the revelant offices in the Government such as the Historical Division of the Department of State. I would hope that Congress would consider favorably any small additional requests for funds by such offices which might be required to facilitate the provision of documents or other services.

Many will ask how classified documents of recent vintage can be used in an historical study of this sort without damaging the national security. I believe there are three possible answers to this question.

First of all I would suggest that the number of historians associated with the project be relatively small and that their professional quality be high.

I believe that we will be able to insure that we will have a balanced group of responsible and objective men who would have no interest in harming the security of the United States.

Second, the arrangement by which Mr. Langer and Mr. Gleason worked on the pre-World War II archives was a good one. As I mentioned earlier, their manuscript was submitted to the Department of State for a security check, but only for a security check, before being published.

Finally, there may be certain documents in the archives dealing specifically with such matters as cryptography, for which special arrangements may have to be made and access would have to be denied to all but, say, one or two historians. I would leave such arrangements to the discretion of the relevant offices within the executive branch and the Board of Historians directing the study.

I do not believe the specific measures I have outlined in the resolution are the only possible avenues to the success of this project. Some may be changed as the Senate discusses this resolution. Many details must be worked out between the historians and the offices concerned. But I believe that, whatever the specific measures adopted, it is important that a study of this type be done—thorough, professional, nonpartisan, and disinterested.

Mr. President, many years ago the German historian, Ranke, father of modern historical scholarship, said it is history's task to tell what "actually happened." That appraisal has since come under fire from many historians who contend that a wholly objective analysis of events can never be achieved.

Objectivity will be especially difficult to achieve in any study of the Vietnam war. However, I do not believe there is any better way to approach a reasoned analysis of the Pentagon papers period than to assign the task to a group of competent historians and give them all possible assistance in obtaining all the pertinent data. A free and rational people will, I believe, be able and anxious to learn from that sort of disinterested history.

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

EXHIBIT 1

S. RES. 162

To provide for the writing of a history of the involvement of the United States in the war in Vietnam.

Whereas, it is a vital concern of the United States Senate that the people of the United States be thoroughly informed about important issues of foreign and defense policies; and

Whereas, it is in the interest of the people of the United States that a professional, objective account of the United States involvement in the war in Vietnam be prepared outside the framework of the Federal Government as soon as possible; and

Whereas, the demanding tasks of analyzing documents and writing history are best accomplished by trained professional academic historians of the highest caliber; and

Whereas, the publication of portions of the classified report of the Department of Defense entitled "United States—Vietnam Relations: 1945–1967" has focused public attention on the origins of the Vietnam War; and

Whereas, such classified report presents documents and analyses of the above subject matter which are necessarily incomplete:

Now, therefore, be it

Resolved, That in order to provide for an impartial, nonpartisan historical account of the United States' involvement in the war in Vietnam, the Librarian of Congress and the Director of the National Museum of History and Technology, Smithsonian Institution, are hereby requested to (1) establish a board to be known as the Vietnam War Historical Board (hereinafter referred to as the "Board"), (2) request the President and Council of the American Historical Association, the Council on Foreign Relations, and such other learned societies and organizations as may wish to do so, to nominate eminent historians to serve on the Board, and (3) appoint, from among those so nominated, five Members of the Board. The Librarian of Congress is further requested to disburse to the Board funds made available pursuant to this resolution for the purpose of assisting such Board in supervising the preparation and publication of a detailed history of the United States' involvement in Vietnam during the period from 1945 through the end of the U.S. commitment of ground forces, including the origins, conduct, and wide-ranging effects of the War; that portion of the history dealing with the period from 1945 through 1968 should be published, if possible, within five years after the date of adoption of this resolution.

SEC. 2. The President is requested to direct the Secretary of State and the Secretary of Defense, and the heads of such other departments and agencies of the Government as the President deems appropriate, to make available to the Board all records, documents, films, recordings, and other material and information pertaining to such involvement during that period, such records, documents, films, recordings, and other material and information to be made available under such procedures relating to the handling and disclosure of classified material as may be mutually agreeable to the department or agency concerned and the Board. Such procedures shall include but not necessarily be limited to, such requirements as may be necessary to insure that, (1) Only that number of historians necessary to complete the research, preparation, and publication of the history within the prescribed time will be granted access to classified material; (2) Secure facilities are maintained for the examination of classified material and, where necessary for security reasons, for conducting research and writing; (3) The final manuscript of the history will be submitted to the President for security clearance prior to publication; (4) There is no unauthorized publication or other unauthorized disclosure of material based on classified sources. All requests for security clearance for historians participating in the research and writing of the history should be processed expeditiously.

SEC. 3. The Board is urged and requested to consult with and seek the cooperation and advice of other individuals, institutions, and organizations which may have special knowledge of the period and events with which the Board is concerned or which have custody of records, documents, and information pertaining to such period and events.

SEC. 4. (a) To carry out the provisions of this resolution there shall be established in the Library of Congress a gift fund, and the initial donation to said fund shall be paid out of the contingent fund of the Senate in an amount not to exceed $250,000. Other institutions and individuals may contribute to this fund, as well as the Senate, and other sources may be used to supplement this fund.

(b) The Librarian is requested to require from the Board an appropriate accounting for the expenditure of any funds made available to it pursuant to this resolution.

(c) Because of the nature of the requirements and conditions set out and inherent in the purposes of this resolution and for which this fund is established, the sum in the fund shall be used for expenditures necessary to carry out those purposes without reference to general regulatory and prohibitory statutes applicable to public funds, but subject to the restrictions in subsection (b) above.

(d) The initial expenses of the Board and the administrative expenses of the Library of Congress for the project shall be paid out of this fund under procedures established by the Librarian.

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 15 minutes.

WAGE-PRICE GUIDELINES BILL SHOULD BE PASSED IN THIS SESSION OF CONGRESS

Mr. PROXMIRE. Mr. President, I call upon Congress to pass a wage-price guidelines bill which requires the President to put guidelines into effect before adjournment this year. It is not enough merely to start a dialog on this subject as President Nixon proposed in his press conference on Wednesday. We should pass legislation now. Next year will be too late.

The Joint Economic Committee which I have the honor to chair, has advocated wage-price guidelines in its last two annual economic reports.

The support given Wednesday by a dozen Senate Republicans for mandatory—not permissive—action on wage-price guidelines means that the Congress can pass such a bill before this session adjourns. Whether it is my bill (S. 1970), which I introduced on June 1, or Senator BROOKE'S bill introduced Wednesday, or a combination of the two is unimportant. The President has had authority for many months to put guidelines or controls or a freeze into effect, but has chosen not to do it. The important business before us is to move from talk to action and from discussion to legislation. While the President's new position of having an open mind on this issue is a welcome step forward, what we need now is his full, active, vigorous support. But even without it, a bill can be enacted this year.

While Senator SPARKMAN, Democrat of Alabama, chairman of the Senate Banking Committee, at my request has agreed to hold hearings on my bill (S. 1970) in early October, I am today urging him to make this the No. 1 matter before the committee when Congress reconvenes and to hold hearings in September instead.

CONGRESS MUST ACT ON INCOMES POLICY

Mr. President, we are all aware that the steel industry has just announced price increases averaging 8 percent. A week ago, two major automobile companies announced price increases of over 5 percent. These two actions are dramatic evidence of the continued presence of inflation. Further evidence is found in the recent behavior of the consumer price index, which advanced at an annual rate exceeding 6 percent during May and June.

This information is familiar to my colleagues and, indeed, there can be few people anywhere in the United States who are unaware that inflation is continuing at far too high a pace. Arthur Burns, the distinguished Chairman of the Federal Reserve Board, put the matter succinctly when he told the Joint Economic Committee:

I wish I could report that we are making substantial progress in dampening the inflationary spiral. I cannot do so. Neither the behavior of prices nor the pattern of wage increases as yet provides evidence of any significant moderation in the advance of costs and prices.

WHY INFLATION AND UNEMPLOYMENT?

Why does this disastrous inflationary situation persist? How can we have so much inflation and so much unemployment at the same time? Economists have puzzled over this paradox. They have suggested a number of possible theoretical explanations. The real explanation, I think, is simple enough. Inflation has persisted because this administration has consistently refused to take the actions necessary to bring inflation to a halt. It is not a case of not knowing what should be done. It is a case of sheer unwillingness to do what we all know must be done. It is a case of a total policy vacuum.

HUGE BUDGET DEFICIT

For the record, let me summarize the administration rhetoric on inflation. The administration planned to control inflation by balancing the budget. Instead, they stood by and watched the economy slide into a recession, so that the tax receipts necessary to balance the budget did not materialize. Tax receipts in fiscal year 1971 were $26 billion below the full employment level. A similar situation is anticipated for fiscal 1972. So much for the balanced budget.

DELIBERATE POLICY OF UNEMPLOYMENT

The administration planned to control inflation by removing excess demand from the economy and letting the forces

of competition work to hold prices down. Excess demand has been removed. Over two million people have been thrown out of work. But have the forces of competition been allowed to operate? What has this administration done to encourage an efficiently operating competitive econ omy? Have they removed the import restrictions on oil? On steel? We all know the answer. Instead of encouraging competition, they have devised new ways to protect and subsidize inefficiency like the Lockheed bailout.

In recent testimony before the Joint Economic Committee, Dr. Hendrik Houthakker, who served with distinction on President Nixon's Council of Economic Advisers until just a few weeks ago, admitted that this administration had often backed down on the free market approach to controlling inflation when powerful special interests began to feel the pinch. He told the committee:

> The fact is that in many cases where our anti-inflationary policy has had an effect on prices, the affected parties have come to the government with the requests for protection of one kind or another and as a result, we have not had the effect on prices which we might have expected . . . the kind of anti-inflationary policy which we have been pursuing the last two and a half years requires a willingness to expose people to a certain amount of temporary danger that has not always been present.

If we want the forces of competition to work for us in controlling inflation, we must let them work. We must stop protecting the special interest groups.

CONCENTRATIONS OF ECONOMIC POWER

But even when we have done this, we will have only partly cured inflation. The perfectly competitive economy is found only in textbooks of economics. The U.S. economy is not perfectly competitive, and it is never going to be. We are going to continue to have large industrial concentrations with the power to raise prices in the face of unfavorable market conditions. We are going to continue to have big labor unions with tremendous bargaining power. Why does the administration pretend that it is otherwise? Why cannot they admit that we must have Federal policies designed to deal with large concentrations of market power?

The question is what we do about this power to raise wages and prices that is not susceptible to changes in demand and supply.

Outside the present administration, this basic fact of life has now been widely recognized. The Joint Economic Committee has listened to a long procession of witnesses who recognize the need for an incomes policy to control inflation, some kind of wage-price guidelines, some kind of control and limitation on increases in wages and prices—that is, a policy to deal with this supra-market power that exceeds the strength of supply and demand, to bring it under control. We have heard distinguished economists, business leaders, labor leaders, consumer advocates, the Chairman of the Federal Reserve Board, and a number of my distinguished congressional colleagues advocate an incomes policy.

A number of my Republican colleagues in the Senate have this week introduced two pieces of legislation designed to create an incomes policy. I commend them for this. The administration has refused to act. Congress must move in to fill the vacuum. Congress must mandate an incomes policy. I have repeatedly, for many, many months, pleaded for just such a policy. I have introduced proposed legislation requiring it and have called for prompt hearings.

The Joint Economic Committee has long urged such a policy. The committee supported the price and wage guidepost policy developed during the Kennedy and Johnson administrations. We opposed its abandonment in 1967, and we have consistently urged its reinstatement.

GUIDEPOST MECHANISM

If we are to have guideposts, as I believe we must, we must have a mechanism for administering them. It does not matter too much what we call this mechanism. A year ago, the Joint Economic Committee urged the establishment of a "Productivity, Price, and Incomes Office." This year, in our annual report, we called for an "Incomes-Price Board." I will settle for either title. We can call it a board or an office or a commission. But we must move quickly to create an agency which will set guideposts; identify and publicize potential or actual violations of these guideposts; and vigorously bring pressure on industry and labor to comply with an equitable anti-inflationary policy.

Dr. Gardner Ackley has just published a most helpful study of incomes policies both here and in other countries. He was Chairman of the Council of Economic Advisers under President Johnson. He has spelled out in some detail just how he believes an incomes board could be set up and made to work. Dr. Ackley served on the Council of Economic Advisers from 1962 to 1968, and was its chairman during the last 4 of of those years. He is surely our most experienced practitioner when it comes to making guidelines work. He did make them work for a considerable time. I ask unanimous consent that portions of Mr. Ackley's study, "Stemming World Inflation," 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. PROXMIRE. The President has the authority to establish an incomes policy. He does not need to wait for further congressional action. But the President has not exercised his authority. Apparently, he will not. The President indicated this week that he has an "open mind," but he gave no indication that he would take any action. In the last session of Congress, I introduced legislation which would require the President to act. I reintroduced this legislation early in the present session. My bill is very simple. It would amend the Employment Act of 1946 to require that the President establish price and incomes guideposts. The first interim guideposts would be established as soon as the legislation is enacted. Subsequently, guideposts would become an integral part of the President's Economic Report each January.

FULL EMPLOYMENT WITHOUT INFLATION

My bill also requires the President to study thoroughly all the policy steps which may be necessary to restore full employment without inflation and to submit recommendations to Congress no later than next January. Thus, my bill leaves it up to the President to recommend what he believes to be the best administrative mechanism for continuing implementation of an incomes policy.

I realize that a number of other Senators have introduced bills which spell out in more detail the composition and responsibilities of an incomes board. Perhaps this has now become necessary. The totally negative attitude of the administration, their adamant refusal to make any effort to control inflation, suggests it may be pointless to leave them any discretion at all in this matter.

Whatever the administrative mechanism, an incomes policy will work best if the full authority and prestige of the President is behind it. It is difficult for Congress to act alone without the cooperation of the Executive. But it now seems that we have little choice. The administration refuses to act. They are willing to let the economy continue to stagnate; they are willing to see the unemployment rolls grow; but they are not willing to retreat from their dogmatic abhorrence of an effective antiinflation policy.

So it seems that Congress must act alone. We must mandate an incomes policy. We must force the executive branch to establish standards for responsible price and wage behavior. And Congress must act quickly. The country has tolerated inflation and unemployment long enough—far too long.

REQUEST FOR HEARINGS

In mid-June, I asked the chairman of the Banking Committee to schedule hearings on legislation to establish an incomes policy. On June 30, following the announcement by Secretary Connally that the administration would continue its "do-nothing" policy, I renewed my request to Senator SPARKMAN. I urged that hearings be held immediately. Unfortunately, because of Lockheed and other urgent matters, the Banking Committee was not able to schedule these hearings in July, and valuable time has been lost. We should lose no more time. I again urge that hearings be held on this legislation. It should be the first order of business when Congress returns in September.

The latest wholesale price figures were announced yesterday. The unemployment rate for July will be announced today. This morning, the Joint Economic Committee will receive testimony from Bureau of Labor Statistics experts on both the price and the employment statistics. These briefings are a valuable way of keeping the committee and the public informed, even though they are a poor substitute for the traditionally monthly

press conferences which the present Secretary of Labor has abolished.

SITUATION OUT OF CONTROL

But one does not need these monthly briefings to know that both the price situation and the unemployment situation are totally unsatisfactory. We cannot solve one problem without solving the other. They must be approached in a coordinated fashion. To improve the employment situation, the Government must take certain stimulative fiscal actions. In the mid-year report of the Joint Economic Committee, which we will be releasing in a few days, we will spell out a program of fiscal and monetary action to restore full employment. But this program can be responsibly adopted only if it is coupled by firm action to slow the price spiral and dampen inflationary expectations. We must have both incomes policy and fiscal policy. At the present time we have neither. If we wait for the administration we will continue to have neither. If the administration will not act, then Congress must.

EXHIBIT 1

Excerpt from Gardner Ackley, "Stemming World Inflation," the Atlantic Institute, July 1971.

On balance, even in those countries where reliance on free markets has its greatest support, many students of the problem are coming to believe that if inflation remains as severe as it has recently been, and if public antipathy towards rising prices should reach the point which begins to threaten national morale or political stability, no weapon in the anti-inflation arsenal should be permanently proscribed, even compulsory controls. In early 1971, compulsory price controls were in effect in the Netherlands, Norway, Sweden, Denmark, and Iceland, and had recently been used in Finland and France. Wage "pauses" or conditions of severe wage restraint were in force in the Netherlands and Iceland, and had recently been in effect in Finland.

Since the present author has participated actively in US price and wage stabilization efforts (including the price-wage controls of World War II and the Korean War, plus membership in the Council of Economic Advisers during most of the period of the "guideposts"), it may be appropriate for him to add his own conclusions about incomes policy in the United States, without, however, taking the space to support or develop them. The first four relate basically to past experience (although with obvious implications for the future). The last four look only to the future.

1. A principal weakness of the 1962–68 "guideposts" was the failure sufficiently to involve the leadership of labour, business, and public opinion in their formulation and modification, and in plans for their "enforcement". The US labour movement and business communities are not sufficiently centralized either in power or influence—nor could they become so, even if that were desirable, in so vast and varied an economy—to permit the leadership on either side to enter into "agreements" committing its side to anything. But active participation of these groups in an advisory role to government in the formulation and modification of policy might have given the resulting policy somewhat greater "legitimacy", and increased at least modestly the understanding of the parties on both sides of the nature of the problems and their sympathy with the policy's objectives.

2. The economic arithmetic of the "guideposts" was impeccable, and must basically be respected in any incomes policy. However, the evolution (or the failure to evolve) of the guideposts placed too much stress on economic rationality as opposed to workability and acceptance. For example, it was no doubt a mistake to have continued to insist on guideposts which were consistent only with complete stability of the price level at a time when prices had already begun to rise more than nominally.

3. The guideposts—or, more broadly, the intervention through public and private persuasion—had a noticeable and useful impact on wages and prices, even during the period 1966–68 when demand-management policy was inappropriate and highly inflationary. There was (in this writer's judgment) no damage to the allocation of resources, nor appreciable inequity—both of which were frequently charged.

4. Locating the administration of the guideposts and related interventions primarily in the Council of Economic Advisers was not ideal. To be sure, since the policy was voluntary, it benefited from a close association with the prestige of the Presidency and from the President's personal intervention at a few crucial points. Neither the Secretary of Labor nor of Commerce would have been a suitable administrator, given his office, and, in any case, the incumbents during most of the period were not supporters of the policy. A merger of the two Departments, or the Cabinet reorganization proposed by President Nixon, would provide a more suitable office in the future.

5. Given the seriousness of the problem and the inherent limitations of a purely voluntary policy, the author favours the establishment, by legislation, of a Price-Wage Review Board, with limited powers (a) to require prior notice of wage and price changes, (b) to suspend such changes for a limited period, (c) to investigate them (including power to compel testimony), and (d) to report to the public with recommendations.[1] The Board should be authorized to study and recommend—and possibly even be given limited powers of control—with respect to certain features of price-setting or of wage contracts (e.g., the conditions under which escalator clauses could be used), or to certain trade or employment practices that tended to raise costs or reduce competition. It would not, however, have power ultimately to limit or control any price or wage.

6. The President (but not the Wage-Price Review Board) should have at all times standby authority for the compulsory control of wages and prices, wholly or in any part, with the requirement that any use of this authority be reviewed by the Congress under a procedure which would permit a Congressional veto of the President's action.

7. To the maximum extent possible, the existence of a price-incomes policy (although not, obviously, the details of the policy) should cease to be considered a partisan issue, but rather come to be regarded as a regular and permanent aspect of the U.S. stabilization system.

8. A well-developed incomes policy should be in place and working before the U.S. economy next returns to the zone of full employment.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, the Chair recognizes the distinguished junior Senator from Florida (Mr. CHILES), for not to exceed 15 minutes.

(The remarks of Mr. CHILES when he introduced S. 2458 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished senior Senator from Kentucky (Mr. COOPER) for not to exceed 15 minutes.

ADDITIONAL COSPONSORS AND PROPOSED HEARINGS ON S. 2224, A BILL TO AMEND THE NATIONAL SECURITY ACT OF 1947, AS AMENDED

Mr. COOPER. Mr. President, I ask unanimous consent that Senators BAYH, BROOKE, CASE, EAGLETON, HARRIS, HART, HATFIELD, HUGHES, HUMPHREY, JAVITS, MATHIAS, MCGOVERN, PACKWOOD, PELL, RIBICOFF, ROTH, SCHWEIKER, STEVENSON, WILLIAMS be listed as cosponors of S. 2224, a bill to amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency.

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

Mr. COOPER. Mr. President, the distinguished chairman of the Foreign Relations Committee has approved my request to hold hearings after the recess on the bill. It is my expectation that among those who will testify are a number of former and present officials experienced in the field of intelligence and the analysis of facts obtained by the intelligence agencies.

In introducing the bill on July 7, I said that the facts and analyses of intelligence collected by the CIA and made available by law to the executive branch under the National Security Act of 1947 should by law be made available to the Congress.

A chief purpose of the hearings is to establish that the best intelligence must be made available to the appropriate committees of the Congress and through them to the Congress as the Congress make determinations respecting legislative authority and funding of policies and programs of the executive branch, in the field of foreign policy and security. It will also be the purpose of the hearings to consider proposals for establishing guidelines in matters of classification and declassification and in establishing for the Congress effective security procedures so that the material to the Congress would be responsibly used.

When the Senate returns from its recess in September, it is my intention to state in more detail the kinds of information that should be available to the Congress and to outline suggestions as to the way the appropriate committees would maintain security for the documents made available to the Congress.

[1] The author made recommendations along these lines as early as 1958. See his paper in *The Relationship of Prices to Economic Stability and Growth* (Compendium of Papers Submitted by Panelists appearing before the Joint Economic Committee), 31 March 1958 (U.S. Government Printing Office), pp. 634–6 and *passim*.

It is my firm belief that this bill provides an effective and straightforward way—and I might say, legal way—based upon the sound precedent of the law which created the Joint Atomic Energy Committee and specified the duties of the Executive branch to keep; that Committee fully and currently informed, for the Congress to better carry out its responsibilities. It is a way to insure that the decisions made by the government of this country—both the executive and the legislative—on foreign policy and national security will be the result of the consideration of the best information obtainable.

I ask unanimous consent that my statement of July 7, 1971, be printed in the RECORD.

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

[From the CONGRESSIONAL RECORD, July 7, 1971]

By Mr. COOPER:

S. 2224. A bill to amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency. Referred jointly to the Committees on Armed Services and Foreign Relations, by unanimous consent.

Mr. COOPER. Mr. President, the formulation of sound foreign policy and national security policy requires that the best and most accurate intelligence obtainable be provided to the legislative as well as the executive branch of our Government. The approval by the Congress of foreign policy and national security policy, which are bound together, whose support involves vast amounts of money, the deployment of weapons whose purpose is to deter war, yet can destroy all life on earth, the stationing of American troops in other countries and their use in combat, and binding commitments to foreign nations, should only be given upon the best information available to both the executive and legislative branches.

There has been much debate during the past several years concerning the respective powers of the Congress and the Executive in the formulation of foreign policy and national security policy and the authority to commit our Armed Forces to war. We have experienced, unfortunately, confrontation between the two branches of our Government. It is my belief that if both branches, executive and legislative, have access to the same intelligence necessary for such fateful decisions, the working relationship between the Executive and the Congress would be, on the whole, more harmonious and more conducive to the national interest. It would assure a common understanding of the purposes and merits of policies. It is of the greatest importance to the support and trust of the people. It is of the greatest importance to the maintenance of our system of government, with its separate branches held so tenuously together by trust and reason.

It is reasonable, I submit, to contend that the Congress, which must make its decisions upon foreign and security policy, which is called upon to commit the resources of the Nation, material and human, should have all the information and intelligence available to discharge properly and morally its responsibilities to our Government and the people.

I send to the table a bill amending the National Security Act of 1947, which, I hope, would make it possible for the legislative branch to better carry out its responsibilities.

I read the amendment at this point:

"To amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency.

"That section 192 of the National Security Act of 1947, as amended (50 U.S.C. 403), is amended by adding at the end thereof the following new subsections:

"'(g) It shall also be the duty of the Agency to inform fully and currently, by means of regular and special reports to, and by means of special reports in response to requests made by, the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate regarding intelligence information collected by the Agency concerning the relations of the United States to foreign countries and matters of national security including full and current analysis by the Agency of such information.

"'(h) Any intelligence information and any analysis thereof made available to any committee of the Congress pursuant to subsection (g) of this section shall be made available by such committee, in accordance with such rules as such committee may establish, to any member of the Congress who requests such information and analysis. Such information and analysis shall also be made available by any such committee, in accordance with such rules as such committee may establish, to any officer or employee of the House of Representatives or the Senate who has been (1) designated by a Member of Congress to have access to such information and analysis, and (2) determined by the committee concerned to have the necessary security clearance for such access.'"

The bill would, as a matter of law, make available to the Congress, through its appropriate committees, the same intelligence, conclusions, facts, and analyses that are now available to the executive branch. At the present time, the intelligence information and analyses developed by the CIA and other intelligence agencies of the Government are available only to the executive as a matter of law. This bill would not, in any way, affect the activities of the CIA, its sources or methods, nor would it diminish in any respect the authority of already existing committees and oversight groups, which supervise the intelligence collection activities of the Government. My bill is concerned only with the end result—the facts and analyses of facts. It would, of course, in no way inhibit the use by the Congress of analyses and information from sources outside the Government. It is obvious that; with the addition of intelligence facts and their analyses, the Congress would be in a much better position to make judgments from a much more informed and broader perspective than is now possible.

The National Security Act of 1947 marked a major reorganization of the executive branch. This reorganization made it possible for the executive branch to assume more effectively the responsibilities of the United States in world affairs and the maintenance of our own national security. The National Security Act of 1947 created the Department of Defense and the unified services as we now know them.

Section 102 of the National Security Act of 1947, established the Central Intelligence Agency under a Director and Deputy Director, appointed by the President, by and with the advice and consent of the Senate. Under the direction of the National Security Council, it was directed to advise the National Security Council on matters relating to national security and "to correlate and evaluate intelligence relating to national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities."

The language does not specifically bar the dissemination of intelligence to the Congress, but it does not provide that Congress shall be informed as a matter of law.

I ask unanimous consent that "Title I—Coordination for National Security," sections 101 and 102, be printed in the RECORD at this point in my remarks.

TITLE I—COORDINATION FOR NATIONAL SECURITY

NATIONAL SECURITY COUNCIL

SEC. 101. (a) There is hereby established a council to be known as the National Security Council (hereinafter in this section referred to as the "Council").

The President of the United States shall preside over meetings of the Council: *Provided*, That in his absence he may designate a member of the Council to preside in his place.

The function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security.

The Council shall be composed of the President; the Secretary of State; the Secretary of Defense, appointed under section 202; the Secretary of the Army, referred to in section 205; the Secretary of the Navy; the Secretary of the Air Force, appointed under section 207; the Chairman of the National Security Resources Board, appointed under section 103; and such of the following named officers as the President may designate from time to time: The Secretaries of the executive departments, the Chairman of the Munitions Board appointed under section 213, and the Chairman of the Research and Development Board appointed under section 214; but no such additional member shall be designated until the advice and consent of the Senate has been given to his appointment to the office the holding of which authorizes his designation as a member of the Council.

(b) In addition to performing such other functions as the President may direct, for the purpose of more effectively coordinating the policies and functions of the departments and agencies of the Government relating to the national security, it shall, subject to the direction of the President, be the duty of the Council—

(1) to assess and appraise the objectives, commitments, and risks of the Unted States in relation to our actual and potential military power, in the interest of national security, for the purpose of making recommendations to the President in connection therewith; and

(2) to consider policies on matters of common interest to the departments and agencies of the Government concerned with the national security, and to make recommendations to the President in connection therewith.

(c) The Council shall have a staff to be headed by a civilian executive secretary who shall be appointed by the President, and who shall receive compensation at the rate of $10,000 a year. The executive secretary, subject to the direction of the Council, is hereby authorized, subject to the civil-service laws and the Classification Act of 1923, as amended, to appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the Council in connection with the performance of its functions.

(d) The Council shall, from time to time, make such recommendations, and such other

reports to the President as it seems appropriate or as the President may require.

CENTRAL INTELLIGENCE AGENCY

SEC. 102. (a) There is hereby established under the National Security Council a Central Intelligence Agency with a Director of Central Intelligence, who shall be head thereof. The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among the commissioned officers of the armed services or from among individuals in civilian life. The Director shall receive compensation at the rate of $14,000 a year.

(b) (1) If a commissioned officer of the armed services is appointed as Director then—

(A) in the performance of his duties as Director, he shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were a civilian in no way connected with the Department of the Army, the Department of the Navy, the Department of the Air Force, or the armed services or any component thereof; and

(B) he shall not possess or exercise any supervision, control, powers, or functions (other than such as he possesses, or is authorized or directed to exercise, as Director) with respect to the armed services or any component thereof, the Department of the Army, the Department of the Navy, or the Department of the Air Force, or any branch, bureau, unit or division thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in paragraph (1), the appointment of the office of Director of a commissioned officer of the armed services, and his acceptance of and service in such office, shall in no way affect any status, office, rank, or grade he may occupy or hold in the armed services, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. Any such commissioned officer shall, while serving in the office of Director, receive the military pay and allowances (active or retired, as the case may be) payable to a commissioned officer of his grade and length of service and shall be paid, from any funds available to defray the expenses of the Agency, annual compensation at a rate equal to the amount by which $14,000 exceeds the amount of his annual military pay and allowances.

(c) Notwithstanding the provisions of section 6 of the Act of August 24, 1942 (37 Stat. 555), or the provisions of any other law, the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable in the interests of the United States, but such termination shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission.

(d) For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the National Security Council—

(1) to advise the National Security Council in matters concerning such intelligence activities of the Government departments and agencies as related to national security;

(2) to make recommendations to the National Security Council for the coordination of such intelligence activities of the departments and agencies of the Government as relate to the national security;

(3) to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities: *Provided*, That the Agency shall have no police, subpena, law-enforcement powers, or internal-security functions: *Provided further*, That the departments and other agencies of the Government shall continue to collect, evaluate, correlate, and disseminate departmental intelligence: *And provided further*, That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;

(4) to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;

(5) to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.

(e) To the extent recommended by the National Security Council and approved by the President, such intelligence of the departments and agencies of the Government, except as hereinafter provided, relating to the national security shall be open to the inspection of the Director of Central Intelligence, and such intelligence as relates to the national security and is possessed by such departments and other agencies of the Government, except as hereinafter provided, shall be made available to the Director of Central Intelligence for correlation, evaluation, and dissemination: *Provided, however*, That upon the written request of the Director of Central Intelligence, the Director of the Federal Bureau of Investigation shall make available to the Director of Central Intelligence such information for correlation, evaluation, and dissemination as may be essential to the national security.

(f) Effective when the Director first appointed under subsection (a) has taken office—

(1) the National Intelligence Authority (11 Fed. Reg. 1337, 1339, February 5, 1946) shall cease to exist; and

(2) the personnel, property, and records of the Central Intelligence Group are transferred to the Central Intelligence Agency, and such Group shall cease to exist. Any unexpended balances of appropriations, allocations, or other funds available or authorized to be made available for such Group shall be available and shall be authorized to be made available in like manner for expenditure by the Agency.

Mr. COOPER. The Congress has yet to fully organize itself to meet its responsibilities for foreign policy and national security. By following the general pattern taken by the executive branch in the National Security Act of 1947, the bill would enable the Congress to be better able to share with the executive its constitutional responsibilities in the making of our national security policies—policies for national security founded upon a proper ordering of priorities between our domestic and foreign policy needs.

The question of the security of classified information is important. To meet this issue, under my proposed bill, legislators and those members of Senate and congressional staffs working on national security matters would be subject to similar security requirements as those levied on the executive. Members of the Legislative branch should have the responsibility to maintain security as well as access to intelligence.

In this way, by making the best intelligence information available to both the legislative and the executive, the respective capabilities for reasoned judgments of both branches of Government, deemed so necessary by the framers of the Constitution to prevent authoritarian rule by either branch, can be strengthened. Experience has underlined this necessary provision for the legislature to meet its constitutional responsibilities.

In the Nation's interest it will make basic intelligence required for sound national security policy available to both the executive and the legislative, and it will do much to strengthen the balance of responsibility for foreign and security policy formulation between the two branches. It will help, I believe, to correct the present imbalances in our governmental structure and be of great assistance in developing the best possible foreign and national security policies. The bill does not touch directly upon the difficult constitutional questions which have recently been under consideration by the United States Supreme Court but, indirectly, if enacted into law, it would result, I believe, in much declassification of information for the Congress and the public as a whole.

At this point, I would interpolate that some members of the Supreme Court, in their separate opinions, pointed out that it was the responsibility of Congress to legislate in this field, and to provide standards. I think this measure follows that suggestion.

I ask unanimous consent that this bill be referred jointly to the Committees on Foreign Relations and Armed Services.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

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

Mr. COOPER. I yield.

Mr. SYMINGTON. Mr. President, I would hope that the Senate will give serious consideration to this legislation as proposed by the distinguished Senator from Kentucky. The able Senator has long been interested in this subject of adequate intelligence information being received by the Senate prior to its authorization and appropriation of taxpayers funds so as to carry on with our various activities all over the world.

No secret has been made of the fact that for some time we on such committees as Foreign Relations and Armed Services have not been satisfied with intelligence information we have been able to obtain.

May I add that it is a refreshing experience to serve on the Joint Atomic Energy Committee, where, under the law, it is the responsibility of the Atomic Energy Commission to keep the Joint Committee informed. The Committee does not have to go after the information because the information is volunteered.

Based on this rapidly changing world some new procedure could only be to the advantage of the country. Does not the Senator agree that under his proposed legislation, there would be more opportunity to obtain far more pertinent information?

Mr. COOPER. Yes, I wholly agree with the statement of the distinguished Senator from Missouri, who is in a unique position, with his responsibilities as the only member of the Senate who serves upon the Armed Services Committee, the Committee on Foreign Relations, and the Joint Committee on Atomic Energy, of having had the opportunity to compare the intelligence received by the three committees.

Also, I might say that the amendment which I have offered today grew out, in great measure, of the experience which I have had in serving on the Senator's subcommittee of the Committee on Foreign Relations to reviewing our commitments around the world. In the course of that investigation, wherein the Senator has so ably served as chairman, we found numerous commitments or quasi-commitments throughout the world which might not have been undertaken if full information had been made available to the Congress at the time. I think the Senator will agree with my statement.

Mr. SYMINGTON. No question about it.

Mr. COOPER. I would like to make this further comment: This amendment does not attempt to reach directly the larger constitutional questions which have recently been before the Supreme Court concerning infor-

mation which shall be made available to the country as a whole. As I analyzed, as best I could, the holding of the Supreme Court, a majority of the members held that there is some limitation upon the first amendment with respect to national security. Some Justices called attention to the lack of standards, and suggested that Congress should act.

I have offered this amendment, not to attempt to deal primarily with that larger problem, but to deal with the specific problem of providing information to Congress, and particularly the appropriate committees—the Armed Services Committee in both bodies, the House Foreign Affairs Committee and the Senate Foreign Relations Committee, which deal with foreign policy and with national security policy, and which must recommend to the House and Senate, measures which commit our resources and in some cases our men, to war. It seems to be absolutely essential, that Congress have the facts—the best intelligence, when it is called upon to act.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, would the distinguished Senator from Kentucky yield to me the remainder of his time so I could suggest the absence of a quorum?

Mr. COOPER. I am very happy to do so.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to exceed 15 minutes with a limitation of 3 minutes on each Senator to be recognized.

The Chair recognizes the Senator from Indiana.

SENATE JOINT RESOLUTION 150—INTRODUCTION OF A JOINT RESOLUTION PROPOSING AN EQUAL RIGHTS AMENDMENT TO THE CONSTITUTION

(Read the first time; second reading objected to.)

Mr. BAYH. Mr. President, I send to the desk a joint resolution and ask unanimous consent that it be read twice.

Mr. ERVIN. Mr. President, I do not object to the Senator's sending the joint resolution to the desk and having it read the first time. As I understand it, the Senator has a right to send the joint resolution to the desk. However, I do object to its being read twice. I object to any further proceedings beyond the first reading.

The PRESIDING OFFICER. Does the Senator from North Carolina object to the first reading?

Mr. ERVIN. I do not object to the first reading.

A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Mr. President, the Senator from Indiana has a right under the Senate rules—at least, the power, I will put it, under the Senate rules—to send a proposed joint resolution to the desk and, as I understand it, it is automatically read the first time.

The PRESIDING OFFICER. The Senator has a right to introduce it and have it read a first time, notice having been given yesterday of his intention to introduce such a joint resolution.

Mr. ERVIN. And it automatically undergoes first reading, I am told, under the Senate rules. I do not object to that. However, I do object to anything beyond sending it to the desk and the automatic first reading.

The PRESIDING OFFICER. The clerk will read the joint resolution the first time.

The legislative clerk read as follows:

The Senator from Indiana (Mr. BAYH) introduces a joint resolution as follows:

"A Senate joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women."

Mr. ERVIN. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Mr. President, as I understand it, since I have interposed an objection to going beyond first reading, this matter will automatically go over until the next legislative day, which would be on reconvening of the Congress after the recess.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAYH. Mr. President, if I may proceed, I understand I have the normal morning hour time.

The PRESIDING OFFICER. The Senator from Indiana has 3 minutes.

Mr. BAYH. Mr. President, today I am taking an action which all my colleagues know is unusual, a step which I take only with the greatest reluctance. Today, on behalf of myself, the Senator from Kentucky (Mr. COOK), the Senator from Florida (Mr. GURNEY), and the Senator from California (Mr. TUNNEY), I am reintroducing the equal rights amendment, but I am taking action to make sure that this version of the amendment will not be referred so that it can die in committee; I will insist that it be placed immediately on the calendar pursuant to the provisions of rule 14.4. I realize this is not the normal procedure. I also realize that this maneuver circumvents the committee system. Of course, this body would soon be crippled in the absence of a committee system. But despite its advantages, the committee system is not without drawbacks. At times it can cause unnecessary delay; sometimes it enables a small group of men to thwart the will of a majority of this body.

While I firmly believe that in all but the most unusual circumstances, no bill should be considered until it has been studied by, and reported out of the relevant committee, I believe just as firmly that this bill should not be sent to committee. And in making this statement, I recognize explicitly that I am trying to avoid my own Constitutional Amendments Subcommittee.

Mr. President, I would like to explain in further detail just why I believe further committee action on the proposal is unwarranted.

First, there has been an exceedingly thorough and complete study of this proposal by the Congress. The amendment has been before the Congress for 48 years. It has been debated and studied many times. In the interest of brevity, I will recap only the most recent efforts. Slightly over a year ago my Constitutional Amendments Subcommittee held 3 days of hearings. We heard 42 witnesses, received 75 statements and insertions of additional material from other persons, and compiled a hearing record of 393 pages. This I believe would have been sufficient committee study. But there was more. Last August 10 the subcommittee met in executive session, debated the amendment, and ordered it reported favorably to the full committee. From there it would normally have been reported to the Senate floor. But due to the efforts of one member of the committee—who had totally ignored our earlier hearings—the full committee voted, despite my strong opposition, to hold its own, further set of hearings. I said then and I will repeat now that to my mind this action, which was almost without precedent, was a waste of legislative time and resources.

After the full committee finished 4 days and almost 500 pages of additional hearings, it never was allowed to come to a vote on the issue. Instead we debated the House passed amendment on the floor of the Senate for more than 2 weeks last fall. Even if there had been no hearings, that debate would have given each member a chance to form his own opinion as to the merits of the proposal.

This spring the House of Representatives also conducted hearings on the amendment, giving full and fair consideration to both sides. They held 6 days of sessions, listened to 31 witnesses, and received for the record 78 additional insertions of statement and related materials, for a total hearing record of over 720 pages. The same proposal has been before us and the subject of committee and floor consideration for 48 years now. We have had three sets of hearings in the last 15 months. This measure has already been debated in both Houses and once passed by the other body. I believe this history provides solid support for my assertion that further committee study is totally unnecessary.

I would not, however, be about to take this drastic step of attempting to avoid the committee structure were it not for the consistent and repeated pattern of deliberate delay which I have been faced with during the past 12 months. I have already recounted the stories of delay

caused by needless hearings requested by a member who had never attended those conducted by a subcommittee he served on. This year, the problem has been even worse. On March 2, 1971, the subcommittee met and reported out the joint resolution proposing to lower the voting age to 18. At that time I asked the members if they would not also be willing to consider the equal rights amendment. They refused even to discuss it. I called another meeting for June 4. Only one other Senator showed up.

I do want to point out that the members did not fail to show up because they were out of town. The meeting was purposely scheduled at an early hour so there would be no other committee meetings conflicting. Immediately upon leaving my 9:30 meeting I went across the street to a 10 a.m. meeting of another Judiciary Subcommittee. Needless to say, I was somewhat surprised to see present at that committee meeting five of the six Senators needed to form a quorum at my constitutional amendments meeting. Still willing to believe that the members would at least meet to discuss this issue, I called a meeting for the end of July. Five members—an all-time high—showed up. At that time, I announced that I would hold one last meeting. That meeting took place yesterday. We did get a quorum but took no action because one member exercised his rights under the Judiciary Committee's rules and refused to let us come to any kind of a vote.

Mr. President, this has not happened by accident. Yesterday's filibuster tactics make it clear that at least one member of the Subcommittee on Constitutional Amendments is bound and determined—and fully able—to hold up progress on this proposal yet again. I think I have presented a picture of delay and obstruction on the part of a very few Senators, delay and obstruction paralleled only in the history of this amendment in earlier Congresses. The only way to avoid this delay and finally give the women of the country what they have deserved for so very long—a vote on the merits—is to place this measure on the calendar to be brought up at an appropriate time.

Mr. President, I deeply regret having been forced to subvert the normal Senate procedure. But as the majority leader showed last fall by refusing to allow the House-passed amendment to go to committee for burial, and insisting that it be placed on the calendar, there are times and circumstances which justify this type of unusual procedure. These times and circumstances are rare, but I firmly believe that they are presented here and now.

Mr. President, I do this with great reluctance, because of the importance of having this issue come before the Senate, and because of the tactics which have been resorted to in order to prevent the matter from ever seeing the light of day.

The matter before us is a constitutional amendment which would give all citizens equal rights under the law. It has been the subject of discussion for nearly 48 years. It has been the subject of discussion since I have been the chairman of the Subcommittee on Constitutional Amendments. Last year this measure reached the floor, but only because the distinguished majority leader stopped the bill, which had passed the House, at the desk and put in on the calendar.

During the debate, we were unable to summon up enough support to shut off the extended debate led by the distinguished Senator from North Carolina (Mr. ERVIN). At this session of Congress, we have started again. On four occasions I have been unable to have this matter discussed in my own Subcommittee on Constitutional Amendments. On three occasions, by design, a successful effort was made to prevent a quorum. Yesterday we finally did get a quorum, and the distinguished Senator from North Carolina made a motion that additional meetings be held. It is the position of the Senator from Indiana that additional hearings are not needed. Hearings have been held recently in the House; they were held last year both by the Subcommittee on Constitutional Amendments, of which I am the chairman; and then by the full Committee on the Judiciary, presided over by the Senator from North Carolina. It was a unique experience in the history of the committee that both the subcommittee and the full committee held hearings.

Yesterday the Senator from North Carolina took advantage of his rights and offered a motion that we hold further hearings on equal rights, but he was unwilling to let his own resolution be put to a vote. So six members of the Subcommittee on Constitutional Amendments listened to the distinguished Senator from North Carolina spend about 2 hours filibustering his own resolution, his own motion.

I think it is time that the Senate stood up to be counted on this question. If I thought there were any other way of convincing this body or convincing my subcommittee to take action, I would not resort to this very extraordinary parliamentary maneuver. But I am determined that we are going to be counted on this question, symbolically and really. I think it is time for us to see to it that a majority of our citizens; namely, the females of the country, have equal rights under the law.

The PRESIDING OFFICER. The 10 minutes yielded to the Senator from Indiana have expired.

Mr. ERVIN. Mr. President, the proponents of the proposed amendment do not want equal rights; they want superior rights. They want a bill that the Senate would not even be permitted to consider; on which it would not even be permitted to cross a "t" or dot an "i" or make an amendment. I think they are asking for superior rights. I am talking about the militants who demand that such an amendment be passed by the Senate without change and without the Senate giving consideration to the amendment.

Yesterday, I made a motion for further hearings. I thought I ought to argue that motion because, as has been pointed out by the New York Times, there has been a great change in the rulings of the court in this field since Congress was last in session. I then made a proposal, and I make it now, that I am willing to come back and attend the first meeting that the distinguished Senator from Indiana can hold in his subcommittee. I am willing to propose my amendments to the so-called equal rights amendment, and I am willing to agree to a limitation of not to exceed 20 minutes in the subcommittee on the amendments I desire to have adopted. I do not think the Senate wants to follow a procedure under which a committee is to be concluded from adequate consideration of a proposed constitutional amendment which would deprive Congress of the right to draft men unless it drafted women, and deprive Congress of the right to provide for the voluntary enlistment of men for combat service unless it provided for the voluntary enlistment of women for combat service, and would convert Annapolis, West Point and the Air Force Academy into coeducational war colleges.

I did not talk for 2 hours yesterday. In theory, the committee sat for 2 hours. Most of the time it did not have a quorum; and a large part of the rest of the time was taken by Members coming to the Chamber for rollcall votes.

Mr. BAYH. Did not the Senator from Indiana ask the Senator from North Carolina whether, if we spent 2 hours, 1 day, 2 days, 3 days, or 4 days debating his motion, that would be adequate? And did not the Senator say, No; that he thought he might have time if he could debate for a week, but that he would not give me a guarantee on that?

Mr. ERVIN. Yes, I believe I did facetiously say that.

Mr. BAYH. The Senator's actions speak louder than words.

Mr. ERVIN. I tell the Senator from Indiana again, now, that I will agree, here and now, to do the best I can to get a quorum for his committee right after the Senate returns from its August adjournment, and I will offer my amendments and agree to a limitation of 20 minutes for my viewpoint on each of them.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. BAYH. Mr. President, I ask unanimous consent that the Senator from North Carolina may have an additional 3 minutes.

Mr. BYRD of West Virginia. Mr. President, I object. If the Senator will yield, I will yield my 3 minutes to the Senator from North Carolina.

Mr. BAYH. Mr. President, I was hoping that the Senator from Indiana might have an additional minute and a half.

Mr. MANSFIELD. Mr. President, I should like to receive recognition. I think I can anticipate what is going to happen to me in the form of pressure because I know what happened in the last Congress, and I do not look forward with anticipation to what is being proposed. So I should like to be recognized to make my position clear.

The PRESIDING OFFICER. The Senator from Montana is recognized for 3 minutes.

Mr. MANSFIELD. Mr. President, the action taken today by the Senator from Indiana (Mr. BAYH) is fully within his rights under the rules of the Senate. It is an extraordinary parliamentary procedure, but I must admit that I know of no precedent where a Senate bill or Senate joint resolution that contained any matter under controversy was passed in this manner. I believe the procedure today does make a dramatic point; but it would not do the substance of the joint resolution and its hope of ultimate enactment any good to think that this procedure in itself will be effective. Even before it was done, it was vigorously protested that the Leadership would be blocked from bringing this measure that bypassed committees of both bodies to the floor. I think that support for the measure would be greatly weakened if this measure introduced today were actually brought before the Senate without a committee recommendation.

I strongly favor the proposal of the Senator from Indiana (Mr. BAYH), who has been a leader and a champion in this movement for a good many years. I wish to do all that will assure its enactment. I hope that the action today will dramatize the need to move on this matter.

If I interpreted correctly the statement made by the distinguished Senator from North Carolina (Mr. ERVIN), he seems to be moving in that direction. I hope that those who feel as strongly as Senator BAYH and I on this issue will communicate directly with the Judiciary Committee to urge that the identical proposal before that committee be given the highest priority. The leadership will give its assurances that the joint resolution will be brought to the Senate floor for consideration by the full Senate shortly after the joint resolution is reported from our Judiciary Committee. After the committee reports, there is no basis for undercutting the leadership in proceeding to its consideration swiftly and no reason to contest the validity of the proposal as being ill-considered or considered in a nondeliberative way.

Mr. BAYH. Mr. President, would the Senator from West Virginia care to share his time with the Senator from Indiana and the Senator from North Carolina? I am precluded from asking for additional time.

Mr. BYRD of West Virginia. Mr. President, how much time remains under the 15-minute order?

The PRESIDING OFFICER. Three minutes remain under the 15-minute order.

Mr. BYRD of West Virginia. Mr. President, I ask that the Senator from Indiana be recognized.

Mr. MANSFIELD. Mr. President, I do not intend to object, but I ask that the time for the transaction of routine morning business be extended 5 minutes because the Senator from Virginia (Mr. BYRD) has been standing, waiting patiently, to be recognized.

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

Mr. BAYH. Mr. President, I appreciate the courtesy of the Senator from West Virginia. I merely wish to say to the majority leader that I recognize the unusual nature of the parliamentary rights that I am exercising, and I realize that he, as one who strongly supports this measure, has been subjected to inexorable pressures. Although he is a man who is able to stand up under pressure, I am reluctant to subject him to others.

However, I think it is important for the record to show that we now have, despite the colloquy which has gone on now, a filibuster going on in my own subcommittee. A motion by the Senator from North Carolina to hold further hearings is being filibustered by the Senator from North Carolina. I appreciate his newfound concern for the speedy processing of this proposal. I only wish he had made such an offer during the meeting yesterday.

However, such an agreement would not solve all our problems. If this measure is passed out of that subcommittee, then the Senator from North Carolina has the right, under the rules of the full Judiciary Committee, to filibuster it there. There is no way we can invoke cloture, because each member has the full right of unlimited debate. Then when the matter is brought to the floor the Senator from North Carolina, as the Senator fully showed last year, is not only able but willing to debate this measure to its death.

I hope that by proceeding this way we can at least convince the subcommittee and the full committee that we are going to have to take action on this matter, and that we must act soon.

The Senator from North Carolina says I refuse to consider amendments. Frankly, I do not think it should be amended, but one cannot very well discuss the need for changes when the matter is being filibustered in the subcommittee. I am willing to hear the amendments, but I am not willing to let the matter be filibustered.

In the final analysis, let me say that each of us has his own responsibilities. Some of us who strongly support certain legislation and have particular responsibilities as chairman of various committees. If we cannot exercise that responsibility one way I think we have the duty to exercise it in another way. It is only because of those facts that I take advantage of this extraordinary procedural remedy.

Mr. ERVIN. Mr. President, I ask unanimous consent to have 1 minute.

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

Mr. ERVIN. Mr. President, the Senator from North Carolina has enough intelligence to know that the Senator from North Carolina cannot filibuster by himself. This bill had 83 cosponsors in the Senate last year when I made a speech against it and established it had many defects. Now I think it has about 35 cosponsors. So the Senator from North Carolina intends to use persuasion, and not filibuster, because the Senator from North Carolina has not enough physical strength to conduct a filibuster by himself. But the Senator from North Carolina thinks this resolution poses such threats to the constitutional system of this Government that if the Senator from North Carolina had the physical strength to do so, he would filibuster it after it got to the floor of the Senate. But I will do the best I can to expedite the consideration of all amendments in the committee.

INCREASE IN RELIEF ROLLS

Mr. BYRD of Virginia. Mr. President, on July 27 the Honorable Elliot L. Richardson, Secretary of Health, Education, and Welfare, appeared before the Senate Committee on Finance. In his prepared statement, Secretary Richardson said that during the decades of the 1960's the relief rolls increased by 147 percent. He further stated that in the year following the President's initial call for welfare reform in August 1969, the rolls increased an additional 50 percent.

In querying the Secretary of Health, Education, and Welfare, I quoted that statement—his own statement—saying the rolls had increased 50 percent in 1 year, and I suggested that perhaps that indicated a laxness of administration; perhaps that indicated that the Department of Health, Education, and Welfare is not interested in holding down the welfare rolls; and I made the assertion on the floor of the Senate.

Yesterday the Under Secretary of Health, Education, and Welfare telephoned me to say that the prepared statement by the Secretaty of Health, Education, and Welfare, Mr. Richardson, was in error; that the 50 percent increase in relief rolls from 1969 to 1970 occurred not over a 12 month period, but over an 18-month period.

So I am glad today to stand in the Senate and correct the RECORD. It was not my error. I read from the prepared statement of Secretary Richardson. Under Secretary Veneman called me and said that he recognized the statement I had made was an accurate statement, but the statement that Secretary Richardson made now appears to be inaccurate.

But I say that whether the relief rolls increased 50 percent over 12 months or 50 percent over 18 months is not too material.

I say again that suggests to me that Secretary Richardson and those in his Department are showing little interest in holding down the relief rolls and indeed seem to be encouraging the number of people going on relief.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, does the Senator want me to yield 1 minute to him?

Mr. BYRD of Virginia. I thank the Senator. I have completed my statement.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 351 (S.J. Res. 72) and 353 (H.R. 4713).

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

RENEWAL OF INTERSTATE COMPACT TO CONSERVE OIL AND GAS

The Senate proceeded to consider the joint resolution (S.J. Res. 72) consenting

to an extension and renewal of the interstate compact to conserve oil and gas which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 4, after the word "renewal", insert "for a period of three years from September 1, 1971, to September 1, 1974,"; on page 8, at the beginning of line 11, strike out "VII" and insert "VIII"; and, on page 11, line 1, after "SEC. 2.", strike out "The Attorney General of the United States shall continue to make an annual report to Congress, as provided in section 2 of Public Law 185, Eighty-fourth Congress; for the duration of the Interstate Compact to Conserve Oil and Gas as to whether or not the activities of the States under the provisions of such compact have been consistent with the purposes as set out in Article V of such compact." and insert "(a) The Attorney General of the United States shall make a report to Congress not later than two years after the date of enactment of this Act as to whether the activities of the States under the provisions of such compact have been consistent with the purposes as set out in Article V of such compact.

"(b) Section 2 of Public Law 185, Eighty-fourth Congress (69 Stat. 891) is hereby repealed."; so as to make the joint resolution read:

S.J. RES. 72

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to an extension and renewal for a period of three years from September 1, 1971, to September 1, 1974, of the interstate compact to conserve oil and gas, as amended, which was signed in its initial form in the city of Dallas, Texas, the 16th day of February 1935, by the representatives of Oklahoma, Texas, California, and New Mexico, and at the same time and place was signed by the representatives, as a recommendation for approval to the Governors and legislatures of the States of Arkansas, Colorado, Illinois, Kansas, and Michigan, and which, prior to August 27, 1935, was presented to and approved by the legislatures and Governors of the States of New Mexico, Kansas, Oklahoma, Illinois, Colorado, and Texas, and which so approved by the six States last above named was deposited in the Department of State of the United States, and thereafter was consented to by the Congress in Public Resolution Numbered 64, Seventy-fourth Congress, approved August 27, 1935, for a period of two years, and thereafter was extended by the representatives of the compacting States and consented to by the Congress for successive periods, without interruption, the last extension being for the period from September 1, 1969, to September 1, 1971, consented to by Congress by Public Law Numbered 91–158, Ninety-first Congress, approved December 24, 1969. The agreement to amend, extend, and renew said compact effective September 1, 1971, duly executed by representatives of the States of Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming has been deposited in the Department of State of the United States, and reads as follows:

"AN AGREEMENT TO AMEND, EXTEND AND RENEW THE INTERSTATE COMPACT TO CONSERVE OIL AND GAS

"Whereas, on the 16th day of February, 1935, in the City of Dallas, Texas, there was executed 'An Interstate Compact to Conserve Oil and Gas' which was thereafter formally ratified and approved by the States of Oklahoma, Texas, New Mexico, Illinois, Colorado and Kansas, the original of which is now on deposit with the Department of State of the United States;

"Whereas, effective as of September 1, 1971, the several compacting states deem it advisable to amend said compact so as to provide that upon the giving of Congressional consent thereto in its amended form, said Compact will remain in effect until Congress withdraws such consent;

"Whereas, the original of said Compact as so amended will, upon execution thereof, be deposited promptly with the Department of State of the United States, a true copy of which follows:

"'AN INTERSTATE COMPACT TO CONSERVE OIL AND GAS

"'ARTICLE I

"'This agreement may become effective within any compacting state at any time as prescribed by that state, and shall become effective within those states ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas and New Mexico have ratified and Congress has given its consent. Any oil-producing state may become a party hereto as hereinafter provided.

"'ARTICLE II

"'The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

"'ARTICLE III

"'Each state bound hereby agrees that within a reasonable time it will enact laws, or if the laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

"'(a) The operation of any oil well with an inefficient gas-oil ratio.

"'(b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas, in paying quantities.

"'(c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well.

"'(d) The creation of unnecessary fire hazards.

"'(e) The drilling, equipping, locating, spacing or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.

"'(f) The inefficient, excessive or improper use of the reservoir energy in producing any well.

"'The enumeration of the foregoing subjects shall not limit the scope of the authority of any state.

"'ARTICLE IV

"'Each state bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas conservation statutes or any valid rule, order or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

"'ARTICLE V

"'It is not the purpose of this compact to authorize the states joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

"'ARTICLE VI

"'Each state joining herein shall appoint one representative to a commission hereby constituted and designated as THE INTERSTATE OIL COMPACT COMMISSION, the duty of which said Commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said Commission deems beneficial it shall report its findings and recommendations to the several states for adoption or rejection.

"'The Commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said states, and to recommend measures for the maximum ultimate recovery of oil and gas. Said Commission shall organize and adopt suitable rules and regulations for the conduct of its business.

"'No action shall be taken by the Commission except: (1) By the affirmative votes of the majority of the whole number of the compacting states represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting states at said meeting, such interest to be determined as follows: Such vote of each state shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting states during said period.

"'ARTICLE VII

"'No state by joining herein shall become financially obligated to any other state, nor shall the breach of the terms hereof by any state subject such state to financial responsibility to the other states joining herein.

"'ARTICLE VIII

"'This compact shall continue in effect until Congress withdraws its consent. But any state joining herein may, upon sixty (60) days' notice, withdraw herefrom.

"'The representatives of the signatory states have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the governor of each of the signatory states.

"'This compact shall become effective when ratified and approved as provided in Article I. Any oil-producing state may become a party thereto by affixing its signature to a counterpart to be similarly deposited, certified, and ratified.

"'Done in the City of Dallas, Texas, this sixteenth day of February, 1935.'

"Whereas, the said 'Interstate Compact to Conserve Oil and Gas' in its initial form has heretofore been duly renewed and extended with the consent of the Congress to September 1, 1971; and

"Whereas, it is desired to amend said 'Interstate Compact to Conserve Oil and Gas' effective September 1, 1971, and to renew and extend said compact as so amended:

"Now, therefore, this writing witnesseth:

"It is hereby agreed that effective September 1, 1971, the Compact entitled 'An Interstate Compact to Conserve Oil and Gas' executed within the City of Dallas, Texas, on the 16th day of February, 1935, and now on deposit with the Department of State of the United States, be and the same is hereby amended by amending the first paragraph of Article VIII thereof to read as follows:

"'This compact shall continue in effect until Congress withdraws its consent. But any state joining herein may, upon sixty (60) days' notice, withdraw herefrom.'

and that said compact as so amended be, and the same is hereby renewed and extended. This agreement shall become effective when executed, ratified, and approved

as provided in Article I of said compact as so amended.

"The signatory States have executed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States and a duly certified copy thereof shall be forwarded to the Governor of each of the signatory States. Any oil-producing State may become a party hereto by executing a counterpart of this agreement to be similarly deposited, certified, and ratified.

"Executed by the several undersigned, States, at their several State capitols, through their proper officials on the dates as shown, as duly authorized by statutes and resolutions, subject to the limitations and qualifications of the acts of the respective State Legislatures.

"THE STATE OF ALABAMA
By ----------, Governor
Dated: ----------
Attest: ----------
Secretary of State (SEAL)

"THE STATE OF ALASKA
By ----------, Governor
Dated: ----------
Attest: ----------
Secretary of State (SEAL)

"THE STATE OF ARIZONA
By ----------, Governor
Dated: ----------
Attest: ----------
Secretary of State (SEAL)

"THE STATE OF ARKANSAS
By ----------, Governor
Dated: ----------
Attest: ----------
Secretary of State (SEAL)

"THE STATE OF COLORADO
By ----------, Governor
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Secretary of State (SEAL)

"THE STATE OF FLORIDA
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"THE STATE OF ILLINOIS
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"THE STATE OF OKLAHOMA
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Secretary of State (SEAL)

"THE COMMONWEALTH OF PENNSYLVANIA
By ----------, Governor
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Attest: ----------
Secretary of State (SEAL)

"THE STATE OF SOUTH DAKOTA
By ----------, Governor
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Secretary of State (SEAL)

"THE STATE OF TENNESSEE
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"THE STATE OF TEXAS
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Secretary of State (SEAL)

"THE STATE OF UTAH
By ----------, Governor
Dated: ----------
Attest: ----------
Secretary of State (SEAL)

"THE STATE OF WEST VIRGINIA
By ----------, Governor
Dated: ----------
Attest: ----------
Secretary of State (SEAL)

"THE STATE OF WYOMING
By ----------, Governor
Dated: ----------
Attest: ----------
Secretary of State (SEAL)"

SEC. 2. (a) The Attorney General of the United States shall make a report to Congress not later than two years after the date of enactment of this Act as to whether the activities of the States under the provisions of such compact have been consistent with the purposes as set out in Article V of such compact.

(b) Section 2 of Public Law 185, Eighty-fourth Congress (69 Stat. 391) is hereby repealed.

SEC. 3. The right to alter, amend, or repeal the provisions of the first section of this joint resolution is hereby expressly reserved.

The amendments were agreed to.

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

ENTITLEMENT OF COMMITTEES OF THE HOUSE OF REPRESENTATIVES TO THE USE OF CERTAIN CURRENCIES

The Senate proceeded to consider the bill (H.R. 4713) 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 which had been reported from the Committee on Government Operations with amendments on page 3, after line 6, insert a new section, as follows:

SEC. 3. (a) The fifth sentence of section 133(g) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a(g)) is amended to read as follows: "Each such supplemental authorization resolution shall include a specification of the amount of all supplemental funds sought by that committee for expenditure by all subcommittees thereof under such resolution and the amount so sought for each such subcommittee. Each such supplemental authorization resolution shall amend the annual authorization resolution of such committee for that year unless the committee offered no annual authorization resolution for that year, in which case the committee's supplemental authorization resolution shall not be an amendment to any other resolution and any subsequent supplemental authorization resolution of such committee for the same year shall amend the first such resolution offered by the committee for that year. Each such supplemental resolution reported by such committee shall be accompanied by a report to the Senate specifying with particularity the purpose for which such authorization is sought and the reason why such authorization could not have been sought at the time of, or within the period provided for, the submission by such committee of an annual authorization resolution for that year."

(b) Section 133(g) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a(g)) is further amended by adding at the end thereof the following new sentence: "This subsection shall not apply to any resolution requesting funds in addition to the amount specified in such section 134(a) and which are to be expended only for the same purposes for which such amount may be expended."

(c) The amendments made by subsections (a) and (b) of this section are enacted by the Senate as an exercise of its rulemaking power, and such amendments are deemed a part of the Standing Rules of the Senate, superseding other individual rules of the Senate only to the extent that such amendments are inconsistent with those other individual Senate rules, subject to and with full recognition of the power of the Senate to enact or change any rule of the Senate at any time in its exercise of its constitutional right to determine the rules of its proceedings.

At the top of page 5, insert a new section, as follows:

SEC. 4. (a) The Secretary of the Senate shall, upon the written request of any individual whose compensation is disbursed by

the Secretary, pay such compensation by sending a check to a financial organization designated by that individual and drawn in favor of such organization and by specifying the individual to whose account (including an account providing for the purchase of shares) the payment is to be credited. No reimbursement shall be required for the sending of any such check.

(b) If more than one individual making a request under subsection (a) of this section designates the same financial organization, the Secretary may pay such compensation by sending to the organization a check that is drawn in favor of the organization for the total amount designated by those individuals and by specifying the amount to be credited to the account of each of those individuals.

(c) Payment by the United States of a check, drawn in accordance with this section and properly endorsed, shall constitute a full acquittance for the amount due to the individual making any such request.

(d) The Secretary of the Senate is authorized to promulgate rules and regulations to carry out the provisions of this section.

(e) For purposes of this section, "financial organization" means any bank, savings bank, savings and loan association or similar institution, or Federal or State chartered credit union.

On page 6, after line 3, insert a new section, as follows:

SEC. 5. (a) Section 202(g) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(g)) is amended to read as follows:

"(g) In any case in which a request for the appointment of a minority staff member under subsection (a) or subsection (c) is made at any time when no vacancy exists to which the appointment requested may be made—

"(1) the person appointed pursuant to such a request under subsection (a) may serve in addition to any other professional staff members authorized by such subsection and may be paid from the contingent fund of the Senate until such time as such a vacancy occurs, at which time such person shall be considered to have been appointed to such vacancy; and

"(2) the person appointed pursuant to such a request under subsection (c) may serve in addition to any other clerical staff members authorized by such subsection and may be paid, until otherwise provided, from the contingent fund of the Senate."

(b) Section 202(j)(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j)(1)) is amended by adding at the end thereof the following new sentence: "Any joint committee of the Congress whose expenses are paid out of funds disbursed by the Secretary of the Senate, the Committee on Appropriations of the Senate, and the Majority Policy Committee and Minority Policy Committee of the Senate are each authorized to expend, for the purpose of providing assistance in accordance with paragraphs (2), (3), and (4) of this subsection for members of its staff in obtaining such training, any part of amounts appropriated to that committee."

On page 7, after line 9, insert a new section, as follows:

SEC. 6. Clause (2) of the first section of the joint resolution entitled "Joint Resolution relating to the payment of salaries of employees of the Senate", approved April 20, 1960 (2 U.S.C. 60c–1), is amended by inserting immediately after "holiday" the following: "(including any holiday on which the banks of the District of Columbia are closed pursuant to law)".

After line 16, insert a new section, as follows:

SEC. 7. (a) Subsection (b) of section 491 of the Legislative Reorganization Act of 1970 (2 U.S.C. 88b–1(b)) is amended to read as follows:

"(b) A person shall not serve as a page of the Senate or House of Representatives—

"(1) before he has attained the age of sixteen years; or

"(2) except in the case of a chief page, telephone page, or riding page, during any session of the Congress which begins after he has attained the age of eighteen years."

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

"(f) Subsection (b) of this section shall become effective on January 3, 1971, but the provisions of such subsection limiting service as a page to any person who has attained the age of sixteen years shall not be construed to prohibit the continued service of—

"(1) any page of the House of Representatives appointed prior to the date of enactment of this Act; and

"(2) any page of the Senate appointed prior to the date of enactment of the section which enacted into law this clause."

On page 8, after line 14, insert a new section, as follows:

SEC. 8. Section 235 of the Legislative Reorganization Act of 1970 (31 U.S.C. 1175) is amended by adding at the end thereof the following new subsection:

"(c) A committee of the Senate, or a joint committee whose expenses are disbursed by the Secretary of the Senate, shall reimburse the General Accounting Office for the salary of each employee of that office for any period during which that employee is assigned or detailed to such committee or joint committee."

On page 9, at the beginning of line 1, change the section number from "3" to "9"; in the same line, after the amendment just above stated, insert "(a)"; and, in the same line, after the word "the", insert "first section, section 2, and section 5 of"; after line 3, insert:

(b) Sections 4 and 6 of this Act shall become effective as of July 1, 1971.

And, after line 5, insert:

(c) Section 8 of this Act shall become effective on March 1, 1972.

The amendments were agree to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "A bill to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of the committees of the House of Representatives to the use of certain currencies, and for other purposes."

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, as soon as the distinguished Senator from New York clears the Gateway National Recreation Area measure sometime today, which I think is noncontroversial, it will be considered by the Senate before adjournment tonight, and also a bill to amend the Investment Company Act of 1940, for which some technical amendments are needed.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1972, FOR SUSQUEHANNA RIVER BASIN COMMISSION (S. Doc. No. 92–35)

A communication from the President of the United States, transmitting a proposed amendment to the request for appropriations transmitted in the budget for the fiscal year 1972, in the amount of $137,000, for the Susquehanna River Basin Commission (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PROPOSED LEGISLATION RELATING TO CONTINUATION OF PRICE SUPPORT FOR TUNG NUTS

A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to continue mandatory price support for tung nuts only through the 1976 crop (with an accompanying paper); to the Committee on Agriculture and Forestry.

PUBLICATION ENTITLED "STATISTICS OF PUBLICLY OWNED ELECTRIC UTILITIES IN THE UNITED STATES, 1969"

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a publication entitled "Statistics of Publicly Owned Electric Utilities in the United States, 1969" (with an accompanying document); to the Committee on Commerce.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Further Improvements Needed In Administration of The Small Business Investment Company Program", Small Business Administration, dated July 21, 1971 (with an accompanying report); to the Committee on Government Operations.

LIST OF REPORTS OF GENERAL ACCOUNTING OFFICE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports of the General Accounting Office, for the month of July, 1971 (with accompanying papers); to the Committee on Government Operations.

REPORT OF SECRETARY OF THE SENATE

A letter from the Secretary of the Senate, transmitting, pursuant to law, a report on the receipts and expenditures of the Senate, from January 1, 1971, through June 30, 1971 (with an accompanying report); ordered to lie on the table and to be printed.

REPORT ON POSITIONS IN THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on positions in that Administration, as of June 30, 1971 (with an accompanying report); to the Committee on Post Office and Civil Service.

PROPOSED LEGISLATION TO PROVIDE FOR FINANCING OF PUBLIC BUILDINGS

A letter from the Assistant Administrator of General Services submitting proposed legislation to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes (with accompanying papers); to the Committee on Public Works.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. ALLEN) announced that on today, August 6, 1971, the Vice President signed the enrolled bill (H.R. 9798) to authorize the Secretary of the Interior to establish the Lincoln Home National

Historic Site in the State of Illinois, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) announced that on today, August 6, 1971, the President pro tempore (Mr. ELLENDER) signed 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.

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. CHILES:

S. 2458. A bill to authorize a temporary price-wage freeze pending the establishment of a National Price-Wage Stabilization Board, and to vest in such Board the power necessary to protect the public interest in price stability and the control of inflation. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. YOUNG:

S. 2459. A bill for the relief of Exequiel B. Cruz. Referred to the Committee on the Judiciary.

By Mr. RIBICOFF (for himself and Mr. MAGNUSON):

S. 2460. A bill to provide for the expansion of trade by a program of exchanges between the United States and countries with nonmarket economies, and for other purposes. Referred to the Committee on Commerce, by unanimous consent.

By Mr. ALLEN:

S. 2461. A bill to amend section 312 of title 38, United States Code, to increase the period of presumption of service connection for certain cases of tuberculous disease from three to five years. Referred to the Committee on Veterans' Affairs.

By Mr. COOK (for himself, Mr. BAYH, and Mr. MATHIAS):

S. 2462. A bill to amend section 5002 of title 18, United States Code. Referred to the Committee on the Judiciary.

By Mr. COOK (for himself, Mr. BENNETT, Mr. BELLMON, Mr. BIBLE, Mr. CRANSTON, Mr. MANSFIELD, Mr. PACKWOOD, Mr. STEVENS, and Mr. TAFT):

S. 2463. A bill to amend the Walsh-Healey Act and the Contract Work Hours Standards Act to permit certain employees to work a 10-hour day in the case of a four-day workweek, and for other purposes. Referred to the Committee on Labor and Public Welfare

By Mr. McGOVERN:

S. 2464. A bill to amend the Voting Rights Act of 1965 to require that persons eligible to register to vote in Federal elections shall be permitted to register as late as 30 days prior to the date of such an election. Referred to the Committee on Rules and Administration.

By Mr. CHILES (for himself and Mr. JACKSON):

S. 2465. A bill to establish the Everglades-Big Cypress National Recreation Area in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. ERVIN:

S. 2466. A bill to insure the separation of Federal powers and to preserve the constitutional rights of citizens. Referred to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 2467. A bill to amend the Natural Gas Act. Referred to the Committee on Commerce.

By Mr. BEALL:

S. 2468. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict. Referred to the Committee on Finance.

By Mr. MANSFIELD:

S. 2469. A bill for the relief of Mr. Kenneth J. Wolff. Referred to the Committee on the Judiciary.

By Mr. TAFT (for himself, Mr. SCOTT, and Mr. SAXBE):

S. 2470. A bill to amend the Act requiring evidence of certain financial responsibility and establishing minimum standards for certain passenger vessels in order to exempt certain vessels operating on inland rivers. Referred to the Committee on Commerce.

By Mr. BELLMON:

S. 2471. A bill to specifically authorize loans by the Small Business Administration to small business concerns engaged in farming operations to finance the production of agricultural commodities, and to permit national banks to invest in agricultural credit corporations. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HART:

S. 2472. A bill to supplement the antitrust laws of the United States by providing for fair competitive practices in the termination of franchise agreements. Referred to the Committee on the Judiciary.

By Mr. BURDICK:

S. 2473. A bill to amend the Land and Water Conservation Fund Act of 1965 so as to authorize the development of indoor recreation facilities in certain areas. Referred to the Committee on Interior and Insular Affairs.

By Mr. HART:

S. 2474. A bill for the relief of Bogdan Bereznicki; and

S. 2475. A bill for the relief of Robert J. Ebbert and Design Products Corporation, Troy, Michigan. Referred to the Committee on the Judiciary.

S. 2476. A bill for the relief of Edward Anderson Mabin. Referred to the Committee on Veterans' Affairs.

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

S. 2477. A bill to protect environmental quality of the Nation's public lands administered by the Secretary of the Interior and other Federal agencies through establishment of an accelerated program of research in advanced timber harvesting techniques and for other purposes. Referred to the Committee on Interior and Insular Affairs.

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

S. 2478. A bill to provide for the disposition of funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of the Fort Hall Reservation, Idaho, as representatives of the Lemhi Tribe, in Indian Claims Commission Docket No. 326–I, and for other purposes. Referred to the Committee on Interior and Insular Affairs .

By Mr. COOPER (for himself and Mr. WEICKER):

S. 2479. A bill to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes. Referred to the Committee on Public Works.

By Mr. PELL:

S. 2480. A bill to provide for mandatory wage and price controls. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BENTSEN:

S. 2481. A bill to broaden and expand the powers of the Secretary of Agriculture to cooperate with countries in the Western Hemisphere to prevent or retard communicable diseases of animals, where the Secretary deems such action necessary to protect the livestock, poultry, and related industries of the United States. Referred to the Committee on Agriculture and Forestry.

By Mr. PELL (for himself, Mr. JACKSON, Mr. KENNEDY, Mr. MONDALE, Mr. METCALF, Mr. ALLOTT, Mr. FANNIN, and Mr. BURDICK):

S. 2482. A bill to authorize financial support for improvements in Indian education and for other purposes. Referred to the Committee on Interior and Insular Affairs and the Committee on Labor and Public Welfare, jointly, by unanimous consent, to be reported not later than October 1, 1971.

By Mr. PELL:

S. 2483. A bill to provide a national program in order to make the International Metric System the official and standard system of measurement in the United States and to provide for converting to the general use of such system within ten years after the date of enactment of this Act. Referred to the Committee on Commerce.

By Mr. PROXMIRE:

S. 2484. A bill to amend title XI of the National Housing Act to provide for mortgage insurance for podiatric group practice facilities. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BAYH:

S. J. Res. 150. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women. Second reading objected to.

By Mr. WEICKER:

S. J. Res. 151. A joint resolution to authorize and request the President to issue a proclamation designating the last full week of September of each year as "National Dog Week". Referred to the Committee on the Judiciary.

By Mr. WILLIAMS:

S. J. Res. 152. A joint resolution to authorize the President to proclaim annually the last Friday of April as "National Arbor Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHILES:

S. 2458. A bill to authorize a temporary price-wage freeze pending the establishment of a National Price-Wage Stabilization Board, and to vest in such Board the power necessary to protect the public interest in price stability and the control of inflation. Referred to the Committee on Banking, Housing and Urban Affairs.

NATIONAL WAGE-PRICE STABILIZATION ACT

Mr. CHILES. Mr. President, since the Employment Act of 1946, this Nation has had three economic goals: Full employment; price and wage stability; and a satisfactory rate of economic growth. Recent major wage and price increases in our economy and persisting inflationary and unemployment trends illustrate clearly the failure of present economic policies to accomplish our goals. Action must be taken now by this Government to place brakes on the inflationary and unemployment spirals. Although this Congress has provided the President with the necessary tools to accomplish our economic goals—specifically, the Economic Stabilization Act recently extended by this Congress—he has failed to use those tools to provide an acceptable level of noninflationary unemploy-

ment at a satisfactory rate of overall economic growth. I, therefore, introduce in the Senate today a bill to authorize a temporary price wage freeze and the establishment of a National Price Wage Stabilization Board to protect the public interest in price stability and the control of inflation. Three major reasons have led me to the conclusion that wage/price control, at least on a temporary basis, is necessary for our economy:

First. The Failure of the President and of his chief advisers to understand the true nature of our economy

Second. The historical experience of our economy in combating unemployment and inflation since World War II.

Third. The support for some form of wage price control by many prominent economists and Government advisers.

FAILURE TO UNDERSTAND TRUE NATURE OF OUR ECONOMY

For many years—but especially since the great economic upheaval of the 1930's—Americans have debated vigorously the true nature of their economy. Debates have centered around whether the United States has a pure market economy, which needs no control, or a mixed economy, with elements of Government and private control.

Theoretically, the United States has a pure market economy. Competing demands for scarce resources—raw materials, labor, capital—are settled in an open marketplace by means of fluctuating prices which reflect the importance of demand for a resource in relationship to its supply. No external controls, such as Government-determined minimum wages or private cartel determined prices, are applied. Competition thus is "pure."

According to classical economic theory, the pure market economy, through the interaction of impersonal market forces, will arrive by itself at a production level which fully employs all laborers who wish to be employed. A pure market economy is thus said to be automatically a full-employment economy with some occasional short periods of adjustment which temporarily result in very small amounts of unemployment. The optimistic interpretations of classical economists also projected full employment of available capital and inherent economic growth.

Classical pure market theory does not adequately describe today's highly industrialized nations, such as the United States. Large-scale industrial development with its built-in economies of scale, has meant that prices and wages do not fluctuate directly in relationship to supply and demand as they do in classical theory. Instead, several large companies operate as cartels or oligopolies, dominate many major industries, and in effect control product prices. Other industries, such as communications, are monopolistically dominated by a single company. Large labor unions control labor supply, wages, and working conditions in many major industries. And the public sector—local, State, and Federal Govermnents—spends large amounts of money for noncompetitive services which are not priced according to classical supply and demand theory. The Government also regulates the economy by regulatory agencies, minimum wages, and taxation. Thus many segments of the U.S. economy are, in effect, controlled. Because all of the segments are not centrally and uniformly controlled and because some pockets of intense competition still exist, the United States is not characterized as a controlled or planned economy, but is called a mixed economy.

A mixed economy, unlike a classical pure market economy, has no inherent traits—theoretical or actual—which direct it toward full employment, general price and wage stability—noninflation—and a satisfactory rate of economic growth. Although the recognition of these facts has come slowly, the Government has attempted to influence economic change since World War II by changes in tax rates, expenditures, interest rates, and other devices.

Because the United States has a mixed economy, and not a pure market economy, and thus does not move automatically toward the achievement of desirable economic goals as outlined in the Employment Act of 1946, a case can be made for deliberate Government fiscal policy to influence the economy in some way. Actually, because of the very large public sector taxes and expenditures of the U.S. local, State and Federal Governments, government exerts an important economic influence on the private sector and on the total economy whether it acts consciously or not. It is only rational, therefore, to direct the activities of government in a deliberate manner toward achievement of its desired economic goals.

Unfortunately, the President and several of his chief advisers still seem to retain the myth of an American free market economy and thus object in principle to Government interference. In his Economic Report of January 1971, for instance, President Nixon stated:

> Free prices and wages are the heart of our economic system; we should not stop them from working even to cure an inflationary fever.

The President's actions have reflected his statements. He has followed anti-inflationary policies since he took office, first with a President Commission on Productivity, then with various reviews and rhetoric but higher unemployment and prices, and sluggish growth have resulted. Although the inflation alerts issued by the Council of Economic Advisers under the President's direction have strongly criticized large wage and price increases no direct action has been taken to control these inflationary decisions. The only positive actions taken by the President have been in relationship to the construction industry. His temporary suspension of the Davis-Bacon Act is so selective a device, however, as to be unfair to the construction industry, which, although important to the general economy, is only one important market segment. Thus the actions of the Nixon administration have reflected an opposition in principle to tampering with the so-called free market mechanism. The President has misread the true nature of the American economy.

HISTORICAL EXPERIENCE OF OUR ECONOMY SINCE WORLD WAR II

Inflation, unemployment and sluggish growth are not new to the U.S. economy. We have met three rounds of serious inflation since World War II and have successfully combated two of them. The third, which is closely associated with the Vietnam war, is still with us and traditional fiscal and monetary policies as applied by the President and his chief advisers are not working.

I ask unanimous consent to have printed in the RECORD an article from the Conference Board record of June 1971 by Dr. Michael E. Levy which analyzes succinctly the historical experience of the U.S. economy since World War II and give us insight into the tools which have successfully combated inflation in this country in the past.

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

U.S. INFLATION AND WAGE-PRICE GUIDEPOSTS—PAST LESSONS AND PROSPECTS

(By Michael E. Levy)

During the last two decades the U.S. economy has suffered from three bouts of inflation; the first two were followed by several years of virtual price stability, whereas the most recent one—which dates back to the mid-1960's—has not yet come under control.

The question is being raised now whether traditional fiscal and monetary policies can control the most recent inflation without an exorbitant price of prolonged sluggish growth and high unemployment. Voices outside—and even within—the Administration are raised in favor of some form of "wage-price guideposts" or "incomes policies."

A review of the three U.S. postwar inflations of the last two decades sheds new light on this issue by placing it in historical perspective.

1950–1952 INFLATION: KOREA

The first inflation of the 1950's was closely associated with the Korean War (even though prices had begun to rise moderately during the first half of 1950). The entire Korean inflation ran its course within less than two years, from around mid-1950 through early 1952. Moreover, the main thrust of the inflation was sharper and much more short-lived—from around mid-1950 through early 1951. The consumer price index, which had risen by 9.4% between May 1950 and May 1951, continued to rise by only 1.9% from May 1951 to May 1952; thereafter, it advanced at an average annual rate of merely 0.5% between May 1952 and May 1956.

The sharp initial price thrusts were only partially attributable to expanding demand or to supply shortages; they reflected to a large extent expectational forces. In part, the increase in raw material prices anticipated future shortages and price controls; consumers stepped up their buying in anticipation of scarcities. This anticipatory consumer buying—triggered by World War II memories of scarcities of durable goods, and by real fears of a near-defeat after the entry of Red China into the war—differed dramatically from the pattern of consumer buying during subsequent postwar inflations.[1]

Economic policy responded promptly and effectively. Tighter credit controls on purchases of consumer durables and on mortgage credit were imposed by the Federal Reserve Board through its Regulations W and X. Increases in personal and corporate income taxes and the Defense Production Act of 1950 were enacted in quick succession. Selective price and wage controls of late 1950 gave way to a general price freeze under the General Ceiling Price Regulation imposed by the Office of Price Stabilization on January 25, 1951, and to general wage regulations by the Wage Stabilization Board. These con-

Footnotes at end of article.

certed policies were largely responsible for undercutting the inflationary thrust and restoring price stability long before the end of the Korean War.

This rapid restoration of price stability in the face of the continuing war effort was all the more impressive because of the very low prevailing unemployment. The unemployment rate—which had declined rapidly from 6.5% in January 1950 to 3.7% in January 1951—continued to decline to 3.2% in January 1952 and to 2.9% in January 1953. By mid-1953, when the unemployment rate reached its postwar low of 2.5%, price controls had been terminated by President Eisenhower (in March 1953), yet the previous record of price stability was preserved. The consumer price index rose by 1.1% from March 1953 to March 1954 at about the same pace as during the preceding year. Moreover, the rise in the implicit price deflator of GNP slowed from 2% between the first quarter of 1952 and the first quarter of 1953 to only 1.2% from the first quarter of 1953 to the first quarter of 1954. In fact, in terms of the implicit price deflator, a high degree of price stability was preserved through 1955; the stability of the consumer price index extended well into 1956.

In reviewing the Korean and post-Korean experience, some economists have concluded that the combination of sharply increased taxation and selective credit, price, and wage controls can effect a favorable combination of low unemployment and relative price stability even under adverse conditions, especially if applied early and forcefully.

1956–1958 INFLATION AND ITS AFTERMATH

The causes of the 1956–1958 inflation, as well as the remedial economic policies, differed substantially from the Korean War period. The major causes included an investment boom in 1956, sharply rising food prices because of unfavorable supply conditions, and advances in labor costs well in excess of productivity gains which resulted in pronounced increases in unit labor cost. (Other cost increases, such as petroleum price hikes in the wake of the Suez crisis, were also contributing factors.)

Remedial action consisted largely of the gradual application of more restrictive fiscal and monetary policies. These policies contributed to the economic slowdown and the 1957–1958 recession. Yet, price advances were not quickly choked off even by the recession; they continued into late 1957 and early 1958.

This unusually "sticky" price behavior reflected to some extent the normal time lags in the adjustments of wages and prices; but it also led to a revival of earlier theories of "administered pricing" and gave rise to heated discussions of so-called cost-push inflation. (Essentially, proponents of the cost-push view maintained that wage claims in excess of productivity gains, as well as other cost increases, were producing inflationary price increases even at times when there was no excess demand and when the economy was operating well below full employment. This view often stressed monopolistic power of labor unions and of "big business" as the real forces behind cost-push inflation.) Questions were raised whether traditional fiscal and monetary policies could cope effectively with an inflation that was said to have been induced, or at least extended, through the application of monopolistic powers by large corporations and powerful labor unions, and by other postwar rigidities. More fundamentally, the basic issue was whether Western industrial society might have embedded in its economic structure elements of cost and price adjustments that would tend to impart a consistently inflationary bias to the economy.

In its *January 1959 Annual Report*, the Council of Economic Advisers stated the issue in even more basic terms that have remained relevant up to the present:

"Clearly, severe reductions in the price level during a brief and moderate recession are not to be expected and would not be a proper objective of national economic policy. Indeed, such reductions might impede early recovery of the economy. Rather, the problem is how to achieve a reasonable stability of prices when economic activity is advancing and output and employment are high. The limited downward flexibility of prices in a moderate recession, and the upward movement even then of certain key prices and costs, highlight and emphasize the need for public and private policies that will produce the desired price stability at all times. (p. 20)"

The concern with cost-push inflation abated gradually during the following seven years as the U.S. economy experienced one of its longest periods of virtually stable prices. It is not, however, without significance that this seven-year stretch of price stability was associated with unemployment rates that were consistently high by historical standards, at least for periods comprising mainly the expansionary phases of the business cycle. During the economic expansion of 1958–1960 the unemployment rate dipped below 5% only once, in February 1960, when it reached its low of 4.8%. It rose rapidly during the 1960–1961 recession, reaching a cyclical peak of 7.1% in May 1961: Even though the unemployment rate receded gradually during the subsequent economic recovery and expansion, it had not yet declined below 5% by the end of 1964 (with the brief exception of two isolated months). Unemployment finally retreated below 5% in March 1965, and below 4½% in July 1965; by that time the seven-year stretch of price stability was giving way to the onsetting "Vietnam inflation."

Thus, while the 1956–1958 inflation was followed by about seven years of virtual price stability, the crucial issue was never resolved whether the U.S. economy could operate without inflation at full-employment—usually defined in terms of a 4% unemployment rate—without having recourse to price and wage controls, "guideposts," or some form of "income policy." In fact, the 1962 *Annual Report* of the Council of Economic Advisers established a set of *voluntary* "guideposts for noninflationary wage and price behavior" which first gained prominence during the April 1962 "steel conflict."[3] Subsequently, these "guideposts" were refined, modified, and supplemented by off-the-record "consultations."[3] But they faded away gradually during the 1965–1967 inflationary spiral and received their death-blow in the 5% wage and fringe settlement of August 19, 1967, which ended the strike of the International Association of Machinists.[4]

VIETNAM INFLATION, 1965

The latest inflationary bout was triggered by the rapidly accelerating military demands for the Vietnam War after mid-1965 which coincided, in the early stages, with an investment boom in the private sector of the economy. Moreover, because of the government's commitment to "guns and butter," many civilian programs continued to expand rapidly despite the escalating war costs. Unlike the Korean experience, no direct controls were imposed on consumer credit, wages, or prices. When a modest 10% surcharge on personal and corporate income taxes was finally enacted in 1968, it was clearly labeled a temporary measure of short duration. Not until early 1969 were both fiscal and monetary policies closely aligned in a coordinated effort of economic restraint.

The unemployment rate—which at last declined to 4% in December of 1965—stayed below 4% from February 1966 through January 1970 (with the single exception of May 1967). Moreover, between April 1968 and late 1969 the unemployment rate hovered around 3.5%—a relatively low level by historical standards. (Yet, during the Korean War, unemployment rates of 3% or less prevailed through most of 1952 and 1953 while prices remained remarkably stable.) These low unemployment rates were accompanied by a troublesome and accelerating price inflation. The consumer price index—which had risen at an average annual rate of only 1.3% during the six-year interval from January 1958 to January 1964—advanced at an average annual rate of 3.4% during the following six years, from January 1964 to January 1970. The implicit price deflator of GNP rose at an average rate of 3.4% during the latter period, as compared with a 1.4% during 1958–1964; and the wholesale price index rose at an average of 2.3% per annum from the beginning of 1964 to early 1970 after remaining virtually stable during the previous six years.

During the 1969–1970 recession, which was induced to an extent by restrictive fiscal and monetary policies, the unemployment rate gradually rose from 3.5% in November 1969 to 6.2% in December 1970; yet there were few indications of slower price advances and a return towards price stability. (From January 1970 to January 1971 the consumer price index rose by 5.2% and the wholesale price index by 2.3%.)

WHY "INCOMES POLICIES?"

It is in this setting that the issues of monopoly power, administered prices, wage- and cost-push of the late 1950's were revived. New to the discussion of the late 1960's was the increased emphasis on the so-called Phillips Curve trade-off between unemployment and inflation. The crucial question was whether unemployment rates of 4% or less are compatible with reasonable price stability, given the present structure of the U.S. economy.[5] Closely related to this question is the current debate whether selective economic policies may be desirable, or even essential, in order to improve the existing unemployment-inflation trade-off (*i.e.*, in order to achieve high employment with less inflation than would be possible without such policies). In this connection, attention has focused specifically on various forms of "wage-price guideposts," or more generally on all types of "incomes policies." Advocacy of some form of "incomes policy" has frequently been combined with recommendations for structural reforms designed to increase competition and reduce rigidities in various labor and product markets.

Most economists who favor at present the use of some form of "wage-price guideposts" or "incomes policies" believe that the current inflation is deeply embedded in the fiber of the economy and could be fully throttled by traditional fiscal and monetary policies only at the cost of prolonged sluggish growth and high unemployment. To come, additional controls would seem necessary only during the transition from inflation to price stability; others believe that the U.S. economy has become inherently more inflation prone and will require virtually permanent "incomes policies."

IS THE U.S. MORE INFLATION-PRONE?

Have there been basic structural, institutional, or policy changes which would tend to impart a greater inflationary bias to the U.S. economy in the 1970's? Those economists who answer this question in the affirmative have compiled an impressive list of factors. Some of these have been documented more extensively and convincingly than others. Among the major factors usually listed are the following: [6]

A potential shortage of savings and of capital.

A less-favorable composition of the labor force, with a larger proportion of young

Footnotes at end of article.

workers and women (who have lower productivity and higher unemployment rates than adult male workers).

Greater relaxation of balance-of-payments constraints, because Western Europe now faces similar problems of inflation.

A consumption mix that continues to shift more toward services (which normally show lower productivity gains and larger price advances than goods).

Greater expectations that the U.S. economy will never again suffer a serious depression because of greater economic knowledge and better application of stabilization policies.

Difficulties in providing both the quantity and quality of skilled workers that will be demanded.

Large and growing demands from the public sector which tend to result in full-employment budget deficits for years to come, unless great restraint is exercised by the Federal Government.

An unwillingness of the government, as well as the public, to make hard choices among meritorious competing goals which cannot all be satisfied simultaneously with the existing resource endowment.

THE NEED FOR STRUCTURAL REFORM

Not surprisingly, those economists who discern an increasing inflationary bias in the U.S. economy and who, therefore, view traditional fiscal and monetary policies as insufficient, favor some form of "wage-price guideposts" or "incomes policies." Whether they advocate such supplementary policy tools merely for a "transition period," or more permanently, they tend to stress almost invariably the need for supplementing an incomes policy with basic structural reforms designed to reduce rigidities and to increase competition within the economy. On this latter score, most proponents and opponents of incomes policies are in full agreement.

Proposals for structural reform often include the following recommendations:

Repeal of the Davis-Bacon Act (which essentially sets wage scales in Federal and Federally-assisted construction), and of the Jones Act (which requires construction in U.S. shipyards of all vessels engaged in domestic transportation or fishing).

Removal of import quotas and their replacement, where necessary, by a tariff system.

Elimination of the "Buy American" policy.

Repeal of the resale price maintenance laws.

Reexamination of union monopolies and improvements in the functioning of labor markets and in labor mobility.

Removal of competitive restrictions on banking and financial institutions.

Reevaluation of government programs that tend to raise prices or introduce rigidities in certain markets (*e.g.*, the farm price support program).

Elimination of minimum wage legislation, at least for young people with low skills.

Revisions of antiquated local building codes in order to permit the use of new materials and of factory-built housing.

Needless to say, not all economists would favor each and every one of these structural reforms, and most proposals on this list would be bound to encounter political difficulties.

OPPOSITION TO INCOME POLICIES

Opponents of guideposts and incomes policies comprise two distinct but overlapping camps: those who see no need for any new tools because they believe that traditional fiscal and monetary policies can do the job well; and those who recognize certain limitations of the traditional policy tools, but believe that guideposts and incomes policies simply do not work.[7]

Dominant among those economists who consider new policy tools unnecessary—even if they could be made to function—are some well-known monetarists. They consider inflation primarily a "monetary phenomenon," the offspring of "bad" monetary policy (*i.e.*, excessive financing through the "printing press"). Consequently, their proposed remedy is a simple one: avoid large fluctuations in the money supply and provide stable and moderate monetary growth over a long enough period to eliminate inflation.[8] However, this policy approach shows little concern over the crucial question whether its prescribed remedy might not now entail too long a period of sluggish growth and high unemployment to be socially and politically acceptable; or else it presumes that none of the other policy alternatives can succeed in restoring price stability.

In a slightly different formulation, this latter view has many more adherents who believe that incomes policies tamper with the market mechanism and distort resource allocation without achieving worthwhile restraint on wages and prices. But this group usually favors a more flexible and pragmatic approach; it does not rule out, altogether, selective measures designed to enhance wage and price competititon, or to restrain wage and price advances that may be attributable to "monopolistic market power" and to other "market imperfections."

So far, the position of the Nixon Administration has combined the diverse elements of opposition-in-principle to tampering with the free market mechanism and scepticism as to ultimate effectiveness with the pragmatism of selective measures.[9] President Nixon stated the Administration's approach succinctly in his *Economic Report* in February 1971:

"Free prices and wages are the heart of our economic system; we should not stop them from working even to cure an inflationary fever. I do not intend to impose wage and price controls which would substitute new, growing and more vexatious problems for the problems of inflation. Neither do I intend to rely upon an elaborate facade that seems to be wage and price control but is not. Instead, I intend to use all the effective and legitimate powers of Government to unleash and strengthen those forces of the free market that hold prices down. This is a policy of action, but not a policy of action for action's sake. (p. 7)"

The President went on to summarize past and impending actions on the wage-price front as follows:

"Actions were taken to augment the supply of lumber, and to deal with domestic copper prices that were out of line with world markets. To restrain increases in the price of crude oil, this Administration took steps to permit greater production on Federal offshore leases and to increase oil imports. Faced with inflationary price increases for some steel products, I have ordered a review of the conditions which permit or cause such increases, and threaten jobs in steel-using industries. We have been particularly concerned with increases in the costs of construction. It is now more critical than ever to check inflationary wage and price increases in an industry where unemployment is high. (p. 8)"

TOWARD A SELECTIVE "GUIDEPOST POLICY"?

A review of the Administration's selective anti-inflationary measures of the last nine months indicates an expansion in scope as well as in intensity. If this trend continues, the distinction between a policy of *ad hoc* specific measures and a more general, but selective, "guidepost policy" may become more and more blurred.

Except for two isolated instances of review and pressures designed to achieve price restraint in softwood lumber and plywood, and in copper in 1969, the recent selective anti-inflationary policies got slowly under way in mid-1970, first with a Presidential Commission, then reviews and exhortations, and finally with outright action. On June 17, 1970 President Nixon announced the appointment of a National Commission on Productivity, a 23-man group headed by George Shultz, Director of the Office of Management and Budget. While the Commission's main focus may be on longer-term measures to enhance productivity, its activities are not unrelated to the present fight against inflation.

On August 7, 1970 the Council of Economic Advisers issued its first "Inflation Alert" which summarized the historical relationship of wages, prices, and productivity and reviewed changes in the major wage and price indexes during the first half of 1970. The second "Inflation Alert," issued on December 11, 1970, was more strongly worded and criticized outsized union wage settlements, especially in the construction trades, and some recent price increases, especially in oil and gas. Subject to strong criticism also was the wage settlement between General Motors and the United Auto Workers. The third "Inflation Alert," issued on April 13, 1971, went one step further. It contained not only a critical review of past developments and general rules for desirable wage and price behavior in the future, but it also focused sharply on forthcoming wage-price decisions and emerging market problems, with particular emphasis on the steel wage negotiations that are due later this year.

Beyond these Inflation Alerts, the Administration exerted pressure and took actions affecting the oil industry, the steel industry, and the construction industry. In a speech on December 4, 1970 President Nixon announced a plan to permit greater production on Federal offshore leases and to increase oil imports in order to offset recent oil price increases.[10] On January 12, 1970 the President denounced a 12% across-the-board steel price increase proposed by Bethlehem Steel and several days later, under Administration pressure, a roll back to about 8% was obtained from the industry. On January 8, 1971 the President called on the Construction Industry Collective Bargaining Commission to develop a voluntary stabilization plan in order to contain outsized wage, cost, and price advances in this industry. When labor leaders were unable to commit their membership, President Nixon suspended the 1931 Davis-Bacon Act on February 23, 1971. Subsequently, labor and industry representatives accepted the President's proposal of a 12-man Construction Industry Stabilization Committee, headed by Professor John Dunlop, and consisting of four industry, four construction union, and four public representatives. The Committee met for the first time on April 6, and the provisions of the Davis-Bacon Act were restored by the Administration.

There can be no doubt as to the Administration's great reluctance to intervene in the wage-price process; nonetheless the most recent history reveals a crescendo of exhortations and selective measures and pressures. The coming year could well bring a further expansion of *ad hoc* provisions (even to the point where their consolidation into a more comprehensive "guidelines approach" may become unavoidable)—or else, standoff and their gradual dismantling. The choice between these two opposite paths may be decided not so much by economic convictions, but by economic performance. If rapid economic gains during the coming year induce a good-sized reduction in the recent 6% unemployment rate with further progress towards price stability, the entire "guidelines" issue would probably be obliterated. But if the forthcoming economic advance yields only modest reductions in unemployment without making substantial inroads on inflation, then pressures for intensified wage-price controls could well become irresistible.

FOOTNOTES

[1] During the following two U.S. inflations, consumers did not engage in "hedge buying" to beat price inflation. In this connection, see George Katona, "The Impact of Inflation on Consumer Attitudes and Behavior," *The RECORD*, March 1971.

[2] For the initial statement of the "guideposts," see *January 1962 Economic Report of the President*, pp. 185–190.

[3] For subsequent modifications by the CEA, see especially the *January 1965 Economic Report of the President*, pp. 108–110. A good example of the "consultation" approach was the roll back of molybdenum prices in January 1966 (see *The New York Times*, July 15, 1966).

[4] For empirical testing of the relative effectiveness of the guidepost policy 1962–1966, see George L. Perry, "Wages and the Guidepost," *American Economic Review*, September 1967, pp. 897–904.

[5] For a review of this issue and conclusions, see Michael E. Levy, "Full Employment and Inflation: A 'Trade-Off' Analysis." *THE RECORD*, December 1966; also "Full Employment Without Inflation: An Analysis of the U.S. 'Phillips Curves' and 'Target' Unemployment Rates," *ibid.*, November 1967.

[6] Each of these is mentioned at least by one contributor—and some are listed by several contributors—to *Containing Inflation in the Environment of the 1970's*, Michael E. Levy, ed., The Conference Board, 1971.

[7] Much skepticism as to the workability and effectiveness of such policies was contained in a conference transcript, *Guidelines, Informal Controls, and the Market Place*, George P. Shultz and Robert Z. Aliber, eds. (Chicago, The University of Chicago Press, 1966).

[8] Sometimes complementary fiscal restraint is also recommended (*e.g.*, James Meigs, "A Less Inflationary Environment," *The RECORD*, March 1971).

[9] It is worth noting that the Administration's position on this issue has by no means been monolithic. George Shultz, Director of the Office of Management and Budget, has been on record as a staunch opponent of any form of guideposts or incomes policies. Members of the Council of Economic Advisers, while intrinsically opposing such policies, have generally adopted a more flexible and pragmatic stance. Among high ranking officials favoring at least serious consideration of new policy measures are Murray Weidenbaum, Assistant Secretary of the Treasury for Economic Policy; Maurice Mann, a former Assistant Director of the Office of Management and Budget; and Paul Volcker, Under Secretary of the Treasury for Monetary Affairs. Recently, Arthur F. Burns, Chairman of the Federal Reserve Board has also given serious thought to the desirability of the *temporary* use of some form of incomes policies.

[10] Address to the National Association of Manufacturers in New York City.

Mr. CHILES. Mr. President, Dr. Levy concludes that lack of substantial change in unemployment and inflation will bring increased pressures for wage-price controls. Those conclusions are correct. The unemployment rate stands at 6.2 percent in June 1971. Inflation has risen to 5.9 percent in the fourth quarter of fiscal year 1971. The problems are indeed serious. Old fiscal and monetary policies are not working. The President has the tools, given to him in the Economic Stabilization Act of 1970 which recently has been extended until 1972, to control wages and prices and thus to provide lower unemployment rates, price and wage stability, and increased growth for our economy. Our most successful attempts to combat inflation, after the Korean inflationary period, consisted of wage and price controls as Dr. Levy points out in his article. Fiscal and monetary "gradualism" did not work as quickly as was necessary to prevent severe hardship in the late 1950's. Neither has gradualism worked in our most current experience with inflation. The consumer price index and general unemployment rates continue to rise. At the same time, our growth rate is sluggish and our Federal budget reflects a $23 billion deficit.

WIDESPREAD SUPPORT FOR WAGE/PRICE CONTROLS

Those who call for some form of wage price controls are not whistling in the dark. Prominent economists, both inside and outside of Government circles, are increasingly unanimous in their view that the economy needs tight control over wages and prices, at least for a temporary period. Recognizing that wage price control may be necessary, this Congress has given the President the necessary tools to do his job in the Economic Stabilization Act. Three economists who chaired the Council of Economic Advisers during the Kennedy and Johnson administrations have concluded that a wage-price policy is the missing link of our overall economic strategy. Members of the President's own party have recognized that wage price guidelines, with some form of Federal enforcement power, are necessary if we are to meet our economic goals. Members of the current Council of Economic Advisers seem to be more and more persuaded that some form of incomes policy is necessary. Every member of the Board of Governors of the Federal Reserve Board, including Chairman Arthur Burns, is publicly on record favoring wage-price constraints. Other prominent economists, including recent or current members of the administration, have called for wage-price controls, including Murray Weidenbaum, Maurice Mann, Henry C. Wallich, and others.

I ask unanimous consent to have printed in the RECORD an article from a recent issue of the National Journal which indicates the widespread support, within and outside of the administration, for changes in current administration policy toward wage price control. The article is entitled "Economic Report/Nixon Feeling Pressures to Adopt Incomes Policy," written by John M. Pearce.

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

ECONOMIC REPORT/NIXON FEELING PRESSURES TO ADOPT INCOMES POLICY

(By John M. Pearce)

Because of his reluctance to put firm pressure on industry and unions, President Nixon is being "jawboned" steadily toward more dramatic action to slow the rise of prices and wages.

Mr. Nixon's plans to weaken the power of construction unions and roll back recent oil price increases—announced Dec. 4 and, in the case of oil prices, implemented Dec. 22 by import quota increases of 100,000 barrels a day—softened the criticism inside the Administration. But they had little effect on outside calls for more and stiffer actions.

While most of the pressure on Mr. Nixon comes from Democratic politicians and economists who were associated with past Democratic Administrations, one of the most specific proposals so far has come from Arthur F. Burns. The 66-year-old chairman of the Federal Reserve Board, who was until a year ago the most prominent member of the Nixon economic team, suggested, among other initiatives, a wage-price review board.

And a detailed plan for a punitive income tax on corporations that agree to wage settlements above government-set guidelines has been submitted by Yale University professor Henry C. Wallich, who also is senior adviser to outgoing Treasury Secretary David M. Kennedy, and Sidney Weintraub, chairman of the economics department at the University of Waterloo, Ont., Canada. Weintraub is on leave from the University of Pennsylvania.

The other proposals range virtually along the entire gamut of possibilities, from guidelines for wage and price increases (such as the "guideposts" begun in 1962 during John F. Kennedy's Administration) to full, though temporary, wage-price freezes. (*For reports on earlier pressures for economic policy changes, see p. 744, 1124.*)

All call for some type of "incomes policy," a term usually applied to any government effort to change the way the national income pie is divided.

With the exception of John Kenneth Galbraith's judgment that the "new economics" has collapsed under the weight of big companies and big labor and that it must be succeeded by some system of permanent wage and price controls, pressure for formal controls has been conspicuously sparse.

Despite the rejection so far of formal federal guidelines, the issue remains very much under consideration.

"We know we are fallible," said Hendrik S. Houthakker, 45, a member of the Council of Economic Advisers. "If it turns out we are dead wrong and prices go up more strongly than ever, the Administration might well change its tune. We go by results."

GOVERNMENT ADVISERS

Mr. Nixon's new pressure against the higher oil prices and his decision to try to strengthen builders in contract bargaining were the boldest efforts of his Administration to influence prices and wages.

The efforts, outlined in a Dec. 4 speech to the National Association of Manufacturers in New York, reflected conflicting pressures from his principal economic advisers—the Council of Economic Advisers, especially chairman Paul W. McCracken and member Herbert Stein, both 54; and George P. Shultz, 50, director of the six-month-old Office of Management and Budget.

CEA: McCracken has said several times, most recently at a news conference Dec. 1, that he has "never been particularly allergic to jawboning, if by that one means the process by which one tries to make clear developments in the economy that have relevance to public policy."

Stein's position is less clear. He said in a *National Journal* interview that he has an open mind about incomes policies; but he indicated he thought of them only as a device for speeding up economic corrections, which must be brought about mainly by fiscal (budget) policy, as set by the President and Congress, and monetary policy, as set by the Federal Reserve System.

Shultz: Shultz could not be reached directly, but several fellow government economists offered their interpretations of his position. Most of them said he is becoming or has become the President's premier adviser on economic matters.

As a former dean of the University of Chicago graduate school of business, Shultz is closely associated with the "Chicago school" of minimum government interference with the economy and heavy reliance on monetary policy.

Several groups—One senior Administration

official, who asked that he not be identified, confirmed that there are several schools of thought on incomes policies within Mr. Nixon's official family.

"I don't know if you would call them groups," he said. "Sometimes the group is one.

"I think Stein and Shultz would rather do nothing, but they see the political pressures. There are others, like Arthur Burns, that would want to set up a wage-price board."

Another government economist, who also asked anonymity, said the President gives considerable weight to the views of Shultz, McCracken and Burns. But, he said, "I would guess that Shultz is number one at this point. I have to add 'at this point,' because that varies."

Burns' remoteness—He said Burns has adopted "a more remote relationship" with Mr. Nixon since leaving his Cabinet-level job as counselor to the President.

But, this economist said, if Burns "makes a judgment on what's happening to the economy—I'm not saying a recommendation on economic policy—I think the President would give that considerable weight, because he's found Arthur's judgment on those matters quite good in the past."

Shultz' proximity—A member of the staff in Shultz' own agency, OMB, called his chief "obviously a heavyweight adviser to the President."

He and others consider it very important that Shultz' office in the West Wing of the White House is close to the President's.

"It takes Shultz maybe 13 seconds to get to the oval room (Mr. Nixon's principal office) if he doesn't use the elevator. None of the other economic advisers could get there in less than five minutes," the staff man said.

When Shultz was Secretary of Labor (1969–1970), he spoke out often on economic matters, rejecting time after time the suggestion that the Administration install some sort of incomes policy.

He has not commented publicly since July, when OMB was formed, but a remark he made last February before the Joint Economic Committee of Congress is typical. He rejected guidelines, saying they "did not work in this country, and they have been tried in nearly all the democratic countries of the world and haven't worked anywhere."

Troika activity—He was not then a member of the "troika"—the economic policy group consisting of the chairman of the CEA, the secretary of the treasury and the director of the Budget Bureau (now OMB)—but since he became head of OMB, he has been active in troika affairs.

One Treasury Department official said Shultz lately "has assumed a very important role and is fully exercising his role in the troika."

He said that because Treasury Secretary Kennedy "was not such a strong and forceful personality" in troika deliberations, much of the responsibility fell to McCracken, Stein and, more recently, Shultz.

Shultz, he said, "carries a great deal of weight because that's how he got picked. The President trusts him."

Kennedy: Kennedy's role in economic planning and policy making has been unclear for some time, and the question became moot when Mr. Nixon announced recently that he will be succeeded next year by John B. Connally, a Democrat, and former Texas Governor (1963–69) and Secretary of the Navy (1961).

But Kennedy's influence—and that of Treasury—was illustrated by the way the CEA's second "inflation alert" was cleared by high Administration officials on Nov. 27, a Friday. It was released the following Tuesday, Dec. 1.

Houthakker, the CEA member charged with early development of the alert, said in an interview that it was sent for clearance to three officials: Shultz, Labor Secretary James D. Hodgson, 56, and Commerce Secretary Maurice H. Stans, 62.

It was not sent to Kennedy, Houthakker said, because "Treasury doesn't really have a major responsibility in this area."

Burns: Although Fed Chairman Burns made it clear last May he thought some type of incomes policy—short of wage and price controls—might hasten reductions in price inflation, he got very specific in a Los Angeles speech Dec. 7.

"We are dealing, practically speaking, with a new problem—namely, persistent inflation in the face of substantial unemployment—and the classical remedies may not work well enough or fast enough in this case," Burns said. Among the possible steps he suggested was "establishment of a high-level price and wage review board" with the power to investigate, advise and recommend on wage and price changes.

Because of his background as a Presidential adviser and his reputation as an economist, Burns is a frequent visitor in the President's office. The substance of his discussions with Mr. Nixon is a carefully guarded secret, however.

However, one Fed official said, "He certainly wasn't speaking for Richard Nixon" when he said in Los Angeles, "We need to explore with an open mind what steps beyond monetary and fiscal policies may need to be taken by government to strengthen confidence of consumers and businessmen in the nation's future."

WEIDENBAUM: Internal pressures for some version of incomes policy first broke into the open last summer, when Murray L. Weidenbaum, 43, assistant secretary of the treasury for economic affairs, told a congressional subcommittee, "I think the time has come to give some serious consideration to some form of incomes policy."

Maurice Mann, an assistant director of the Office of Management and Budget, later added his voice to Weidenbaum's.

Mann has since left government to become executive vice president of a Philadelphia bank; Weidenbaum has turned his attention to securing congressional passage of his pet project, a plan to share federal revenues with cities and states.

CONGRESS

Mr. Nixon has been under pressure from Congress for a year, but the pressure has intensified since the CEA put out its second "inflation alert" Dec. 1 and the President made his economic address to the manufacturers' association Dec. 4.

Legislation: Congressional Democrats armed Mr. Nixon with two laws allowing him to clamp controls on credit and "stabilize," or freeze, wages, prices, salaries and rents. He has said repeatedly he does not want the authority and will not use it. The two laws are:

The Credit Control Act (83 Stat 376), passed a year ago, giving the President permanent authority to trigger credit controls which would then be administered by the Federal Reserve Board. HUD Secretary George Romney last May 11 advocated using credit controls to aid housing.

The Economic Stabilization Act (84 Stat 799), part of the Defense Production Act passed last August, giving the President authority to stabilize wages, prices, salaries and rents. He could freeze them across the board or selectively at any level back to where they were May 25.

The wage-price freeze authority is to expire next Feb. 28, but the House Banking and Currency Committee has approved a bill (HR 19828) extending it to the end of March, to enable the new Congress to make up its own mind about the need for this kind of authority.

Democrats: The Democratic leadership in both the House and Senate urged Mr. Nixon on Dec. 3, the day before his speech to the manufacturers' association, to freeze wages and prices for 30 to 60 days so that guidelines for voluntary restraint could be drawn up.

Senate Majority Leader Mike Mansfield, House Speaker John W. McCormack and House Majority Leader Carl Albert held a joint news conference to call for the temporary freeze to permit the government to work out guidelines with industry, unions and other groups.

Sen. William Proxmire, D-Wis., this month suggested that Mr. Nixon call upon labor and business leaders to determine what would be fair wage and price increases, and then impose guidelines to produce them. He said guidelines would be a workable alternative to rigid controls, which he said would be difficult to administer during a war which lacks wide public support. Economists' paper: The three economists who chaired the CEA during the Kennedy and Johnson Administrations reported in September, after a study for the Senate Democratic Policy Committee, that a "cooperative wage-price policy," enlisting the support of both business and labor, is the "missing link of economic policy."

The report, prepared by Walter Heller (1961–64), Arthur M. Okun (1968–69) and Gardner Ackley (1964–68), suggested that the Administration begin a "prudent but decisive shift toward the support of growth, designed to halt promptly the widening of the production gap and the rise of unemployment."

Mr. Nixon's own advisers have publicly endorsed a goal of more expansion in an effort to restore "full employment"—by definition, a situation in which the unemployment rate is 4 per cent or less—by July 1972.

ECONOMIST PRESSURES

Advice from economists outside government is almost universally in favor of stronger action: disagreement is on tactics rather than strategy. O'Leary: A plan similar to Burns' Los Angeles proposal has been advanced by James L. O'Leary, executive vice president and economist for the U.S. Trust Co. of New York.

"I think Mr. Nixon should go to what I would regard as being the absolute minimum he ought to do, and that is to appoint what Arthur Burns called a wage-price review board, or what I was calling a wage-price stabilization board," O'Leary told *National Journal*.

"I don't know exactly what Burns has in mind, but what I have in mind is a board that would have representation from labor, management and the general public," he said.

O'Leary advocated a board with its own staff and the authority to involve itself in negotiations in major industries and important disputes involving municipal services, such as public transportation.

Weintraub-Wallich: One plan Treasury is considering was developed independently by Weintraub and Wallich. They proposed that the government decide what wage level is inflationary, set a guideline, then penalize companies whose total wages increase more than that during a year.

The penalty would be added to an offending company's income tax.

Wallich said in an interview the guidepost could not be the long-term gain in productivity—the 3.2-per cent limit on wages and prices set during the Kennedy Administration—nor productivity plus the increase in the cost of living, for "then you validate the going rate of inflation."

Instead, Wallich recommended productivity plus half the current rate of inflation.

The guideline would be imposed only on wage increases. Weintraub and Wallich said that the certain knowledge that too-large wage increases would bring higher income taxes would stiffen management's back at the bargaining table.

Prices would remain under control, Wallich said, because business would find its production costs rising less rapidly. In addition, he said, "an increase in the income tax is very hard to shift, certainly in the short run."

Weintraub said he had considered several possibilities for beefing up the government's efforts to control inflation, and "this seems to be the most innocuous, in the sense of least interference and least bureaucracy." He said the plan "is surely not anti-union compared to any other recommendation, and above all it is not anti-labor."

Treasury Under Secretary Charles E. Walker, 47, confirmed that Weintraub, who was on Walker's Ph.D. examination committee at the University of Pennsylvania in 1955, had approached him about the plan and that it was being studied.

"We're going to examine it, but that gives no prejudice one way or the other as to what we might come out with," he said.

Roosa: One of the strongest and most detailed suggestions for a new incomes policy came from Robert V. Roosa, former under secretary of the treasury for monetary affairs (1961–64).

In testimony before the House Banking and Currency Committee on June 17 and again in a *National Journal* interview, Roosa called for a three-step plan to curb the upward spirals of prices and unemployment:

a temporary freeze on all wages, prices, rents and dividends;

an incomes policy worked out among government officials and key interest groups with which all would agree they could live;

a 1970 version of the Temporary National Economic Committee of the late 1930s, with authority to reexamine the nation's entire price and wage structure.

Roosa said he doubts voluntary freezes would work, because "very large wage increases" since his June 17 proposal had locked-in disparities.

"Wherever you try to put a brake on this, there are going to be at least half of the affected people who claim that they haven't caught up yet," he said. "So it may well be that if this is going to be halted it will require a compulsory freeze for an indefinite period—no more than six months, hopefully less."

After that, he said, the options would include "at the one extreme, the Wallich and Weintraub idea of a tax on the profits of firms who exceed some indicated guidepost figure, to, at the other, compulsory arbitration, which, at least for some industries, Burns mentioned in his speech."

Galbraith: The most pessimistic view and the most extreme suggestion comes from Galbraith, former ambassador to India (1961–63) and a Harvard University economics professor now teaching at Cambridge University in England.

Speaking to the Fabian Society in November, Galbraith declared the "new economics" dead.

What killed it, he said, is the immense power of trade unions and large corporations, which makes it possible for them to override any adjustments in the economy government may try to make.

He said the only way to deal with the situation is to establish a new system of permanent price and wage controls covering at least the strongest unions and companies.

INTEREST GROUPS

Interest groups are as close to unanimity as the economists in their calls for stronger Presidential action, although there is a wide range of motives.

Business Council: One of the most telling dissents from Mr. Nixon's economic game plan came three weeks before the November election from the Business Council, a group of 190 top corporate executives who meet every six months at Hot Springs, Va., to analyze government economic policy.

During an Oct. 17 panel discussion on the economy attended by several prominent government officials, including McCracken, the council agreed that present Administration policies could not stop inflation.

The panel discussion was closed to reporters—all Business Council sessions are closed—but it was summarized later by Fred J. Borch, 60, chairman of General Electric Co. and then chairman of the council. He has been succeeded by William M. Batten, chairman of J. C. Penney Co.

Reflecting five weeks later on the Business Council's decision to make its dissent public a day before its leaders met with the President, Borch said:

"I don't think we had much choice on that. It was the consensus of industrial corporations."

During an interview in his New York office Nov. 24, Borch said the council's position was "a little sensationalized by the press." The position, he said, had two major points:

There was "complete agreement that the Administration's monetary and fiscal policies are sound."

"As a secondary element," the government did not seem to understand that the inevitable labor cost increases of the next three years (most of which are frozen into contracts) are significant in terms of price stability.

At the news conference Oct. 17, Borch said the council panel thought the Administration "should explore other things rather than rely purely on monetary and fiscal restraints," the classical devices it has relied upon to stop the inflation.

However, Borch said, the council wanted no part of formal guidelines of wage and price controls. "The negatives were much clearer than the positives on this," he added.

Martin: A call for sterner action came from an unexpected direction Nov. 5, when William McChesney Martin Jr., Burns' predecessor as chairman of the Fed, urged the Administration to adopt an incomes policy.

Guidelines would put the government's sanction behind labor and management officials who try to resist inflationary increases, Martin said at a news conference after a speech to the Metropolitan Washington Board of Trade. He said, "I've had both labor and business people say to me, 'Why doesn't someone say what a reasonable level is?' "

Martin would not place the entire burden on the government, however. "I think it is necessary for businesses, bankers and individuals to show more restraint than they've been doing. We can't rely on fiscal and monetary policy alone."

CED: The Committee for Economic Development, a study group consisting mainly of prominent businessmen and former businessmen, recommended Nov. 23 that the government set up a three-man board on prices and incomes to develop "broad norms of appropriate noninflationary wage and price behavior that would give some guidance to business and labor groups."

The CED said the board should make public reports when increases deviate "substantially from such broad norms."

It urged that new wage-price policies not be rejected simply because their value cannot be proven in advance. The CED recommendation said:

"We do not believe that failing to develop and employ such policies would be warranted simply because their effectiveness cannot be predicted with certainty. If they should not prove to be very effective, any adverse effects are also likely to be small.

"But if they do help in reconciling high unemployment with reasonable price stability, the payoff from adopting them could be significant. On balance of considerations, therefore, we believe that the United States should include voluntary wage-price policies among its tools for reconciling price stability and high unemployment."

Labor: The reaction of organized labor to talk of formal controls has been lukewarm.

AFL–CIO President George Meany, 76, told a news conference Nov. 9:

"We don't advocate controls. However, if (Mr. Nixon) feels that the situation calls for it, we'll go along, provided it's equality of sacrifice on the part of all—not just wage and price controls—but wage and price controls and controls on all sorts of income, so that everybody would make a contribution to the solution of this problem."

The AFL–CIO's chief economist, research director Nathaniel Goldfinger, has judged the Nixon game plan a total failure.

"We think it's disastrous. It created recession and rising unemployment," he said in an interview.

International pressures: The economic staff of the Organization for Economic Cooperation and Development issued a report in Paris last month urging a concerted international attack on inflation and advocating a mixture of policies to combat it.

Among them was an incomes policy, so far resisted by the Nixon Administration in any stern form, and active manpower and antitrust policies, both of which were suggested by Burns in his Los Angeles speech.

OUTLOOK

Mr. Nixon and his advisers say they are dedicated to following expansionary economic policies to restore the economy's growth and bring unemployment down to the "full employment" level of about 4 per cent.

On the day Mr. Nixon told the manufacturers' association the Administration wanted to bring unemployment down, the unemployment rate was 5.8 per cent, the highest in seven years. Other indicators showed industrial production declined in November for the fourth consecutive month, although its decline of .7 per cent was less precipitous than its October decline of 2.1 per cent.

Recovery: Mr. Nixon outlined to the manufacturers three trends that he said should counteract the gloomy economic statistics:

Budget policy already has become expansionary. The fiscal 1972 budget, which must be submitted to Congress in January, will be balanced on a "full employment" basis: that is, it will be in balance if the government spends no more than it would take in if the economy were operating at capacity.

Fed Chairman Burns has assured the President that the Fed will "provide fully for the increasing monetary needs of the economy." Burns did not confirm the pledge in his speech in Los Angeles. The Fed so far is committed publicly only to a growth rate in the money supply (currency in circulation plus checking accounts in banks) of 5 per cent a year.

Interest rates are coming down as a result of "easier credit policies and curbing of inflationary psychology."

Stein: CEA member Stein told the Investment Bankers Association in a speech Dec. 3 that both fiscal policy and the money supply will have to expand more than they did during 1970 if the economy is to rise to its potential output in two years.

"To get the economy up to its potential in two years would require an increase of real output of about 12.5 per cent, or a little over 6 per cent a year," he had said Oct. 28.

"Even with reasonable success in reducing the inflation rate, one might perhaps count

on average price increases of 3 per cent a year during this period—more at first and less at the end. This would mean average increases in the money value of Gross National Product of 9 per cent a year."

Stein's estimate of 3-per cent average price increases over the next two years is something that still must be achieved, since the Consumer Price Index rose at an annual rate of 4.2 per cent during July, August and September. In comparison, however, the rate for the final six months of 1969 was 5.9 per cent.

Next steps: Economists Roosa and O'Leary told *National Journal* that Mr. Nixon will have to move to a still stronger incomes policy if he is to realize his goals of full employment and diminishing inflation before the 1972 election campaign.

"I would think that within a rather limited period of time, we will see them move into something like this wage-price review board," O'Leary said. "I think that's the next big thing."

Roosa said he did not see how the President could avoid stronger economic policies. "Barring a miracle," Roosa said, "the President is going to have unemployment above 6 per cent pretty soon, headed toward seven. In the face of that, and with a wish to try to check inflation, and at the same time being required to do an awful lot to stimulate the economy to stop that unemployment from rising, he's going to have to compromise by at least introducing some more direct form of compulsory fact-finding."

A government economist, who asked not to be identified by name, said he thought the odds were in favor of Mr. Nixon's moving further.

The NAM speech, he said, proved that the President is willing to take what action he thinks is necessary—although he said nobody in government now believes direct controls or wage-price freezes are necessary.

Mr. CHILES. Mr. President, support for wage-price controls is widespread. Those who object to at least temporary wage-price legislation do so, I believe, with the mistaken assumptions about the true nature of our economy and the real seriousness of our current inflationary situation. We must act now before our economy spirals out of control.

Mr. President, I ask unanimous consent that the full text of the bill and sundry other articles pertinent to the subject of my remarks be printed in the RECORD.

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

S. 2458

A bill to authorize a temporary price-wage freeze pending the establishment of a National Price-Wage Stabilization Board, and to vest in such Board the power necessary to protect the public interest in price stability and the control of inflation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Price-Wage Stabilization Act".

FINDINGS, PURPOSE, AND INTENT

SEC. 2. The Congress finds that—

(1) the diminishing real purchasing power, high interest rates and insufficient job opportunities which result from the current combined inflation and recession are posing severe threats to the national welfare; and

(2) special measures to resist inflation arising from the exercise of market powers are required until such time as monetary and fiscal measures can return the national economy to its full potential without engendering further rapid inflation.

It is the purpose of this Act to provide the means for the effective control of inflation. It is the intent of the Congress that the authority conferred by this Act should be exercised with a view to maintaining the American system of competitive enterprise, including collective bargaining, and in a manner which will result in the application of only such controls as are imperative in the public interest.

TEMPORARY PRICE-WAGE FREEZE

SEC. 3. (a)(1) The President shall issue such orders and regulations as may be necessary to stabilize prices, rents, wages, and salaries at levels not less than those prevailing on July 15, 1971. Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent gross inequities.

(2) Any order or regulation issued under paragraph (1) shall terminate on the date on which the National Price-Wage Stabilization Board (established under section 4) publishes the guidelines referred to in section 5. Such termination does not affect any proceeding under section 9(a) for a violation of any such order or regulation, or for the punishment for contempt committed in violation of any injunction issued under section 9(b), committed prior to such termination.

(b) The President may delegate the performance of any function under this section to such officers, departments, or agencies of the United States as he deems appropriate.

ESTABLISHMENT OF BOARD

SEC. 4. (a) There is hereby established an independent agency to be known as the National Price-Wage Stabilization Board (hereafter in this Act referred to as the "Board") which shall be composed of five members to be appointed by the President by and with the advice and consent of the Senate. The President shall appoint one member with extensive Government experience to serve as Chairman. The remaining members shall be appointed so as to maintain a fair balance in the remaining members among leaders drawn from business, labor, and consumers.

(b) The Chairman and the other members of the Board shall receive compensation at the rates prescribed for levels II and IV, respectively, of the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code. Any vacancy in the Board may be filled in the manner in which the original appointment was made.

(c) Three members of the Board shall constitute a quorum.

(d) The Board may appoint and fix the compensation of such personnel as it deems advisable. Such personnel shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(e) The Board is authorized—

(1) to issue rules, regulations, and orders necessary to carry out its functions under this Act;

(2) to obtain the services of experts and consultants from private life in accordance with the provisions of section 3109 of title 5, United States Code; and

(3) to obtain directly from any department or agency of the Government such information or other data in the possession of such department or agency (other than information or data the release of which, in the opinion of the head of such department or agency, is inconsistent with the national interest or security) as may be necessary or appropriate, in the determination of the Board, to carry out its functions.

PUBLICATION OF GUIDELINES

SEC. 5. (a) The Board shall publish as soon after taking office as is feasible a set of basic guidelines for price and wage changes, including a set of specific exceptions from, or modifications of, the guidelines for any case in which adherence to the basic guidelines would create undue hardship.

(b) The Board shall consult with leaders of business, labor, and consumers in establishing such guidelines and specific exceptions and modifications.

(c) The Board shall include in the basic price guidelines provisions which take account of changes in unit costs, productivity, and profit margins, and of previous price changes. The Board shall include in the basic wage guidelines provisions which take account of increases in national productivity and living costs, and of previous changes in wage rates.

(d) If the Board publishes basic wage guidelines which call on employees to forego any part of the legitimate wage increases required by increases in living costs and national productivity, the basic price guidelines shall include a corresponding call on corporations to forego a comparable increase in prices due to an increase in costs.

(e) The Board may from time to time publish such amendments to the guidelines as it deems necessary.

REPORTS JUSTIFYING PRICE OR WAGE INCREASES

SEC. 6. (a)(1) The Board may by order or regulation require any corporation whose activities the Board determines may have a substantial inflationary impact on the economy to file with it an economic justification for any substantial price increase for any significant product. Such economic justification shall show that the price increase is consistent with the applicable guidelines or the way in which it departs from those guidelines.

(2) The Board shall prescribe regulations defining for purposes of this subsection the terms "significant product", and "substantial price increase".

(3) (A) The economic justification for a price increase which takes effect after the initial publication of guidelines under section 5 shall be filed with the Board thirty days before the date such increase takes effect, and no such price increase may take effect until the expiration of such thirty-day period.

(B) A justification shall be filed under this subsection with respect to any price increase which takes effect before such initial publication only if the Board requests such justification. Such justification shall be filed within thirty days of such request.

(C) No justification need be filed with respect to a price increase which takes effect more than one hundred and eighty days before the date of enactment of this Act.

(b) Each labor organization which bargains with any corporation to which subsection (a) applies (or with any multi-employer association which includes such corporation) and which obtains a wage increase for employees of such corporation which exceeds the amount indicated in the applicable wage guidelines shall within thirty days after it obtains such wage increase file with the Board an economic justification, which shall specify the amount by which such increase exceeds such guidelines. In addition, the Board may, by order or regulation, require any labor organization whose activities the Board determines may have a substantial inflationary impact on the economy to file with it an economic justification with respect to any wage increase obtained by such organization for employees it represents. Within thirty days of such request, such organization shall file with the Board an economic justification which shall specify the amount, if any, by which such

increase exceeds the applicable wage guidelines.

(c) The Board shall require any corporation to which subsection (a) applies to file an economic justification for any wage increases granted to corporation executives which are in excess of the basic wage guidelines established by the Board.

(d) For purposes of this section—

(1) The term "corporation" includes a parent and all subsidiaries.

(2) The term "wages" include wages, salaries, fringe benefits, and other compensation.

(e) Whenever any person fails to file an economic justification required to be filed under this section, the Board may make application to the district court of the United States for any judicial district in which such person is found, resides or does business for an order to require such person to file such justification, and such court shall have jurisdiction to issue such order. Any failure to obey such order may be punished by the court as a contempt thereof.

STIMULATING VOLUNTARY ADHERENCE

SEC. 7. In order to stimulate adherence to the guidelines published under section 5, the Board may publish any economic justification filed with it, negotiate with corporations or unions where the guidelines appear likely to be breached, hold hearings, administer oaths to witnesses appearing before it, subpena witnesses and records, and announce findings and recommendations with respect to inflationary departures from the guidelines. In case of contumacy by, or refusal to obey a subpena served upon, any person referred to in this section, the district court of the United States for any district in which such person is found or resides upon application by the Board requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

AUTHORITY TO IMPOSE MANDATORY PRICE AND WAGE RESTRAINTS

SEC. 8. If the Board determines, after fully utilizing the powers conferred by sections 5, 6, and 7, that inflationary forces within the economy cannot be controlled effectively through voluntary means, and that such forces severely threaten the national welfare, the Board may issue such orders and regulations as may be necessary to stabilize prices, rents, wages, and salaries at levels not less than those prevailing during the period in which orders and regulations issued by the President under section 3 were in effect. Orders and regulations issued by the Board under this section may provide for the making of such adjustments as may be necessary to prevent gross inequities.

SANCTIONS

SEC. 9. (a) Whoever willfully violates any order or regulation issued under section 3 or 8 of this Act shall be fined not more than $5,000.

(b) Whenever it appears to any agency of the United States authorized by the President to exercise the authority contained in section 3 that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order issued by such agency under such section, or whenever it appears to the Board that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order issued by the Board under section 8, such agency or the Board, as the case may be, is authorized to bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the agency or the Board, as the case may be, any such court may also issue mandatory injunctions commanding any person to comply with any such regulation or order.

(c) No costs shall be assessed against the United States in any proceeding under this section. All litigation arising under this section shall be under the supervision and control of the Attorney General.

CREDIT CONTROLS

SEC. 10. Whenever regulations or orders stabilizing prices, rents, wages, and salaries are in effect under this Act, the Board of Governors of the Federal Reserve System shall exercise its authority under the Credit Control Act (title II of Public Law 91–151) to regulate and control extensions of credit.

ADMINISTRATIVE PROCEDURES

SEC. 11. The functions exercised under this Act are excluded from the operatiton of sections 551, 553–559, and 701–706 of title 5, United States Code.

REPEAL

SEC. 12. The Economic Stabilization Act of 1970 (title II of Public Law 91–379) is repealed.

TERMINATION

SEC. 13. This Act and all authority conferred thereunder shall terminate upon the expiration of one year after the date of its enactment. Such termination shall not operate to defeat any action, whether theretofore or thereafter commenced, with respect to any liability or offense committed prior to such termination date.

[From the New York Times, Aug. 5, 1971]

WAGE-PRICE RUNAROUND

With his anti-inflation program foundering, President Nixon seems to have decided that the best way to turn off the bipartisan clamor in Congress for action to halt the wage-price spiral is to make his critics demonstrate that they have foolproof remedies he can use. This hardly qualifies as leadership from a President who campaigned nearly three years ago on a pledge to couple price stability with low unemployment and has thus far failed to deliver either.

In a week that has brought a dismayingly big increase in steel prices, plus warnings of an equally unwelcome increase in railroad freight rates, both tied to overhigh wage settlements, the President says he is still waiting to be convinced that the Government ought to be doing something more than talk about restraint and responsibility by way of checking the runaway spiral.

It is certainly no contribution for Mr. Nixon to instruct Secretary of Labor Hodgson to alert him to all forthcoming negotiations in key industries so that he can use his persuasive powers to keep settlements in noninflationary bounds. That is exactly what the President tried to do in steel, only to discover that both the union and the industry were locked into a preset pattern which neither could hope to break in the absence of Administration moves to establish an effective national incomes policy.

The obvious hope in the White House is that it can bob and weave for a few more months until all the expensive dominoes fall into line on major contracts for 1971, including those still to be signed in the East and West Coast waterfronts and the coal mines. Then the Administration argument will be that 1972 is a year of relative quiet on the labor-management front, with few big contracts to be negotiated, so everyone can relax.

The only trouble with this let-time-cure-everything line of evasion is that the road never stops running uphill. The steel pattern was nailed down many months ago with the first settlement in the can industry. The railroad pattern, accepted this week by the United Transportation Union, was pushed up by the big increase Chicago truck drivers won a year ago with their breakaway strike against the initial national settlement in their industry. The rail pact must still run the gantlet or demands for higher pay from the militant shopcrafts and signalmen.

Even more disturbing is the spillover of inflationary wage expectations in the public service. The President is himself engaged in a fight with Congress and the unions representing 750,000 blue-collar employees in Federal agencies over pressure for pay increases that would exceed the prevailing rate in private industry.

In New York City, with its chronic fiscal problems and its equally chronic shortchanging in monetary aid from Washington and Albany, the skyrocketing cost of living and the high settlements in local industries combine to inflate the already swollen municipal payroll.

The city is obviously in no condition to give increases totaling 27 per cent over three years to its welfare administrative staff, as it has just agreed to do. Yet what equity would there be in telling them they cannot have what all other unionized workers are getting? Still unsettled are the contract talks covering policemen, firemen and sanitation workers. And not far behind them the transit employes, with the specter of a 50-cent fare.

The only hope for halting this endless procession lies in White House leadership. The very limited step the President took to stabilize construction costs is bearing useful fruit. A brief general wage freeze, tied to creation of a wage-price board, could mark a beginning toward similar progress for the total economy.

[From the Conference Board Record, Mar. 1971]

CONTAINING INFLATION III—THE IMPACT OF INFLATION ON CONSUMER ATTITUDES AND BEHAVIOR

(By George Katona)

Inflationary expectations have been widely discussed during the last few years. Occasionally they have been cited as a major factor bringing about price increases. Some data are available on these expectations and their influence on consumer behavior. These data call for a revision of certain frequently accepted notions.

Three findings seem particularly relevant for an understanding of the psychology of inflation. These findings, made in the 1950's as well as the 1960's, relate to matters with respect to which the American people's attitudes and opinions have remained practically unchanged during the past 25 years:

Inflation is viewed as an adverse development by the great majority of Americans. When people believe that prices have advanced fairly rapidly, pessimistic notions arise, while price stability or small price increases make for satisfaction and increase consumers' readiness to satisfy their wants.

Many people believe that if prices were to advance they would need to spend more on necessities, and therefore would have smaller resources at their disposal for the purchase of goods and services which are discretionary rather than necessary.

Income increases and price increases are viewed by most people as unrelated. When survey respondents are asked why they are making more money than they did five or ten years ago, they commonly refer to their own efforts, to increased experience and ability, and to progress in their careers, rather than to inflation or to activities of the gov-

ernment or trade unions.[1] Therefore inflation is viewed as "bad" even by people whose incomes rose much more than prices advanced: Inflation detracts from satisfaction with what is seen as well-deserved fruit of one's labor.

The Survey Research Center at the University of Michigan provides quarterly measures of changes in consumers' willingness to buy through its Index of Consumer Sentiment. The Index has consistently foreshadowed changes in major consumer expenditures. For example, the Index declined sharply in 1969, indicating the recession of 1970 in the purchases of automobiles and other discretionary items, as well as the increase in consumer saving. There was no recovery of consumer sentiment in 1970. Misgivings and pessimistic opinions originated in several factors, one of which was inflation. Dissatisfaction with past price increases and the expectation that they would continue was one important reason that many people turned pessimistic in 1969.

EXPECTED PRICE INCREASES

While a much greater proportion of consumers than either a year or two years earlier said in November 1970 that this is a bad time to buy because prices have gone up or because prices are high, consumers' opinions about the rate of expected price increases changed only moderately in this period of accelerated inflation. In November 1970 only 16% of the great majority with the definite opinion that prices will rise thought that the rate of price increase would exceed 5% in twelve months. In contrast, 39% expected price increases of less than 5%, and 36% predicted price increases of 5% (Table 1). Most consumers continue to expect slow and gradual rather than rapid price increases.

TABLE 1.—OPINIONS ABOUT EXPECTED PRICE INCREASES DURING THE NEXT 12 MONTHS

	May 1966	February 1969	September 1969	May 1970	November 1970
A. All families:					
Prices will go up by—					
1 to 2 percent	44	40	30	25	26
3 to 4 percent	11	16	11	10	13
5 percent	25	27	38	38	36
6 to 9 percent	3	3	5	6	6
10 percent or more	6	8	9	13	10
Don't know how much prices will increase	11	6	7	8	9
Total (expecting prices to go up)	100	100	100	100	100
B. Families with incomes of $10,000 and over:					
Prices will go up by—					
1 to 2 percent	48	35	27	22	25
3 to 4 percent	14	20	14	11	17
5 percent	21	34	40	40	40
6 to 9 percent	4	3	7	7	6
10 percent or more	6	6	9	16	9
Don't know how much prices will increase	7	2	3	4	3
Total (expecting prices to go up)	100	100	100	100	100

Note: The question, asked of the great majority of people with the definite opinion that prices in general ("I meant the prices of things you buy") will go up, was, "How large a price increase do you expect? Of course nobody can know for sure, but would you say that a year from now prices will be about 1 or 2 percent higher, or 5 percent, or closer to 10 percent higher than now, or what?"

Even when asked about the expected price level five years from now, only 30% said that prices will be a lot higher than in November 1970. In addition, 31% said that prices will be a little higher, 20% that they would be about the same as now, and 19% that they couldn't hazard a guess.

The findings on the relatively conservative price expectations of the American people and on the retardation of consumer demand brought about by inflation appear to contradict the widely held notion that consumers who expect prices to go up try to beat inflation by buying in advance and in excess of their needs. This theory, although confirmed in periods of hyper-inflation in some foreign countries, is not in line with the attitudes and behavior of American consumers. Nevertheless, the theory is widely held. (For instance, D. R. Francis, president of the Federal Reserve Bank of St. Louis, wrote recently of the "well-known fact that consumers, businessmen and labor unions do take into consideration anticipated price level changes when making decisions to purchase goods and services . . . in an attempt to protect their positions from the ravages of inflation."[2] Therefore, in the fall of 1969 and again in the summer of 1970, when fear of inflation was pronounced, we inserted into our surveys questions about consumer buying in advance.

First, survey respondents were asked what they could do to protect themselves against price increases. In reply most spoke of economizing, of buying less than usual, or of postponing certain purchases, while hardly anyone mentioned buying things before prices went up. The next question read as follows: "Did you or your family buy anything during the past few months because you thought that it would cost more later?" To this question—intentionally formulated so as to suggest an affirmative answer—12% of family heads, and likewise 12% of family heads with more than $10,000 family income, answered Yes, and 88% and No. When asked what they bought in advance, most respondents spoke of occasional purchases of a variety of small items.

There are indications that some business firms may have acted differently from consumers. Unfortunately, the problem was not studied in any survey of business executives in 1969 or 1970. Therefore I cannot do more than report occasional references by business executives to buying or investing before prices went up. Expectations of rising interest rates may also have induced some large firms to borrow larger amounts than actually needed.[3]

Insofar as consumers are reluctant to proceed with desired discretionary expenditures because of inflation, and insofar as they economize and cut down on some of their expenditures, they serve to counteract inflation rather than stimulate it. On the other hand, in some good years (not in 1969–70), consumers' behavior in incurring debt may have contributed to inflation. Many consumers were found to be impatient to improve their standard of living; they bought durable goods and many other goods and services on credit according to the resources they expected to have, in the future, rather than according to what they could afford at a given time. Installment buying, the major form of debt incurrence, is much more frequent in good times, when people are optimistic, than in bad times, when they are pessimistic. It is a sign of prosperity and contributes to it. To some extent, installment buying also adds to inflationary pressures. Yet this influence appears to be greater in the earlier stages of an upturn, when optimism is beneficial, than in the later stages.

DOES INFLATION HURT?

Some further findings are relevant to economic policy: How bad is inflation in the opinion of the American people? In 1969 and again in 1970 representative samples of family heads were asked which of various population groups in their opinion were hurt most or least by price increases. The final question in the series asked how much the respondents and their families were hurt by inflation. In reply, the majority said that they were hurt a little (Table 2).

[Table 2.]

OPINIONS ON DEGREE FAMILIES WERE HURT BY INFLATION

[In percent]

Said that they were hurt very much	16
Said that they were hurt much	12
Said that they were hurt a little	53
Said that they were not hurt at all	16
Did not know	3
	100

NOTE: Average frequencies from two surveys conducted in November 1969 and May 1970; the findings of the two surveys differed very little. The answers to this question, as well as to various other questions reported in this paper as obtained in 1969, were reported in the monograph, *1969 Survey of Consumer Finances* (Ann Arbor, Michigan, Survey Research Center, 1970).

Low-income people reported being hurt very much or much somewhat more frequently than high-income people, but the differences among income groups were quite small. Income changes had a much greater effect on the response. Respondents with sizable income increases constituted most of those who said that they were not hurt by inflation at all. But the number saying that inflation hurts them a little or not all, altogether 70%, is much larger than the number with income gains.

In spite of inflation, the American people's desire to save has not been impaired; the most preferred form of savings remained putting money into savings accounts with commercial banks, mutual savings banks, and savings and loan associations (including certificates of deposit and savings certificates). Many Americans were found to be aware of the fact that because of inflation the purchasing power of their savings deposits has been declining. But they found some compensation in the safety of their deposits—no possibility of capital losses—as well as in the interest received.

Because inflation hurts them only a little, most Americans are reluctant to make any sacrifices in order to slow down inflation. Overwhelmingly, the American people disagree with the proposition that income taxes should be raised for that purpose. (They are also opposed to higher interest rates to slow down inflation.)

In a recent survey it was suggested to the respondents that increases in people's incomes should be limited to whatever amount the cost of living goes up. Then they were asked, again in a rather pointed manner, "Would you personally be willing to have a limit like that placed on the amount of your

[1] In this respect there are great differences between the attitudes of Americans and Western Europeans; see G. Katona, B. Strumpel and E. Zahn. *Aspirations and Affluence*, Comparative Studies in the United States and Western Europe. (New York, McGraw-Hill, 1971). For earlier findings on American attitudes toward inflation, see G. Katona, *The Mass Consumption Society*, (New York, McGraw-Hill, 1964), ch. 14.

[2] Federal Reserve Bank of St. Louis *Review*, October, 1970, p. 9.

[3] Mr. Francis, in the article quoted above, also refers to such effects of inflationary expectations, without presenting any quantitative data.

next year's income?" In reply, among those whose income went up by at least 5% in the last year and who therefore probably would have been affected, only 24% said Yes, and 67% said No (9% said "it depends" or that they did not know).

Nevertheless, inflation is viewed as an evil. But is inflation considered the greatest threat that confronts us today? The conclusion emerges from a number of studies that inflation is just one among several major problems and threats of which the American people are aware.

OTHER THREATS

An economic threat other than inflation may be discussed first: unemployment and, more generally, the threat of occasional layoffs or of loss of overtime, or reduced income due to a recession or business slowdown. Most people are eager to raise their standard of living and therefore they believe that even stable real income is unsatisfactory. Obligations, contractual or felt, are so substantial that small declines in income are often seen as great calamities. Even people who have assured jobs, so that becoming unemployed is inconceivable to them, consider growing unemployment a catastrophe for the country. Therefore anti-inflationary measures which threaten to bring about unemployment are strongly opposed by most Americans.

The war in Vietnam worries very many people, and their concern with international affairs is closely related to current social problems of which they are well aware. People argue that because of Vietnam the government spends too little on what they see as the great problems of the day—poverty, race relations, violence and riots, inner city problems, crime and drugs, the alienation of the young and the misery of the old, as well as pollution of air and water. Needless to say, in the opinion of most people these are not purely economic problems. They cannot be solved by money alone, but many people believe that money would help. To mention just one instance, housing needs and dissatisfaction with housing prospects, aggravated by the current high interest rates, are thought to increase social unrest. The social problems, just like inflation, contribute to shaping people's economic attitudes and expectations; they detract from confidence and optimism both in the short run and over longer periods.

A QUESTION OF PRIORITIES

We may conclude that the American consumer wants a great deal all at the same time. He wants slower price increases than have occurred in the recent past. He wants a continuous increase in his real income and periods of upswing rather than of stagnation or recession. He desires concentrated and large-scale efforts to improve the social climate and especially to alleviate poverty and racial conflict.

Under these circumstances, setting government policy and economic priorities constitutes a very difficult task. But, clearly, giving the fight against inflation the highest priority is not justified. Runaway inflation must be avoided. For this reason, if necessary, incomes policy and even some forms of direct controls appear more acceptable than high unemployment and the neglect of the social problems of the day. The main points are (1) The relation of somewhat greater or somewhat smaller consumer demand to faster or slower price increases in tenuous. (2) The American consumer does not find life with a little inflation intolerable. The conclusion emerges that we may have gone too far in fighting inflation. Restoring vigorous growth to the economy must be given high priority.

[From Business Week, July 3, 1971]

NIXON'S TARGET: INFLATION, NOT UNEMPLOYMENT

President Nixon this week put a quick end to what threatened to be a heated intramural debate over economic policy. Without waiting for a full-scale midyear review, he flatly rejected tax cuts, spending increases, and any federal controls on wages and prices.

The decision, in effect, locks present policy in place for the rest of the year. Made in the face of a distinctly modest recovery (page 11), it represents a definite choice of inflation, rather than unemployment, as the No. 1 policy problem. And it was accompanied by a significant downgrading of the Council of Economic Advisers and of its chairman, Paul W. McCracken, who has been pushing hardest among Presidential advisers for more stimulation.

The timing of Nixon's hold-the-line decision caught even some of his advisers off guard. The President himself had implied earlier that there would be a full-scale review of economic policy beginning sometime this month, after the second-quarter gross national product figures were known. Officials at the CEA and the Treasury were expecting this review to bolster their recommendations for a more stimulative policy.

But one night last week, the President took an evening cruise on the Potomac aboard his yacht Sequoia, and the review was suddenly under way—a month early. With him were George P. Shultz, director of the Office of Management & Budget; John D. Ehrlichman, head of the Domestic Council, and Treasury Secretary John B. Connally. McCracken was conspicuously absent.

The discussions continued over Saturday and Sunday at Camp David, the President's retreat in the Catoctin Mountains of Maryland. McCracken was on hand Saturday, but the cruise members, plus Deputy OMB Director Caspar Weinberger, stayed the full weekend. Insiders say the most persuasive argument against further fiscal stimulus came, as usual, from Shultz. He pointed out that the budget deficit for fiscal 1971 will be about $22 billion and that, depending on the rate of economic recovery, it will top $20 billion and could reach $25 billion in fiscal 1972. Shultz added that unless there is some serious paring, the deficit in fiscal 1973 will top that of 1972.

In Nixon's mind, this evidently added up to as much stimulus—or red ink—as he was willing to accept. Coupled with the very rapid rate of expansion of the money supply in the first half of the year, the figures led Shultz to recommend to the President a course of what he called "steady as she goes."

Ignored. McCracken and his colleagues at the CEA wanted more stimulus, but nobody listened. Schultz still has the inside track with Nixon, and each decision went his way. And Connally took on new importance with his formal designation by Nixon as "chief economic spokesman."

The White House political staff has been unhappy for some time about the matter-of-fact way in which the CEA has reacted publicly to some less-than-ebullient economic indicators. When McCracken acknowledged in an interview a few days ago that the economy is not growing fast enough to ease into the 6.2% unemployment rate, the unhappiness became fury.

A "single loud voice" was needed to explain away all the arguments, such as the high unemployment rate, that might seem at odds with a decision to hold the line on more stimulus. Connally, who has been leaning toward more action on the fiscal side but did not push this view at Camp David, was tabbed as the obvious salesman. McCracken was told, in effect, to keep his mouth shut in the future.

"Our ears have been singed," complained one angry CEA official. "We carried the credibility banner for nearly two years. Saying something is good doesn't convince the guy in Des Moines that things are good," he continued. "The Administration may be asking for it when they politicize their economic announcements this way."

Mouthpiece. Connally turned in a virtuoso sales performance before reporters in announcing the President's decisions. "In the first place," he said, "I don't think there is any credible economist in this country who doesn't believe this economy is expanding." Accordingly, Connally said, the President "has come to the conclusion that, No. 1, he is not going to institute a wageprice review board; No. 2, he is not going to impose mandatory wage and price controls; No. 3, he is not going to ask the Congress for any tax relief; and No. 4, he is not going to increase . . . spending."

Nixon also vetoed a Democratic-sponsored $2-billion accelerated public works bill, saying that because of lags in getting projects started it "would not even make a real start on delivering its implied promise of jobs now, when jobs are needed." But he intends to sign another Democratic bill, modified to meet Administration demands, that will immediately provide up to 200,000 temporary public-service jobs and cost about $750-million. He had vetoed a similar bill last year.

Federal Reserve Board Chairman Arthur F. Burns was dismayed by Nixon's rejection of a wage-price review board, if not by the decision not to seek more stimulus. On Wednesday he told Congress' Joint Economic Committee, "If we are to restore price stability with high employment in our economy, I see no immediate alternative to a cogent incomes policy." Higher interest rates resulting from fear of inflation could threaten two sectors leading the recovery, housing and state and local government expenditures, Burns warned.

Representative Wilbur D. Mills (D–Ark.), House Ways & Means Committee chairman, says he will still wait at least until the second-quarter GNP figures are available before deciding whether to take the initiative and propose a tax cut, but the chances of his doing so appeared slim.

Patience. Meantime, the Administration's goals for lowering unemployment have slipped a bit, and Connally appeared to be redefining what, to the President, constitutes full employment. "We talk in terms of a norm of unemployment being 4%. This is a myth . . . 4% is not the norm. We have never achieved it except in wartime," the Treasury Secretary declared.

So what Connally has been designated to sell is just what the Administration has been selling since early 1969—patience. Connally stressed time and again that Nixon "is not in any sense of the word giving up the fight against inflation." And for the sake of that fight, it was clear the President was willing to tolerate unemployment close to present levels for some time to come.

[From Business Week, June 12, 1971]

STORM CLOUDS DO NOT CHANGE THE COURSE

President Nixon's top economic advisers continue to insist that the nation's economy needs no additional stimulation. If anything, they feel less inclined than a month ago toward a mid-course correction in economic policy.

"Given the basic course of expansion up to now," says Council of Economic Advisers Chairman Paul W. McCracken, "I don't see that a clear case can be made for additional stimulus."

The decision to stick to current policy is not based on confidence that the economy is tracing the path laid out last January in the Economic Report. It represents, in fact, a lowering of the Administration's ambitious goals for more economic growth and less unemployment.

Officials candidly admit that last month's rise in unemployment probably foreshadows further increases. They now appear to expect little reduction in the jobless rate before yearend, and they have explicitly downgraded their earlier target of unemployment "in the zone of 4.5% by mid-1972" to "less than 5%" by the same date. The White House apparently feels that this level will not be an overwhelming political burden if the

rate is falling sharply by the time voters go to the polls.

While there are differences in tone, the "steady-as-you-go" feeling is reflected throughout top-level economic circles around the White House. For the moment, a balance appears to have been struck—and sold to President Nixon—between concern for rising unemployment and fears of continued inflation. Worries about the ultimate impact of five months of rapid growth in the money supply (page 25) have also made policymakers wary about throwing in more fiscal stimulus.

Soul-searching. The balance could be changed, however, if the report on second-quarter gross national product is disappointing. Officials will get a preliminary estimate late next week and a better look early in July. There appears to be general agreement in Washington that a gain significantly less than $20 billion would call for "some soul-searching." Although some technicians say there is a good possibility that the second quarter will come in below that mark, key officials appear relatively optimistic.

The new target, however, gives a far different profile than Administration economist had been sketching earlier. They are now ready to concede that the recovery has been distinctly modest, with no real enthusiasm on the part of either consumers or businessmen. With the third quarter clouded by a runoff in steel inventories with or without a strike, fall is the earliest the economy can be expected to find a solid footing.

The worry now along Pennsylvania Avenue is that things will come on with a rush. Administration economists view the puzzling behavior of inventories—substantial liquidation almost everywhere but in steel—less as a vote of no confidence in the recovery than as a storing up of demand that will hit sometime toward the end of the year. For unexplained reasons, the economy has been slow in reacting to definite nudges from Washington.

"People don't quite appreciate how stimulative policies are now," says one senior Administration official, pointing to the very high rate of growth in the money supply and the fact that the fiscal 1971 budget is winding up considerably deeper in the red than had been anticipated last January. "The more stimulus you inject, the more superboom you are storing up for sometime in the future—and you don't know when," he adds.

Another Administration argument against more stimulus is that such a move would increase the pressures for an incomes policy. "To the extent that your expansion is less than planned, you have less need for market restraint because markets are looser than you expected," says a top official.

FLEXIBILITY

In recent weeks, in fact, there has been a weakening of the earlier hardnosed attitude toward wage and price behavior. The original 6% guide on construction wages has been replaced by more flexible "equity" rules, and Presidential displeasure at the aluminum price hikes was relatively mild, though accompanied by another warning to the steel industry.

Beneath the surface, however, the pressures are still there. Federal Reserve Chairman Arthur F. Burns still loses no occasion to push for a wage-price review board, and within the Administration Treasury Secretary John Connally talks openly of the need for outright controls. This, apparently, has turned Management & Budget Director George Shultz away from the idea of rapid expansion.

Some Administration officials, including Connally, reportedly have a mild preference for early activation of the scheduled 1972 and 1973 tax cuts. But it is not strong enough for them to want to challenge Shultz on this point or to take the risk that a Democratic Congress will do more than they ask.

"JUST INSANE"

The White House line against more stimulus extends to government spending as well as tax cuts. The rise in unemployment gives Congressional Democrats another argument for the $5-billion public service employment bill. But, says one high official, "the President is just as committed to a veto as before."

So far, at least, President Nixon does not seem to be getting much heat from his own party. "There are some Republican worriers," says Representative Barber Conable (R-N.Y.), a ranking member of the House Ways & Means Committee. But they are not particularly strong, he says. Barring a sharp rise in unemployment, most GOP congressmen are inclined to let the Administration determine the line on economic policy.

On the other hand, Democrats are exhibiting a fairly sharp split. Liberals such as Senator Edmund Muskie (D-Me.), a Presidential hopeful, and Senator William Proxmire (D-Wis.) are calling for quick tax cuts. But House Ways & Means Chairman Wilbur D. Mills is waiting for the second-quarter GNP figures to make up his mind. "My judgment is that it will not be as dramatic . . . as the first quarter," he says, "but it may be of sufficient growth to obviate the necessity of doing anything else."

[From Business Week, June 12, 1971]

UNEMPLOYMENT AS A WAY OF LIFE

Among the flesh-and-blood people represented by the neat print of unemployment statistics, the workers who suffer most are the long-term unemployed. These are men and women who have been jobless 27 weeks or longer, a group that numbered 542,000 last month—its highest total in eight years, and a fact of considerable political significance to the Nixon Administration.

Because of the way the Bureau of Labor Statistics collects its figures, no one can say precisely who or where these workers are, except that a sharply increased percentage of the long-term unemployed are adult males who formerly held manufacturing jobs. But severe slumps in aerospace and those consumer industries battered by imports suggest that a California aerospace engineer and a Massachusetts shoe worker may be close to typical.

Back to basics. Wilbur C. Middleton, 48, lost his $24,000-a-year job with McDonnell Douglas Corp. in Long Beach, Calif., during large-scale lay-offs last June. A PhD. in experimental psychology with 16 years' experience in research and engineering, Middleton had been a human factors engineer, employed in the design of cockpits for new aircraft.

He has spent the past year following up job leads that have led nowhere, withdrawing most of his $15,000 savings and borrowing on a real-estate trust deed to keep up monthly mortgage and property-tax payments on a $65,000 home and other property, and using his $65 weekly unemployment insurance benefit to pay grocery and utility bills.

The unemployment insurance benefit expired in April. The hillside home with its breathtaking view of Los Angeles has been sold. Unless one last engineering possibility comes through the job with Litton Industries' ship building division—Middleton and wife will go to work for a real-estate broker in San Diego; they both passed the qualifying exam for real-estate sales after studying during the long empty days since last June.

"I've accepted the fact that most of my education and training will go to waste," says Middleton. "The one thing that really troubles me is that selling real estate is mostly an evening and weekend job, and we have two young children."

NEW ROUTINE

Robert Papas, 56, lost a $2.75-an-hour job with the Kramer Shoe Co. of Haverhill, Mass., 23 months ago, when the company folded as a result of competition from low-cost imports. Papas had worked for Kramer as a lining cutter for 20 years. He dutifully made the rounds of a decreasing number of shoe plants (only four of the 12 operating in Haverhill in 1969 did survive), then settled into a routine of picking up surplus food at the U.S. Agriculture Dept. depot, smoking small cigars (36c a pack) instead of cigarettes (47c a pack), and ignoring the—from his teeth.

Dentist bills are out of the question he says, on the $54 weekly unemployment insurance benefit paid to his wife, also a jobless shoe worker. Mrs. Papas' benefit will soon expire even under Massachusetts' usually generous 39-week eligibility rule. His own ran out a long time ago.

"It could be worse, because my two daughters are grown up and married," Papas says. "I don't know what these younger fellows with families to raise do to get along." He is also grateful for his fully paid-up house, which he bought for $1,200 in 1940, and has no intention of tapping his small savings for badly needed repairs. He has no intention of going on welfare, either. "That would be the last resort," he says.

LOWERED SIGHTS

Papas' only glimmer of hope for future employment is the recent certification of Kramer Co. employees as eligible for a year's retraining and subsistence pay under a government program to aid workers who lose jobs as a direct result of imports. The Haverhill program hasn't begun yet and, at his age, Papas is not really enthusiastic about retraining. But he says he is willing to give anything a try—"just as long as it is steady and is non-polluting."

The Middletons, too, face the future in a different spirit than formerly. Even if the hoped-for Litton job materializes, Mrs. Middleton plans to supplement her husband's salary by selling real estate. "We never want to get caught without a second income again," she says. And whether they stay in Long Beach or move to San Diego, the home they buy will be far more modest than the one they occupied for six years. "We will be living conservatively from now on,' Middleton says.

The group reluctantly represented by Middleton and Papas has grown rapidly since 1969, when the May figure for long-term unemployed was 128,000 or 5.6% of the total unemployed. The 542,000 recorded last month represented 12.3% of the total jobless. The proportion of men 20 or over among the long-term unemployed also increased significantly—from 44.5% in May, 1969, to 58.3% last month. The proportion of women increased slightly—from 28.9% to 31%. And the proportion of teenagers dropped sharply—from 26.6% to 10.7%—because the number remained fairly stable while the totals for other ages rose. Manufacturing supplied most of the increase in long-term jobless. In May, 1969, 20.3% of the long-term unemployed had lost manufacturing jobs. Last month, the comparable figure was 38.9%.

Mr. CHILES. Mr. President, in conclusion, the bill I have introduced today would call for an immediate freeze on all wages and prices at the levels that they currently held on July 15, 1971. It would then call for the board to set up in the act to determine those businesses and factors of our economy which are contributing to this inflationary spiral.

They could then set forth the criteria for a wage and price index for those businesses.

Mr. President, if I have any time remaining, I yield it back.

By Mr. RIBICOFF (for himself and Mr. MAGNUSON):

S. 2460. A bill to provide for the expansion of trade by a program of exchanges between the United States and countries with nonmarket economies, and for other purposes. Referred to the Committee on Commerce, by unanimous consent.

EAST-WEST TRADE EXCHANGE ACT OF 1971

Mr. RIBICOFF. Mr. President, I am pleased to introduce today, with the cosponsorship of the distinguished chairman of the Commerce Committee, Senator MAGNUSON, a new kind of international exchanges bill.

This proposal, the East-West Trade Exchange Act of 1971, is designed to promote the economic strength of the United States by expanding trade between the United States and foreign nations with nonmarket economies, including those of Eastern Europe, the Soviet Union, and the People's Republic of China.

My bill is aimed at creating a body of expertise and experience in conducting international trade and operating joint ventures with countries with different economic systems. This would be accomplished through an exchange of people already involved in the various aspects of international trade in their own countries. Ultimately, people trained under these programs would help broaden commercial ties between the United States and other countries, thereby providing new opportunities for American business and jobs for American workers.

I returned from my visit to Eastern Europe in behalf of the Finance Committee last June convinced of the need for such an exchange program. Everywhere I went I saw Western businessmen—but almost no Americans.

Political winds may blow either hot or cold, but the trade winds between East and West have been sending a steady stream of orders to West Germany, France, Italy, and Great Britain. The scent of profits has already reached Japan, and ambitious plans are being made for joint Soviet-Japan exploitation of the mineral wealth of Siberia.

While the United States has placed restrictions on its economic relations with Communist nations, our NATO allies have displayed far fewer compunctions against trading across ideological lines. Total free world trade with the U.S.S.R. and Eastern Europe amounted to about $18 billion last year. Of this total, the share of the United States was $579 million, only 3 percent of the total Western trade with the East.

Even with this limited trade volume our country had a 2-to-1 ratio of exports to imports, and a $127 million surplus. Viewed in the light of our own Nation's high unemployment rate and our deteriorating balance of payments and trade position, this trade surplus points to the considerable future benefits for our economy from expanded trade with the East.

But if we are to have profitable commercial dealings with Communist countries, more Americans must be prepared to learn more about doing business with nations with nonmarket economies. In trading with these countries we are not dealing with a single economic entity. Once you have seen one socialist economy you have not seen them all. This diversity is reflected in the variety of management and financial methods now being employed by Eastern countries seeking to modernize and industrialize their societies.

The countries of Eastern Europe have reached a point of departure from economic dependence on the Soviet Union. By now they know quite well what the Soviet Union offers, but increasingly they want more of what the West and the United States offers.

Perhaps the clearest expressions of the failure of the application of Marxist theory to the problems of economic development in the second half of the 20th century have been the invitations in recent years by the Soviet Union to Fiat, IBM, and Mack Truck to build modern automobile, computer, and truck industries in Russia. The law of comparative advantage is no longer looked upon by Communist planners as a decadent capitalist philosophy, but as a working model for economic and industrial progress.

The need for increasing economic cooperation with the rest of the world is grudgingly being accepted as more Communist leaders realize the political perils of a mismanaged economy. In seeking historical precedent for this shift away from the goal of socialist self-sufficiency, Communist economic planners may recall that in 1938 the United States was the largest supplier of foreign goods to the U.S.S.R. This could be the case once more in 1978 if both nations permit commerce to develop in a less political atmosphere.

While I was in Bucharest, Rumanian officials told me of their desire to establish joint ventures with American firms. Last March, Rumania passed an investment law which would permit foreign firms to own up to 49 percent of the equity in these ventures, and which permits the repatriation of profits and capital.

Similarly in Hungary, a great interest was displayed in acquiring American products and processes.

Besides the obstacles of unreasonable export controls, lack of export credits and most-favored-nation treatment, there are also formidable communications and psychological barriers impeding the expansion of trade between the United States and the East. Basic differences exist between the operations of state-operated monopolies in a nonmarket economy, and the mechanisms used by banks and private corporations here. Unfamiliarity with methods and institutions breeds a built-in reluctance on both sides to embark on new commercial adventures with each other.

The purpose of my bill is to help achieve a better working knowledge on both sides of our different economic systems.

The bill makes provision for greater American participation in trade conferences, fairs, and seminars, and provides for research and all types of educational exchange in the trade field.

But the main purpose is to negotiate agreements for the interchange of people for a duration of up to 2 years. I envisage that participants in this program would include graduate-level university students and teachers, corporation executives and bankers from the United States; and students, teachers, foreign trade officials, and state trading monopoly representatives of Eastern countries. Their time would be spent both studying the theoretical aspects of East-West trade, and in actual on-the-job training. A grantee would have the opportunity of placing himself in his opposite number's shoes. This newly acquired expertise in a host country's actual methods of trading and carrying out international transactions could be used to good advantage in developing broader commercial ties when a grantee returns to his homeland.

I see no reason why such an exchange agreement could not be concluded with the People's Republic of China at an appropriate time in the evolution of our relations. Surely there is almost a complete lack of knowledge in our own country about how to do business with the Chinese.

The Secretary of Commerce would have primary responsibility for administering this act, with the appropriate assistance of the State Department. Where possible, counterpart funds would be used to defray the costs of the program which would be shared by all participating governments.

An annual report on the activities carried out, and expenditures made under the act would be submitted to both the President and the Congress. A 10-man Advisory Council on East-West Trade Exchanges would be established to advise the President and the Secretary of Commerce and to evaluate the effectiveness of the programs.

Through this act we will be establishing another important channel of fruitful contacts between East and West on a nonconfrontation level.

Traditional diplomatic negotiations are too cautious and are restricted by outmoded attitudes.

Cultural and educational exchanges do not reach into the very inner workings of a society—and are too fleeting or remote.

But exchanges of people for the purpose of producing tangible economic benefits for the nations involved offer the greatest opportunities for establishing more enduring ties and interdependence.

Only by broadening and deepening the base of relations between our own country and the nations of the East can the idea of peaceful coexistence be translated into reality.

By Mr. COOK (for himself, Mr. BAYH, and Mr. MATHIAS):

S. 2462. A bill to amend section 5002 of title 18, United States Code. Referred to the Committee on the Judiciary.

ADVISORY CORRECTIONS COUNCIL

Mr. COOK. Mr. President, today on behalf of myself, Senator BAYH, and Senator MATHIAS, I introduce legislation which substantially enlarges the scope

of the Advisory Corrections Council found in section 5002 of title 18 of the United States Code.

At the present time, the Advisory Corrections Council is composed of three U.S. judges, the Chairman of the Board of Parole, the Chairman of the Youth Division, the Director of the Bureau of Prisons, and the Chief of Probation of the Administrative Office of the U.S. Courts. The legislation which I am introducing today basically retains the above membership of the Council while adding the Administrator of LEAA, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Director of the Office of Economic Opportunity, and the Secretary of Defense, or their respective designees.

It is important that representatives from all of the departments and agencies of Federal Government that are involved in the area of corrections be included in this Council. The President of the United States pointed out the great need for such a comprehensive coordinating body when he recommended the creation of an Interagency Council on Corrections. My proposal incorporates the outstanding features of the old Advisory Corrections Council, which has fallen into disuse the last several years, with the outstanding features of the present Interagency Council on Corrections. In addition, the legislation which I am introducing today provides for a much-needed staff to aid the Council in coordinating and integrating the policies of the Federal agencies in the area of corrections.

Mr. President, in view of the great diversity of correctional programs and the number of agencies involved, it is imperative that such a council be the result of legislative enactment. The present Interagency Council created by Executive request is indeed functioning well at the moment but there is no assurance that this body will continue to function in the years ahead. There is great need for a legislative mandate which will require that a coordinating council such as I am proposing today will continue to exist. This legislation insures that the Council will continue to function by requiring that there be at least four meetings a year. Also, this proposal adds two representatives from the Federal bench to the present makeup of the Interagency Council in order to insure that the judiciary has a voice in all matters before the Council regarding the correction of persons convicted of crime.

In view of the alarming fact that four out of five of the major crimes committed in the United States are committed by recidivists it is obvious that much more must be done to improve our correctional systems. By creating a continuing, comprehensive, Advisory Corrections Council, Congress will be taking a very significant step in the right direction.

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. 2462

A bill to amend section 5002 of title 18 of United States code

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That 5002, of title 18, United States Code is amended to read as follows:

"5002. ADVISORY CORRECTIONS COUNCIL

"(a) There is hereby created an Advisory Corrections Council composed of two United States judges designated by the Chief Justice of the United States and ex officio, the Chairman of the Board of Parole, the Director of the Bureau of Prisons, the Chief of Probation of the Administrative Office of the United States Courts, the Administrator of Law Enforcement Assistance Administration or his designee at a policy level, the Secretary of Health, Education, and Welfare or his designee at a policy level, the Secretary of Labor or his designee at a policy level, the Commissioner of the Civil Service Commission or his designee at a policy level, the Secretary of Housing and Urban Development or his designee at a policy level, the Director of the Office of Economic Opportunity or his designee at a policy level, and the Secretary of Defense or his designee at a policy level. The judges first appointed to the Council shall continue in office for terms of three years from the date of appointment. Their successors shall likewise be appointed for a term of three years, except that any judge appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of such predecessor. The Chairman shall be designated annually by the Attorney General.

"(b) The Council shall meet quarterly and special sessions may be held from time to time upon the call of the Chairman.

"(c) The Council shall consider problems of treatment and correction of all offenders against the United States and shall make such recommendations to the Congress, the President, the Judicial Conference of the United States and other appropriate officials as may improve the administration of criminal justice and assure the coordination and integration of policies of the Federal agencies, private industry, labor, and local jurisdictions respecting the disposition, treatment, and correction of all persons convicted of crime. It shall also consider measures to promote the prevention of crime and delinquency and suggest appropriate studies in this connection to be undertaken by agencies both public and private. The members of the Council shall serve with compensation but necessary travel and subsistence expenses as authorized by law shall be paid from available appropriations of the Department of Justice.

"(d)(1) The Council shall appoint an Executive Secretary/Administrative Assistant and such other personnel as may be necessary to carry out its functions. The Executive Secretary/Administrative Assistant shall supervise the activities of persons employed by the Council and shall perform such other duties as the Council may direct.

"(2) The Council may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed $100 per day.

"(e) The Council is authorized to request from any department, agency, or independent instrumentality of the Government any information or records it deems necessary to carry out its functions, and each such department, agency, and instrumentality is authorized to cooperate with the Council and, to the extent permitted by law to furnish such information and records to the Council, upon request made by the Chairman or by any member when acting as Chairman.

"(f) The first meeting of the Council shall occur not later than 30 days after the enactment of this legislation.

"(g) There are hereby authorized to be appropriated such amounts as may be necessary to carry out the purposes of this section."

By Mr. COOK (for himself, Mr. BENNETT, Mr. BELLMON, Mr. BIBLE, Mr. CRANSTON, Mr. MANSFIELD, Mr. PACKWOOD, Mr. STEVENS, and Mr. TAFT):

S. 2463. A bill to amend the Walsh-Healey Act and the Contract Work Hours Standards Act to permit certain employees to work a 10-hour day in the case of a 4-day workweek, and for other purposes. Referred to the Committee on Labor and Public Welfare.

FOUR-DAY, 40-HOUR WEEK

Mr. COOK. Mr. President, on behalf of Senators MANSFIELD, STEVENS, PACKWOOD, BENNETT, BELLMON, TAFT, CRANSTON, and BIBLE, I introduce legislation to amend the Walsh-Healey Act of 1936 and the Contract Work Hours Standards Act of 1962. My bill will permit laborers to work a 9- or 10-hour day, 4-day, 40-hour week with no provision for overtime compensation for hours worked in excess of 8 in 1 day.

There can be little doubt that with each new decade, organized labor has initiated challenges to reduce the hours of work in the work week. In the past, laborers have actively petitioned the Government to provide a 16-hour day, then the 12-hour day, the 10-hour day, and finally have nestled into the 8-hour day provided for by the Fair Labor Standards Act of 1938. Again, the 1970's is witnessing a new crusade to restructure the work week. It is in the form of the 4-day, 40-hour work week.

At the present time, in excess of 350 firms are experimenting with the 4–40 plan in one form or another, while others are slowly becoming aware of its numerous advantages. Their operations encompass a wide spectrum, ranging from retailers and manufacturers to hospitals and police departments.

Although most of those adopting the shortened workweek employ between 100 to 500 laborers, several larger companies are adding the 4-day, 40-hour workweek to their bargaining goals of this year. Leonard Woodcock, the United Autoworkers president, recognizes that the 4–40 plan offers "exciting possibilities" and President I. W. Abel, of the United Steelworkers of America, has told his union's 15th constitutional convention that—

A shorter workweek makes sense in the 1970's.

Although experiments with the 4–40 plan are in infancy stages among large unions, there appears to be a serious desire to adopt the shortened week as soon as several obstacles are removed. My bill is an attempt to do just that. Amending the Walsh-Healey and the Contract Work Hours Standards Acts will clear the way for firms with Government contracts exceeding $10,000 to allow for restructuring the workweek where both management and labor find it to be desirable.

As incentives for adopting the 4–40 plan, Riva Poor, in the most detailed

study to date, cites a number of advantages. She even goes so far as to predict that—

Within the next five years, a good 80 percent of industry will convert to the four day week or to similar flexible scheduling.

Paul A. Samuelson, the esteemed Nobel prize winning economist, calls the 4-day workweek—

A momentous social invention . . . merely one facet in the steady sweep toward greater leisure and less life time toil.

The Honorable James D. Hodgson, likewise recognizes the importance and popularity of the current 4-day, 40-hour trend. In testimony on S. 1861 before the Senate Labor Subcommittee on May 26, 1971, he stated:

The 8-hour requirement apparently poses serious scheduling problems for firms desiring to work more than 8 hours a day as part of their 4-day workweek plan.

At that time the Secretary of Labor further stated:

In view of the growing interest in the 4-day workweek and the problems already being encountered with the 8-hour standards under the public contract laws, I believe that adoption of such a standard under the Fair Labor Standards Act, the Federal law with the greatest applicability to hours of work, would be inappropriate at this time.

Mr. President, the lucid implication of Secretary Hodgson's testimony recognizes the growing desire and evolving impetus to adopt the restructured workweek. I feel, as does the Secretary of Labor, that the 4–40 plan deserves a candid examination at this time, both by management and labor.

One cannot help but notice that adoption of provisions requiring time and one-half overtime compensation for hours worked in excess of 8 in 1 day is having significant adverse effects upon those weighing implementation of a 4-day, 40-hour workweek. Not only is flexibility in scheduling to meet specific needs eliminated, but also, the 8-hour provision unnecessarily forces a firm to become noncompetitive.

Let me take a minute to enumerate upon this latter point. Take, for example, employee X who works a 4-day, 40-hour schedule. He works 10 hours a day at straight pay. Let us also take, for example, employee Y who also works a 4-day, 40-hour week, but because of Federal regulations, he is paid straight pay for 8 hours and premium pay for the 9th and 10th hour. For the same amount of work, you can see that employee Y received 11 hours of pay for 10 hours work, while employee X received 10 hours pay for 10 hours work. In the course of 1 week, employee Y received 4 hours more pay and 200 hours more pay in 1 year than employee X. When hundreds of workers are affected, how obvious it is that an employer cannot realistically pay such wages and still expect to operate at a profit, like his competitor who does not operate under this law.

My bill is designed to allow those businesses and industries, and their employees, which deem change to be propitious, the opportunity to rearrange their workweek schedule and still remain competitive. I wish to make it very clear that by amending the Walsh-Healey and Contract Work Hours Standards Acts, by no means are the inserted provisions intended to absolutely alter management-labor relations. Adoption of my bill will neither have a deleterious nor ominous impact upon labor. Rather this permissive piece of legislation will benefit laborers and management alike. It is wholly designed to be voluntarily negotiated by those who clearly see changing the workweek structure as a step toward lucrative returns.

Riva Poor, in "4-days, 40-hours: Reporting a Revolution in Work and Leisure," documents what attracts companies to the restructured workweek. Upon examination of 27 firms implementing this innovative workweek at that time, Mrs. Poor noted the advantages over a 5-day, 40-hour week:

First. The 4-day week meant more time for hobbies, shopping, leisure, and family activities.

Second. Equipment could be used more efficiently with longer shifts.

Third. An extra day off was a considerable boost to morale.

Fourth. With the shorter workweek, absenteeism, turnover, recruitment activity, expenses and payroll for overtime were dramatically decreased.

Fifth. Productivity was increased, in most cases, considerably. Although employers, for the most part, are leading the way toward the revolutionary workweek, inauguration of the adjusted work schedule has brought an outpouring from laborers who wish their companies would adopt the 4–40 plan. The literally thousands of queries are indicative of the fact that this restructured workweek plan offers lucrative advantages over the present workweek, which has been our touchstone for more than 30 years.

Another important aspect of restructuring the workweek is that it will significantly help stave off the rising unemployment which is threatening the Nation today. The Bureau of Labor statistics reports that for the month of June, 5.5 million people were unemployed, representing 5.6 percent of the population, with no end in sight to the spiraling climb. However, I believe my bill will be a realistic way of cutting out the jobless chaos. Presently, those firms which cannot operate competitively due to Federal regulations requiring overtime compensation are struggling to operate at a profit. Some may even be forced to shut down their operations, causing layoffs of significant numbers of laborers. My bill, however, will eliminate this condition. It will permit industries to operate profitably, thus enabling them to retain workers, and in some cases where the margin of profit is significant, to open new branches and thereby spread job opportunities.

I raise one additional point before I close. This year, for the first time, this Nation's 85 million-plus labor force will automatically get a taste of the 3-day weekend, 4-day workweek. Under the new Federal Monday holiday law, five of our 10 national holidays will fall on Monday. This means that for 10 percent of the year, workers will be working a 4-day week. The effect of this law is that it has provided us with a preview of reactions for both management and labor. From all reports, their reactions seem to be favorable. The idea of added leisure time provided by Federal legislation seems to be an auspicious change. It also seems ludicrous for the Federal Government to manditorily provide for this concept in one instance, and discourage it in another.

Now, Mr. President, I do not want to pretend for one moment that this legislation will benefit all facets of industry. Certainly problems arise for companies utilizing three 8-hour shifts. Three 10-hour shifts just do not work very well in the 24-hour day, and I recognize this. But, for companies that see changing the workweek as a feasible alternative to poverty, it is not within the authority of this body to deny them that right.

Mr. President, for decades the workweek has been an immutable fact of life, and needlessly so. However, I see it as a variable, rather than a fixed element of business operations. It is time for Congress to be at the fore of change. I, therefore, urge immediate action on this bill.

By Mr. McGOVERN:

S. 2464. A bill to amend the Voting Rights Act of 1965 to require that persons eligible to register to vote in Federal elections shall be permitted to register as late as 30 days prior to the date of such an election. Referred to the Committee on Rules and Administration.

REGISTRATION FOR FEDERAL ELECTIONS

Mr. McGOVERN. Mr. President, in connection with the bill that we are introducing to allow registration for voting in Federal elections as late as 30 days prior to that election, Representative ABNER J. MIKVA and I have issued the following joint statement.

A serious gap exists in the present voting rights law which would not be remedied by any of the amendments proposed during the present session of the Congress.

Registration books in many States close well before elections are to take place. This is particularly the case for primary elections. In one State, for example, registration for a primary election which will take place in the summer is closed prior to the general election in the previous year. The effect of this provision is to reduce the franchise for the primary election by imposing a kind of additional residence requirement. In addition, a voter who is only dimly aware of the forthcoming primary campaign some 9 months before the primary election has no opportunity to register once that campaign is under way.

The purpose of voting laws should be to encourage and facilitate voting by the greatest number of citizens consistent with the safeguards necessary to prevent abuse of the franchise through such practices as double voting. But, all too often, voting laws serve as an impediment to the effective practice of democracy.

The purpose of this bill is to remove a major obstacle to maximum participation. It is particularly important as many

young people join the voting population. Most of them are unaware of the intricacies of existing law and may find themselves disenfranchised in next year's primaries. This bill would help them.

This bill simply reduces the time required for registration prior to a Federal primary or general election to 30 days. It does not affect residence requirements which may be covered by State law or by present or future Federal law.

If we are sincere in our desire to make it easier for all citizens to vote, we should pass this bill.

Mr. President, I ask unanimous consent that the text of this legislation 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. 2464

A bill to amend the Voting Rights Act of 1965 to require that persons eligible to register to vote in Federal election shall be permitted to register as late as 30 days prior to the date of such an election

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Voting Rights Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE IV—REGISTRATION TO VOTE IN CONGRESSIONAL ELECTIONS AND PRESIDENTIAL PRIMARY ELECTIONS

"DECLARATION OF PURPOSE

"SEC. 401. Pursuant to its authority under section 4 of Article I and other provisions of the Constitution, the Congress finds it necessary to prescribe certain uniform regulations with respect to the time that citizens may register to vote in Federal elections so that they may have an opportunity to register, if qualified to do so under law, as late as 30 days prior to the date of such an election.

"DEFINITION

"SEC. 402. As used in this title, the term—

"(1) 'Federal election' means a primary, general, or special election held to select presidential electors, or a Senator, Representative, or Delegate or Resident Commissioner to the Congress or a primary election held for the expression of a preference for the nomination of persons for election to the office of President or for the selection of delegates to a national nominating convention of a political party held to nominate candidates for the office of President.

"(2) 'State' means each of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"REGISTRATION

"SEC. 403. (a) Each State and its political subdivisions shall permit any person eligible to register to vote in any Federal election to so register as late as 30 days preceding the date of such election.

"(b) This section shall not be construed to affect the duration or application of residency requirements imposed by any State or by Federal law upon the eligibility of an individual to vote in any Federal election.

"JUDICIAL RELIEF AND ENFORCEMENT

"SEC. 404. The provisions of this title shall be enforced by the Attorney General in accordance with the provisions of section 203 of this Act."

By Mr. CHILES (for himself and Mr. JACKSON):

S. 2465. A bill to establish the Everglades-Big Cypress National Recreation Area in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

EVERGLADES-BIG CYPRESS NATIONAL RECREATION AREA

Mr. CHILES. Mr. President, I am today introducing legislation along with Senator JACKSON to permit the U.S. Government to purchase the Big Cypress watershed. During the past months I have studied the various alternatives available to protect this beautiful area of Florida and I have come to the conclusion that the direct acquisition of this land is a straightforward and fair approach and the most complete way of protecting a key link to the survival of the Everglades National Park.

The Big Cypress watershed can remain a viable resource complex from which its human residents and neighbors will gain enormous and lasting benefits; or it can be carelessly exploited for the immediate gain of a few—and an enduring disaster to many.

Maintained as a protected ecosystem, Big Cypress will provide major benefits which can be grouped in five broad categories:

As an entity in itself, considered apart from its surroundings, Big Cypress watershed is a distinctive community of highly diverse flora and fauna, including a number of endangered species, serving as a habitat for the continuing evolution of plant and animal species whose potential in an evolving world is as yet unexplored, and furnishing opportunities for hunting, fishing, and the appreciative forms of recreation in a natural setting of a kind that is increasingly scarce and elusive.

As a source of fresh water and essential nutrient supply to the estuaries of Everglades National Park and the Ten Thousand Islands, Big Cypress watershed is the key to survival of the far-reaching recreational and commercial fishing enterprises that depend upon those estuaries.

The entire food chain relationship that supports a major segment of Everglades National Park's plant and animal communities is dependent on maintenance of the continuing flow of Big Cypress water. The quality and quantity of the water, and the timing of its delivery into the park, must remain much the same as it is at present if the Everglades ecosystem and its wildlife are to survive.

The Big Cypress watershed serves as a natural "water conservation area," recharging the aquifer from which rapidly growing neighboring communities will draw much of their fresh water. Deprived of such recharge, the aquifer would be vulnerable to damaging salt water intrusion.

The natural cycles of Big Cypress' water flow, and the life cycles of the living things dependent on that flow, are integral and vital parts of the lives of the Miccosukee and Seminole Indians residing on and near the watershed.

The Big Cypress is threatened today. Already the water in the canals east of Naples contains iron, lead, and aluminum at levels greater than are found in natural waters from undrained areas nearby. Given sufficiently increased concentrations, these contaminants can detrimentally affect the quality of the water supplies in the aquifer. Further contamination by nutrients and organisms that affect public health, can be expected as a result of the use of septic tanks in the area, and in the event of further agricultural development in the Big Cypress. At the same time, irrigation needs will mount, putting additional demands on the waters of the Big Cypress

The report, "Environmental Problems in South Florida," made by the National Academy of Sciences/National Academy of Engineers in March of 1970, stated—

It is clear that preservation of the Big Swamp as a natural water-conservation area would be most desirable relative to the Everglades National Park, and, as indicated in the section on water management, probably most desirable to orderly development of the South Florida region as a whole.

The Big Cypress is jeopardized by the pressure for progress based on sometimes well-intended, but too often ill-planned, development. Inevitably, the destiny of the Big Cypress is intricately interwoven with that of an enormous and widespread array of living and inanimate things. Within its boundaries, its natural components can provide an unending procession of rewarding human experiences, and great scientific benefit. The Big Cypress is an intricate mosaic of marsh and lowland forest types—a wilderness of sloughs, tree islands or hammocks, and bay and cypress heads. Cypress dominates and gives the area its name.

Mr. President, the fate of the broad, flat, very gently sloping watershed in southwest Florida hangs in precarious balance. In the extraordinary diversity and wealth of its natural resources, in the far-reaching effects of the uses to which it is put by man, and in its profound vulnerability to unwise uses, the Big Cypress has the potential for becoming the textbook or classic example of ecological ruin.

We cannot allow this area to become an ecological ruin, and this legislation will again put this Congress on record as dedicated to preservation of our environment. Time and time again we must echo this dedication by action in the positive—and the purchase of this natural wilderness before man has inflicted permanent damage, will be the mark of a Congress so dedicated.

I ask unanimous consent that a copy of this 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. 2465

A bill to establish the Everglades-Big Cypress National Recreation Area in the State of Florida, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to protect for the benefit, education and recreational use of present and future generations the unique environment found in the Big Cypress Swamp area of southwestern Florida, in order to preserve Everglades National Park, which is dependent for more than half its surface water supply on water flowing from the Big Cypress Swamp, in order to preserve the fresh water supply and estuarine dependent fisheries of south Florida, and in order to assure the economic well being and cultural integrity of the Miccosukee Tribe of Indians of Florida and Sem-

inole Tribe of Florida, there is hereby established the Everglades-Big Cypress National Recreation Area (hereinafter referred to as the "recreation area"). The boundaries of the recreation area shall be as generally depicted on the map entitled "Everglades-Big Cypress National Recreation Area," numbered NRA-BC-91,000, and dated March 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may make minor adjustments in the boundary from time to time by publication of a revised map or other description in the Federal Register, but the total area within the recreation area shall not exceed 585,000 acres.

SEC. 2(a). Within the boundaries of the recreation area the Secretary is authorized to acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency, except that property owned by the State of Florida or any political subdivision thereof may be acquired only with the consent of the owner. Federal property within the boundaries of the recreation area may, with the concurrence of the head of the agency having jurisdiction thereof, be transferred without reimbursement to the administrative jurisdiction of the Secretary for the purposes of this Act.

(b) Effective on the date of enactment of this Act, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all real property, except real property owned by the State of Florida or any political subdivision thereof and except improved property as defined in this Act, within that part of the recreation area described as follows:

Beginning, from the section corner common to sections 11, 12, 13 and 14, T.53S., R.30E., FMP, northerly along the section lines approximately 10 miles to the section corner —— common to sections 23, 24, 25 and 26, T.51S., R.30E., thence west along the section lines approximately 3 miles to the section corner common to sections 20, 21, 28 and 29, T.51S., R.30E., thence north along the section lines approximately 7 miles to the section corner common to sections 16, 17, 20 and 21, T.50S., R.30E., thence east along the section lines approximately 3 miles to the section corner common to sections 13, 14, 23 and 24, T.50S., R.30E., thence north along the section lines approximately 3 miles to the intersection of the south right-of-way line of Alligator Alley, State Highway #84 which point is near the corner common to sections 35 and 36, T.49S., R.30E., and sections 1 and 2, T.50S., R.30E., thence generally east along said south right-of-way line of State Highway #84 approximately 8 miles to a point near the corner common to sections 31 and 32, T.49S., R.32E., and sections 5 and 6, T.50S., R.32E., thence south along the section lines approximately 1 mile to the corner common to sections 5, 6, 7 and 8, T.50S., R32E., thence east along section lines approximately 2 miles to the —— corner common to sections 3, 4, 9 and 10, T.50S., R.32E., thence south approximately 1 mile along section lines to the corner common to sections 9, 10, 15 and 16, T.50S., R.32E., thence east approximately 1 mile along section lines to the corner common to sections 10, 11, 14 and 15, T.50S., R.32E., thence south approximately 1 mile along section lines to section corner common to sections 14, 15, 22 and 23, T.50S., R.32E., thence east along section lines approximately 3 miles to the —— corner common to sections 17, 18, 19 and 20, T.50S., R.33E., thence south along section lines approximately 1 mile to the —— corner common to sections 19, 20, 29 and 30, T.50S., R.33E., thence east along section lines approximately 4 miles to the section corner common to sections 23, 24, 25 and 26, T.50S., R.33E., thence south along section lines approximately one mile to the —— corner common to sections 25, 26, 35 and 36, T50S., R.33E., thence east along section lines approximately 2 miles to the —— corner common to sections 29, 30, 31 and 32, T.50S., R.34E., thence south along section lines approximately 1 mile to the —— corner common to sections 31 and 32, T.50N., R.34E., and sections 5 and 6, T.51S., R.34E., thence east along section lines approximately 3 miles to the corner common to sections 34 and 35, T.50S., R.34E., and sections 2 and 3, T.51S., R.34E., thence south approximately 1 mile to the —— corner common to sections 2, 3, 10 and 11, T.51S., R.34E., thence east along section lines approximately 2 miles to the section corner common to sections 1 and 12, T.51S., R.34E., and sections 6 and 7, T.51S., R.35E., thence south along sections lines approximately 5 miles to the —— corner common to section 36, T.51S., R.34E., section 1, T.52S., R.34E., section 31, T.51S., R.35E., and section 6, T.52S., R.35E., thence east approximately 3 miles to the west right-of-way line of Levee of C28 Central and Southern Flood Control Project, thence generally south along said right-of-way line approximately 14 miles to the intersection north of the right-of-way line of the Tamiami Trail, thence south to the south right-of-way line which point is near the section corner common to sections 5, 6, 7 and 8, T.54S., R.35E., thence generally southeasterly along said right-of-way approximately 3 miles to the intersection with the north boundary of Everglades National Park near the location of a point known as Forty Mile Bend on the Tamiami Trail, thence along the North Boundary of Everglades National Park to the point of beginning, consisting of 505,600 acres more or less, which will include an area of legislative taking consisting of 262,700 acres more or less.

LEGISLATIVE TAKING

Beginning at the section corner common to sections 12 and 13, T.53S., R.30E., FPM, and sections 7 and 18, T.53S., R.31E., thence, north along section lines approximately 2 miles to a point that intersects with the east right-of-way of State Highway No. 840, said point being near the corner common to sections 36, T52S., T.30E., section 1, T.53S., R.30E., section 6, T.53S., R.31E., and section 31, T.52S., R.31E., thence, northerly along said right-of-way line approximately 3 miles to a point on said right-of-way line near the corner common to sections 13 and 24, T.52S, R.30E., and sections 18 and 19, T.52S., R31E., thence, east along section lines approximately 26 miles to the west right-of-way line of Levee of C-28, of the Central and Southern Florida flood control project, thence southerly along said right-of-way approximately 11 miles to the intersection north of the right-of-way line of the Tamiami Trail, State Highway No. 41, thence, due south across the Tamiami Trail, to the south right-of-way line which point is near the corner common to sections 5, 6, 7 and 8, T.54S., R.35E., thence, southeasterly along said right-of-way approximately 3 miles to the intersection with the north boundary of Everglades National Park near the location of a point known as Forty Mile Bend on the Tamiami Trail, thence, along the North Boundary of Everglades National Park to the point of beginning, consisting of 262,-700 acres more or less.

(c) The United States will pay just compensation to the owner of any real property taken by subsection (b) of this section. Such compensation shall be paid either: (1) by the Secretary of the Treasury from money appropriated from the Land and Water Conservation Fund, including money appropriated to the Fund pursuant to section 2(c) of the Land and Water Conservation Fund Act of 1965, as amended, upon certification to him by the Secretary of the agreed negotiated value of such property, or the valuation of the property awarded by judgment, including interest at the rate of 6 per centum per annum from the date of taking the property to the date of payment thereof; or (2) by the Secretary, if the owner of the land concurs, with any federally owned property available to him or acquired by him for purposes of exchange pursuant to the provisions of section 4 of this Act; or (3) by the Secretary using any combination of such money or federally owned property. Any action against the United States for the recovery of just compensation for the land and interests therein taken by the United States by subsection (b) of this section shall be brought not later than two years from the effective date of this Act in the Court of Claims as provided in title 28, United States Code, section 1491.

(d) With respect to any property taken pursuant to subsection (b) which in the Secretary's judgment is not essential for the protection, or administration of the recreation area in accordance with the purposes of this Act, the Secretary may take appropriate action to revest title to such property in the former owner.

SEC. 3(a). The owner of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercized in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) As used in this Act the term "improved property" means a detached, one-family dwelling, construction of which was begun before January 1, 1971, which is used for noncommercial residential purposes, together with not to exceed three acres of the land on which the dwelling is situated, such land being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

SEC. 4. Notwithstanding any other provision of law, the Secretary may acquire, by any of the methods set forth in section 2(a) of this Act, lands, waters, and interests therein outside the boundaries of the recreation area but within the State of Florida and exchange such property for property of approximately equal value within the boundaries.

SEC. 5.(a) The Secretary shall administer the recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented, and in accordance with such other statutory authorities available to the Secretary for the conservation and management of natural resources to the extent that he finds such authorities will further the purposes of this Act. In administering the recreation area the Secretary shall make appropriate use of the authority in section 5(a) of the Act of July 15, 1968 (82 Stat. 354, 356), to convey property acquired for the purposes of this Act to former owners thereof.

(b) No additional access roads or canals shall be constructed within or leading to the

recreation area, and no facilities for the care and accommodation of visitors shall be constructed or permitted other than on lands which, on the effective date of this Act, have been filled, dredged, built up, or otherwise permanently altered for construction purposes, it being the intention of this subsection that establishment of the recreation area shall in no way further adversely alter the natural ecology of the area.

SEC. 6. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the recreation areas in accordance with applicable laws of the State of Florida and of the United States, except that he may designate zones where and establish periods when no hunting, fishing, or trapping may be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary to carry out purposes of this section shall be issued only after consultation with the Florida Department of Natural Resources. Notwithstanding this section or any other provision of this Act, members of the Miccosukee Tribe of Indians of Florida and members of the Seminole Tribe of Florida may continue their usual and customary use and occupancy of lands and waters within the recreation area, including hunting, fishing, and trapping on a subsistence basis and traditional tribal ceremonials.

SEC. 7. Notwithstanding any other provision of law, the Secretary may enter into cooperative agreements with the recognized tribal governing bodies of the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida, for the construction and operation by such recognized Indian tribes, or their assigns, of revenue-producing facilities and services for visitors to the recreation area. Such agreements may provide that all or an appropriate portion of the net receipts may be retained by such Indian tribes or their assigns shall be subject to such standards, terms, and conditions as the Secretary may establish, and may be conducted only at locations designated by the Secretary. Before entering into any other contract for the provision of revenue-producing visitor services of facilities for the recreation area, the Secretary shall give the governing bodies of such Indian tribes recognized by the United States ninety days in which to enter into a cooperative agreement pursuant to this section for the provision of such visitor services or facilities.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $——— (February 1971 prices) for development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

By Mr. HOLLINGS:

S. 2467. A bill to amend the Natural Gas Act. Referred to the Committee on Commerce.

NATURAL GAS ACT AMENDMENTS OF 1971

Mr. HOLLINGS. Mr. President, I introduce for appropriate reference a bill, entitled the Natural Gas Act Amendments of 1971. This bill is one step toward alleviation of the natural gas supply shortage, a consumer problem of national importance.

This shortage is a national problem because a tremendous volume of natural gas is used in this country—for example 22 trillion cubic feet were consumed last year. Natural gas fires industrial boilers and furnaces, fuels electric power generating plants, and goes into 39 million homes and apartments and more than 3 million business establishments. It accounts for one-third of all U.S. energy consumption, and demand has been rising at the rate of 7 percent a year.

Consumption of natural gas no doubt would climb even faster if there were an adequate supply. However, the inescapable truth is that not enough gas is being produced in the United States to meet the constantly increasing demand.

For some years now, the gap between annual additions to proved gas reserves and withdrawals has been steadily narrowing. The crossover point was reached in 1968. In that year, for the first time in the history of the industry, more gas was consumed in the United States than was found, reducing the known reserves by 5.6 trillion cubic feet. In 1969, reserves were reduced by 12.3 trillion cubic feet, and in 1970, the deficit for the contiguous 48 States was 10.6 trillion cubic feet.

The supply crisis is now.

Many gas distributing companies already have notified customers that additional gas service will not be available until additional supplies are in sight. Major interstate pipeline companies virtually ruled out new customer attachments last winter. In April, the Federal Power Commission announced that, in order to deal with gas shortages expected next winter, pipeline companies will be required to curtail sales to industrial consumers so storage fields can be filled with gas for home heating and other domestic use.

This policy statement by the Federal Power Commission assumes added significance in view of the developing environmental crisis. A leading reason for the increased demand for natural gas is its ability to meet even the most stringent air quality regulations. However, industries denied natural gas will be compelled to use less clean-burning fuels, resulting in further air pollution, or if these fuels cannot meet existing air quality standards, the industry would be forced to shut down, or cut back on production.

Ironically, the growing demand for gas has been accompanied by a drastic slowdown in the search for new gas reserves. The legislation I am introducing represents an important step in attacking the root causes of this slowdown by restoring the incentive for producers to step up their efforts to bring in new reserves of natural gas.

Under existing regulations, the producers and the pipeline companies sign sales contracts covering volume of gas to be delivered, prices, and delivery terms, all of which must be approved by the Federal Power Commission. However, even after this approval and after the producer begins deliveries, every provision of his contract with the pipeline company is subject to change and revision by subsequent Commission action. The Commission may decide to change the prices stated in the contract, or to extend the terms of the contract, or to change the actual volumes of gas to be delivered—or all three. Hence, sanctity of contract, taken for granted in other fields of business, is absent here.

The practical effect of this situation is obvious. If the producer cannot know how much he will be paid for his gas, or how long he will be paid a specific price, or how much gas he must deliver, or how long he must continue to make deliveries, his incentive to search out new supplies of gas is inevitably lessened.

My bill would restore this incentive by making these sales contracts valid and binding. At the same time, the Federal Power Commission would retain its present control of natural gas prices at the wellhead.

All contracts covering gas deliveries commencing after the bill's effective date would be submitted to the Federal Power Commission, just as they are now. The Commission would then take one of three actions. It could approve the contract as submitted, in which case, the contract would become binding on all parties, and would not be subject to later change.

The second option open to the Commission would be to approve the contract subject to conditions stipulated by the Commission. If the parties to the contract accepted these conditions, the contract would become effective. If the conditions were not accepted, the contract would be void.

As a third option, the Commission could disapprove the contract, and in that case the contract would be void.

The effect of my bill would be simply to establish solid ground upon which controls can be formulated and exercised by the Commission and upon which plans can be made by producers for increased exploration and replenishment of our dwindling supply of natural gas.

My bill also would exempt small producers whose total sales in interstate commerce do not exceed 10,000,000 Mc. f. during a calendar year. The Commission itself has adopted this exemption by ruling, thus recognizing the wisdom of this approach. While exempting only a small amount of the gas sold in interstate commerce, it considerably reduces the paperwork load of the Commission. Further, since small producers customarily follow the pricing lead of larger producers, it will not affect gas prices.

No change would be made in the regulation of the price for gas sold under contracts in existence prior to enactment of this legislation except that once the Federal Power Commission approved a price for gas under these contracts, it could not reduce the price.

Mr. President, my State is a consumer, not a producer, of natural gas. As consumers, we are deeply concerned when interstate pipeline companies announce that they are unable to take on new customers or to sell additional gas to their present customers, or that they must curtail some deliveries.

We are concerned when gas supplies are held out of interstate commerce because operators prefer to function under State rules.

We are concerned when we learn that the United States may become dependent upon foreign sources for its fuel supply. Applications already have been filed with the Federal Power Commission for the importation of nearly 1½ billion cubic feet a day of liquefied natural gas.

Negotiations are underway for another 2 billion cubic feet a day. Most of this liquefied natural gas would come from the same turbulent areas of the world that previously demonstrated their unreliability as a source of oil. In addition, the price for such imported gas would be substantially higher than for domestically produced gas.

These are matters that concern all consumers of natural gas—more than 140 million Americans.

Unless the supply shortage crisis is averted, many of these consumers will suffer extreme hardship. While this legislation is not a total solution to the present energy fuel shortage, it will encourage location and development of new domestic gas reserves. We can no longer delay in this development. This is a time for positive action and this is a bill proposing positive action.

By Mr. BEALL:

S. 2468. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict. Referred to the Committee on Finance.

Mr. BEALL. Mr. President, I send to the desk a bill which would exempt from Federal income taxes the income of the entire amount of income of members of the Armed Forces who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

All Americans are deeply concerned about the welfare of our servicemen who are presently being held as prisoners of war in North Vietnam and those termed "missing in action" and presumed to be prisoners. Of equal concern is the emotional and financial strain placed upon the families of the soldiers and pilots who have been captive for over 7 years.

While every effort is being made to secure the release of the POW's, Congress has the responsibility of making life a little easier for the dependents of these men. One means of doing this would be to make the military income of America's servicemen missing in action or imprisoned in North Vietnam totally exempt from taxation by the Federal Government. At present, only enlisted men and warrant officers serving in a combat zone being held prisoner by the enemy receive such consideration; commissioned officers are given an exemption on only a part of their monthly pay. According to the Defense Department, as of May 15, 1971, of the 407 missing in action, approximately 95 percent are officers. Of the 378 captured in North Vietnam, approximately 99 percent are officers. Since the great majority of prisoners are officers, this measure would be a significant step in the right direction.

This bill would be similar to two other bills currently being considered by the House of Representatives. Relieving the families of the prisoners from the burden of taxation is the least we can do for men who have sacrificed so much as a result of their unselfish service to their country. The cost of this measure is small compared to what these men and their families have given. Until we can gain the release of these men, we must not be oblivious to the needs of their wives and children. I sincerely hope that Congress will act swiftly in approving this important legislation.

By Mr. TAFT (for himself, Mr. SCOTT, and Mr. SAXBE):

S. 2470. A bill to amend the act requiring evidence of certain financial responsibility and establishing minimum standards for certain passenger vessels in order to exempt certain vessels operating on inland rivers. Referred to the Committee on Commerce.

PERMANENT EXEMPTION FOR THE "DELTA QUEEN"

Mr. TAFT. Mr. President, I am today introducing on behalf of Senator SCOTT, Senator SAXBE, and myself, a bill to permanently exempt the steamboat *Delta Queen* from the 1966 safety at sea law. Such a measure is necessary and appropriate to protect an important and historic vessel. By definition and intent the *Delta Queen* should never have been included in the safety at sea law to begin with.

The *Delta Queen* is a shallow draft vessel and its operation is limited entirely the the inland rivers—specifically the Mississippi and its tributaries. It is only a few minutes from shore and never encounters the hazards of the open sea.

On three occasions the U.S. Senate and the House of Representatives have acknowledged the inappropriateness of the law as it relates to the *Delta Queen* and have voted to exempt her from the provisions of the safety at sea law. Most recently, after unanimous approval by the Senate, the House of Representatives voted 295 to 73 to exempt the *Delta Queen* from the safety at sea law until November 1, 1973.

During the *Delta Queen*'s layover last winter, her owners spent approximately $500,000 on repairs, renovation, and remodeling to make her safer and more comfortable. Safety improvements included removing 45 years' accumulation of oil base paints on the exterior and applying on the overheads and bulkheads of the superstructure three coats of fire-retardant and fire-resistant paint. The interiors of all staterooms were similarly treated. All canvas covered decks were stripped bare and covered with a fireproof flexible compound.

A complete new diesel electric generator system was installed. Now all auxiliary and support systems may be operated even in the event steam is shut off. New electrical pumps for the automatic sprinkler system and the fire mains can also be operated by the new diesel generator. There were numerous other safety improvements made during the winter layup including the installation of an automatic fire detection system in crew and work areas.

All these improvements, coupled with previously installed safety equipment such as the automatic sprinkler system have provided the *Delta Queen* with far more protection than you would expect of similarly constructed homes, apartment buildings and hotels on land.

The owners of the *Delta Queen* have conscienciously met every requirement set by the U.S. Coast Guard in annual and quartely inspections. Further they have met and exceeded safety recommendations by independent experts and the National Aeronautics and Space Administration.

Recognizing the fact that the *Delta Queen* is the last overnight steamboat operating on the Ohio, Mississippi, and Tennessee Rivers, the Department of the Interior has listed the *Delta Queen* in the National Register of Historic Places. Dedicated citizens and preservation groups such as the National Trust for Historic Preservation have widely acclaimed the *Delta Queen* as one of the few living monuments to a bygone era and have been most vocal in recommending to Senators and Congressmen that the vessel be permanently exempted from the safety at sea law.

This year thousands of Americans have booked the *Delta Queen* to capacity and the vessel is greeted all along the river by enthusiastic crowds who were instrumental last year in persuading their representatives to vote at least a temporary exemption for the *Delta Queen*. The same citizens have continued in their efforts to get a permanent exemption.

The owners of the *Delta Queen* have assured me that they will continue to upgrade and improve her facilities and safety equipment at every opportunity. As an example, the owners are now designing and making arrangements to install a modern sanitation system that will far exceed the recomendations proposed by the Environmental Protection Agency. If the present design criteria are practical, the *Delta Queen* may very well have the most sophisticated waste handling water system in the U.S. Merchant Marine. The expense to the owners is substantial but they believe it is important that the *Delta Queen* operation be above reproach in every way.

Mr. SCOTT. Mr. President, I welcome this opportunity to join with the distinguished Senator from Ohio (Mr. TAFT) as a cosponsor of his bill to permanently exempt the historic paddle-wheeler *Delta Queen* from Federal safety requirements now set for oceangoing vessels.

In effect, this legislation would extend indefinitely the 3-year exemption from the Safety at Sea Act which Congress last year granted for the *Delta Queen* and under which she is now sailing as the last of the overnight passenger riverboats to ply America's inland waters—a monument to a bygone era.

I am pleased to note that the people of my Commonwealth of Pennsylvania have a special interest in the *Delta Queen*. The steamer has been seen often in Pittsburgh during the several decades she has sailed on the Monongahela, Ohio, Tennessee, and Mississippi Rivers on trips terminating in New Orleans.

Recognizing the great popularity of the *Delta Queen*, Congress has acted on three occasions to extend its life as an overnight passenger vessel. With this bill, Congress now has an opportunity to finally settle this question once and for all.

At issue, Mr. President, is Public Law 89–777, the so-called Safety at Sea Act which Congress passed in 1966 to authorize the setting of Federal safety requirements for oceangoing passenger ships operating under the hazards of the open seas. There is every reason to believe, however, that the *Delta Queen* should never have been included, either by interpretation or intent, within the scope of this act.

In marked contrast to passenger ocean liners, the *Delta Queen* is a shallow draft vessel which sails in usually calm inland river waters, and which is never any great distance from shore. Most of her staterooms open on to outside decks for added safety advantage. It is worth noting that in the more than 80 years during which the *Delta Queen*'s owners have operated 28 riverboats, they have never experienced a single passenger fatality.

What in my opinion is even more impressive, however, is the fact that the *Delta Queen*'s owners have conscientiously lived up in good faith to the confidence which Congress implied in granting last year's 3-year exemption. Although not required to do so, the ship's owners subsequently invested nearly a half million dollars to make further safety improvements to the vessel.

During last winter's end-of-season layover, 45 years of accumulated oil-based paint were removed from the *Delta Queen*'s wooden superstructure and three new coats of fire-resistant paint were applied. The interiors of all staterooms were similarly treated. All canvas covered decks were stripped bare and were then covered with fireproof flexible compound.

A completely new diesel electric generator and new electrical pumps were installed to make sure that the ship's main and auxiliary fire sprinkler systems could continue to operate even in the event of a failure to the central steam system. In addition, automatic fire detection systems were installed in all crew and work areas. All of these improvements were designed to provide the *Delta Queen* with far more protection than one might expect to find in similarly constructed homes and apartments on land.

Further, the *Delta Queen*'s owners are now designing, and plan to install, entirely modern sanitation mechanisms which, they believe, will bring to the 45-year-old steamer one of the most sophisticated waste handling systems available in the U.S. merchant marine.

In short, the *Delta Queen*'s owners have assured me that they have made, and will continue to make, every possible effort to meet the requirements of the Coast Guard, the Environmental Protection Agency and other interested Federal authorities.

Therefore, Mr. President, I am pleased to support this legislation which will enable the *Delta Queen* to play a permanent role in America's passenger transportation system.

I believe there is an important matter of public policy at stake here. Those who ride the *Delta Queen* from Pittsburgh to New Orleans, and those who view her from the banks of rivers in 17 States through which she passes, are participating in a nostalgic and colorful chapter in our Nation's history, a remainder of less hurried and less troubled times.

Many feel that the *Delta Queen* ranks with Philadelphia's Independence Hall and with New York's Statue of Liberty as a national landmark, a fact which has won her official listing in the Department of the Interior's National Register of Historic Places. It is paradoxical that this vessel, which has been marked for preservation by one Federal agency, may yet be doomed by another.

I feel strongly that the Nation should not be deprived of what remains of the overnight riverboat's role in our American heritage, made famous by Mark Twain. With this in mind, I urge prompt and favorable consideration of this legislation.

By Mr. WILLIAMS:

S.J. Res. 152. A joint resolution to authorize the President to proclaim annually the last Friday of April as "National Arbor Day." Referred to the Committee on the Judiciary.

NATIONAL ARBOR DAY

Mr. WILLIAMS. Mr. President, today I introduce, for appropriate reference, a resolution that would authorize the President to proclaim annually the last Friday of April as "National Arbor Day."

In April 1972, this country will celebrate the 100th anniversary of the first observance of Arbor Day. For it was in 1872 that the State of Nebraska, hoping to relieve the problem of a shortage of woodland, encouraged its citizens to each plant a tree. The success of the project became so widely acclaimed that other States soon set aside special days for this particular event.

Mr. President, I believe that it would be especially appropriate for Congress to act quickly and favorably on this resolution so that all Americans may join in the centennial observance of Arbor Day.

By Mr. BELLMON:

S. 2471. A bill to specifically authorize loans by the Small Business Administration to small business concerns engaged in farming operations to finance the production of agricultural commodities, and to permit national banks to invest in agricultural credit corporations. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BELLMON. Mr. President, last week the Senate took a major step toward meeting the growing credit needs of America's agricultural producers by the passage of the Farm Credit Act of 1971.

This legislation will do much to strengthen and modernize the farm credit system and make it possible for many additional farm operators, especially young farmers, to obtain the necessary capital to enter or stay in business.

While this act goes a long way toward improving farm credit by providing more flexibility in financing, eliminating some of the redtape and making government lending institutions more responsive to farmers' needs, additional improvements can and should be made.

Therefore, I am today introducing a bill to specifically authorize loans by the Small Business Administration for agricultural production enterprises and to permit national banks to invest in agriculture credit corporations.

This bill amends the Small Business Act to authorize the Small Business Administration to make loans to finance the production, as well as the processing, of agricultural commodities. At present, SBA loans are limited to agricultural processing.

It also amends the Banking Act to allow a number of small banks to go together in forming an agricultural credit corporation so they would have a capital structure large enough to make sizable farm loans. Agriculture has become big business and larger loans are necessary in order to purchase the necessary equipment, chemicals, fertilizer and other supplies. However, the average bank in a rural area is unable to make loans of sufficient size at present. There are limitations in the national banking laws that prevent a combination of banks for this purpose. This legislation is intended to modify such restrictions.

By Mr. HART:

S. 2472. A bill to supplement the antitrust laws of the United States by providing for fair competitive practices in the termination of franchise agreements. Referred to the Committee on the Judiciary.

FAIRNESS IN FRANCHISING ACT

Mr. HART. Mr. President, $1 out of every $4 a consumer spends for goods these days goes into the pocket of a franchised business.

This includes purchases ranging from gasoline to chicken, from automobiles to temporary office help.

All told, consumers spend more than $100 billion each year with franchised operations.

Obviously, franchising is a significant segment of our economy. Yet, because it really blossomed only in recent years and because it often has been more the subject of advertising puffery than of exacting scrutiny, few safeguards have been built into the system.

Let us face it, franchising was a distribution system developed for the benefit of entrepreneurs. It grew not from the grassroots up but from the central seats of power down.

Therefore, it should not be surprising that much in the system is feudal in concept. A glance at most of the more than 700 different franchise agreements floating around in this country will substantiate that.

"The franchisee shall" is the most common phrase throughout the contracts. And, unfortunately, it often is only after that "said franchisee" has been in business a while that it begins to dawn on him that the onus to perform is chiefly on him.

Franchisees are controlled by contract to such extents as source of supplies, hours of operation, cleaning techniques, number of employees, selection of vending machines, territories of operation, and sometimes even prices to be charged.

For this "independence," the franchisee is allowed to put up the capital and frequently to work hours far in excess of those any employee would legally be allowed.

As one franchise agreement spelled it out:

In no event shall the franchisor ever be liable to franchisees for any claims of whatever nature.

The franchisee is kept in line with a very powerful weapon:

Cancellation—or the threat of cancellation.

Faced with the loss of his investment—or both money and time—plus the ignominy of failure, franchisees "go along in order to get along."

But, under the law as it stands today even "going along" and doing a very good job for the franchisor at the same time is no protection against losing the business.

Termination—or refusal to renew—is commonplace in franchising.

And sometimes the fellow who does the very best job for the parent company is most likely to lose his business. The plum of a lush business, built on the franchisee's capital and from his sweat, is often too tempting for the parent company. So, it simply terminates the franchisee and takes over the operation.

Although much of this sounds like a modern version of "Little Red Riding Hood and the Wolf," I can assure you that it is no fairy tale. Chapter and verse were spelled out before lengthy hearings of the Senate Antitrust and Monopoly Subcommittee.

The quandary is what to do to protect what is good in franchising—particularly the opportunity it can offer for competition at the retail level in an economy desperately in need of competition.

Also to be protected, realistically, are the honest, reputable franchisors who either from the beginning of their operations or as they became aware of the problems have been trying to make the contract more equitable for franchisees.

Mr. President, I think the answer lies along the lines of the fairness in franchising bill which I reintroduce today.

This bill does not seek to wed the franchisee and franchisor together so long as they both shall live. Nor does it reverse many franchise agreements so that they become "contracts of adhesion"—making the franchise system so abhorrent to parent companies that they would rather dump the system than comply.

The bill seeks to build equity in the system—on both sides. It does so by zeroing in on that potent weapon—the threat of cancellation—seeking to make the parting of the ways as equitable as it is possible.

In short, under the bill, any franchisor may cancel any franchisee for any reason that suits his fancy—or his business judgment.

It will be noted that the bill this year permits cancellation of a franchise for legitimate business reasons. This provision was not included in the bill last year; and, as a result, the fear was expressed that the bill would wed inextricably the franchisor to the franchisee. Many felt that such a harsh approach would simply extend the vertical integration of the franchisor into company owned operations. I am hopeful that this change will allay those fears.

However, if the termination comes through no fault of the franchisee—that is, if he has been living up to all reasonable expectations of the agreement—he shall be compensated for his loss.

So the franchisor could rid himself of the nonproducer and would be liable for no compensation. However, if he wants to take over or for any reason eliminate a viable concern which has been run in a proper manner, the franchisor—in effect—must buy out the franchisee.

That is what I mean by "equitable."

There is another face of the bill which I also think is most equitable. In section 5, it spells out that if companies fear excessive litigation under the bill, this can be avoided by a binding arbitration clause in their contracts which meet the specifications of the bill.

Another portion of the bill—section 6—would prohibit a franchisor from engaging in methods of competition which constitute unfair methods of competition within the meaning of the Federal Trade Commission Act. This is aimed at correcting the so-called predatory methods of competition such as sales by the franchisor at below cost in competition with his franchisee.

Mr. President, Congress has been talking about doing something to help franchisees with their problems since 1965. Surely it is time we delivered on that promise. This bill I introduce today, I think, would go a long way toward that goal. Hopefully, we will be able to move it quickly into law.

Mr. President, I ask unanimous consent that the text of the full 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. 2472

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 "Fairness in Franchising Act".

SEC. 2. As used in this Act—

(a) The term "person" means a sole proprietor, partnership, corporation, or any other form of business organization.

(b) The term "franchise" shall mean a contract or agreement, either expressed or implied, whether oral or written, between two or more persons, excluding credit or financing arrangements, relationships between manufacturers, agreements of a bona fide and express interm or trial nature requiring a relatively small new investment by the franchisee (as hereinafter described), and warranty, cooperative advertising, training, and other programs provided by one person to another person which other person receives his franchise from a third party—

(1) wherein a commercial relationship of definite duration or continuing indefinite duration is involved;

(2) wherein one person, hereinafter called the "franchisee", is granted the right to offer, sell, and distribute goods or services to the extent that they are manufactured, processed, distributed, or (in the case of services) organized and directed by the other person, hereinafter called the "franchisor";

(3) wherein the franchisee as an independent business constitutes a component of franchisor's distribution system;

(4) wherein the operation of franchisee's business franchise is substantially associated with a franchisor's trademark, service mark, trade name, advertising or other commercial symbol designating the franchisor; and

(5) wherein the operation of franchisee's business is substantially reliant on franchisor for the continued supply of goods or services.

(c) The term "goods" means any article or thing without limitation, or any part of such article or thing, including any article or thing used or consumed by a franchisee in rendering a service established, organized, directed, or approved by a franchisor.

(d) The term "commerce", as used herein, means trade or commerce among the several States or from foreign nations and any State or territory of the United States or the District of Columbia, or between the District of Columbia or any territory of the United States and any State or territory, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or territory of the United States or any insular possession or other place under the jurisdiction of the United States.

SEC. 3. It shall be a violation of this Act for any franchiser engaged in commerce, directly or through any officer, agent, or employee to terminate, cancel, or fail to renew a franchise for any reason whatsoever without having first given written notice of such termination, cancellation, or intent not to renew to the franchisee at least ninety days in advance of such termination, cancelation, or failure to renew.

SEC. 4. Notwithstanding the terms, provisions, or conditions of any franchise, and except as provided in section 5, it shall be a violation of this Act, unless done for good cause and for legitimate business reasons, for any franchiser engaged in commerce, directly or through any officer, agent, or employee to terminate, cancel, or fail to renew a franchise or threaten to terminate, cancel, or fail to renew a franchise. Any franchiser, engaged in commerce, who does terminate, cancel, fail to renew or who threatens to terminate, cancel, or fail to renew a franchise shall have the burden of proving that the termination, cancellation, failure to renew or threat of termination, cancellation, or failure to renew a franchise was done for good cause and for legitimate business reasons. For the purposes of this Act, good cause shall include:

(a) Failure by the franchisee to substantially comply with those requirements imposed upon him by the franchise which requirements are both essential and reasonable; or,

(b) Use of bad faith by the franchisee in carrying out the terms of the franchise.

For the purposes of this Act, legitimate business reasons shall include those Acts defined as good cause but shall not include:

(a) Any conduct which violates the antitrust laws, including section 5 of the Federal Trade Commission Act; or,

(b) Cancellation, termination, or failure to renew for the purpose of enabling the franchisor to take over the franchisee's business, unless reasonable compensation is paid for the value of the franchisee's business including goodwill.

SEC. 5. The provisions of section 4 of this Act shall not apply to any written franchise containing provisions for the binding arbitration of disputes concerning the items covered in section 4 in accordance with the rules of the American Arbitration Association or other similar rules: *Provided,* That the criteria for determining whether good cause and legitimate business reasons existed for the termination, cancellation, or refusal to renew the written franchise shall be no less than that outlined in section 4 of this Act: *And provided further,* That the allowable compensation to a franchisee terminated for other than good cause shall be no less than that provided in section 7.

SEC. 6. It shall be a violation of this Act for any franchisor engaged in commerce, directly or through any officer, agent, or employee to engage directly or indirectly in methods of competition with any franchisee that constitute unfair methods of competition within the meaning of the Federal Trade Commission Act.

SEC. 7. Any franchise may bring an action against a franchisor for violation of this Act in any district court of the United States in the district in which the franchisor resides or is found, or has an agent, or in which the cause of action arises, without respect to the amount in controversy, and shall recover the damages by him sustained by reason of the franchisor's failure to comply with this Act, together with the costs of the action, including reasonable attorney fees.

SEC. 8. Any action brought pursuant to this Act shall be forever barred unless commenced within two years after the cause of action shall have accrued.

SEC. 9. No provision of this Act shall repeal, modify, or supersede, directly or indirectly, any provision of the antitrust laws of the United States. This Act is and shall be deemed supplementary to, but not a part of, the antitrust laws of the United States.

SEC. 10. This Act shall become effective six months after the date of its enactment.

SEC. 11. This Act shall not invalidate any provision of the laws of any State except insofar as there is a direct conflict between an express provision of this Act and an express provision of State law which cannot be reconciled.

SEC. 12. If any provision of this Act or the application of such provision to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall be affected thereby.

By Mr. BURDICK:

S. 2473. A bill to amend the Land and Water Conservation Fund Act of 1965 so as to authorize the development of indoor recreation facilities in certain areas. Referred to the Committee on Interior and Insular Affairs.

Mr. BURDICK. Mr. President, I am introducing today a bill which would vastly increase the benefits received by the public through the Land and Water Conservation Fund Act of 1965.

The Land and Water Conservation Fund Act established a funding program for outdoor recreation agencies in the 50 States. Projects ranging from small parks and playgrounds to huge water recreation areas have been constructed. Yet, even greater recreational demands may be met if the scope of the act would be extended to include indoor recreation facilities as well as the outdoor facilities now receiving matching funds under the program.

The benefits of such an extension can easily be taken from my own State of North Dakota. Throughout the State, the construction of 21 outdoor swimming pools has been assisted by the Outdoor Recreation Agency since its inception in 1965. The Federal share for these projects was $825,040. As beneficial as this matching aid has been to the State of North Dakota in providing swimming pools for recreational purposes, this recreational program can only be utilized 3 months out of each 12 due to the climatic conditions of the State. Similar conditions restrict optimum usage of those recreation areas where the permanent facilities do not include winter accommodations. If these fine recreational endeavors were enclosed, a new vista would open to thousands who now utilize the facilities only in the summer.

For this reason, Mr. President, I have introduced a bill to amend the Land and Water Conservation Fund Act of 1965 to authorize the development of indoor recreation facilities when the unavailability of land, or climatic conditions, provide no feasible or prudent alternative to serve identified unmet demands for recreation resources; and when the increased public use thereby made possible, justifies the construction of such facilities.

I feel that this legislation will go a long way toward realizing the goal of optimum recreational resource development. I am not alone in this belief. Support for this type of legislation has already been indicated from eight States and I suspect that many more will support this legislation as the 92d Congress proceeds. Indicative of this support is a letter which I received from Mr. John Greenslit, North Dakota State liaison officer for the Outdoor Recreation Agency, and executive director of the National Association of State Outdoor Recreation Liaison Officers. I ask that this letter be printed in the RECORD following my comments.

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

NORTH DAKOTA STATE
OUTDOOR RECREATION AGENCY,
Bismarck, N. Dak., June 30, 1971.

Hon. QUENTIN N. BURDICK,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BURDICK: I have just been made aware of your introduction of a bill to amend the Land and Water Conservation Fund Act of 1965. It appears this introduction is free of the undesirable aspects of other amendments which would be detrimental to North Dakota.

I know that our Agency, as well as the North Dakota Recreation and Parks Association, of which I am currently the President, would support this proposal. As you are well aware, numerous North Dakota cities could take immediate advantage of this amendment.

I am taking the liberty of forwarding a copy of your bill to each of the other 54 State Liaison Officers, and hope to gain their individual and collective support from the National Association of State Outdoor Recreation Liaison Officers.

It would be greatly appreciated if you will keep me informed as to potential hearing dates, time, committee assignments, and other pertinent information which might be supplied so North Dakota and national testimony might be entered into the record.

Sincerely,

JOHN GREENSLIT,
State Liaison Officer.

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

S. 2477. A bill to protect environmental quality of the Nation's public lands administered by the Secretary of the Interior and other Federal agencies through establishment of an accelerated program of research in advanced timber harvesting techniques and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, America is concerned about its environment, and it is equally concerned about its housing and other material needs. One of our problems, and a critical issue throughout the country, is providing adequate environmental protection while harvesting timber. It is a problem that we cannot avoid. It is especially important in the West on steep mountain slopes and areas of sensitive soils.

We must harvest timber to meet national needs. An estimated 50 percent of the total timber supply in the future must come from the West, with an additional 35 percent coming from the South. Thus, if we are to meet national housing goals we must harvest timber from mountainous areas where steep slopes exist, and where environmental values are high. This is not to suggest that we remove timber from protected reserves, noncommercial stands, or from areas without soils suitable for reproduction—only that we must do a better job of timber harvesting in areas already designated for that purpose. This need applies to State lands, industrial, and other private lands, as well as those administered by the Federal Government.

We must greatly accelerate the research and development of advanced concepts for timber harvesting systems. We must take new and innovative approaches to insure environmental protection. To move rapidly in this direction, I am introducing legislation to establish in the Forest Service an accelerated program of research and development of timber harvesting methods. The Falcon—forest, advanced logging and conservation—program will consist of accelerated research, development, and demonstration in the following areas, all of which show considerable promise when used singly or in combination with other methods:

Helicopter tests now underway with the S–61 and larger S–64 helicopters show that logs can indeed be lifted off mountain sides and delivered to loading decks. Research and development is needed to refine equipment and operations to achieve economically viable systems. New equipment must be designed and developed, and safety procedures also must be greatly improved.

Aerial cable systems, known as skylines, are light, long-span cable systems that are able to lift logs clear of the ground and transport them with little or no soil disturbance. These systems can remove timber with reduced environmental impact. Present systems must be improved to provide more flexibility of operation, and to provide greater protection for remaining trees.

Balloons are being tested on several logging operations in the West. They are used to provide the necessary lift to swing logs clear of the ground and transport them to a landing. Better, more durable balloons with improved aerodynamic qualities must be developed, and accessory equipment improved.

Advanced concept development will provide means for combining the above

methods into optimum solutions for environmental protection and economical harvesting to meet a variety of management objectives.

The Forest Service has had a modest research effort devoted to the development of better harvesting methods, but it has not been adequate. This legislation would authorize a new effort combining research skill and know-how of the Federal Government forest resource management agencies with those of the States industries, and private landowners. The program would be under the guidance of an advisory council composed of members spanning a broad spectrum of interests in forest resources, including industry, environmentalists, and public agencies.

Today it is necessary to construct about 1 mile of road for each 100 acres of timber harvested, and each mile of permanent road takes over 5 acres out of future production. Five percent of the land surface is thus committed to roads. Road construction is also recognized as the most important single source of erosion and sedimentation of streams, and of esthetic impact where timber is harvested. In the Northwest, tractors and jammers disturb more than half the forest floor in logging, but aerial systems disturb less than 10 percent. Aerial systems applications will reduce road construction requirements, provide needed environmental protection, permit timber harvest, and better protect esthetic values.

Research breakthroughs in aerial logging methods would provide economical methods to harvest timber, help maintain stable lumber and plywood prices, reduce road construction needs, protect soils, water quality and esthetics, and increase timber supply to meet growing demands. They will permit economical thinning and partial cutting operations and removal of more of each tree for utilization.

Important too, will be the means to salvage some of the billions of board feet of timber killed each year by disease, insects, and fire—timber that is now wasted because it is scattered or inaccessible. Insect brood trees also could be removed before the new generation of insects matures to help achieve control of epidemics without the use of pesticides in the forest.

The support needed for this research and development program will be $9.6 million per year for 5 years. The accelerated rate of research and development should help us to overcome the most serious problems within this period. The effort would be centered in the Pacific Northwest where harvesting problems are most critical and where necessary aerospace talent is immediately available. Enactment of this bill and subsequent financing will be a major step forward in providing both environmental protection and adequate timber supplies.

Mr. President, I ask that the text of this legislation 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. 2477

A bill to protect environmental quality of the Nation's public lands administered by the Secretary of Interior and other Federal agencies through establishment of an accelerated program of research in advanced timber harvesting techniques and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds the multiple resources and benefits of our Nation's forest lands can be used and realized in a manner that recognizes, protects, and enhances their invaluable environmental qualities if special care and effort are taken to avoid or minimize adverse environmental impacts which could occur in connection with public use and utilization of these resources. To that end, there is an opportunity and an obligation on the part of the Federal Government to supplement forestry management activities and forestry research programs of the Department of Interior, the Department of Agriculture and other appropiate Federal agencies, in developing and applying new technology to forest management systems, particularly those relating to the harvesting and transportation of timber resources, so as to minimize environmental disturbance, avoid soil erosion and impairment of water quality, and protect scenic values. It is, therefore, the purpose of this Act to foster and accelerate research, development, and demonstration of advanced systems and techniques of timber harvesting and transportation which can be designed with special emphasis on protection and enhancement of environmental quality.

SEC. 2. To carry out the purposes of this Act the Secretary of Agriculture in cooperation with the Secretary of Interior is authorized and directed to carry out an accelerated program of research, development, testing, evaluation, and demonstration of methods and techniques of timber harvesting and transportation. Such accelerated program shall terminate five years from the date of enactment of this Act and shall include, but not be limited to, testing and evaluation of existing or modified helicopters for harvesting activities, and design, development and testing of balloon and cable systems.

SEC. 3. The Secretary of Agriculture is authorized to cooperate with the Secretary of Interior and other Federal Departments and Agencies, State and local governmental agencies, and with private corporations, organizations, and individuals in carrying out the purposes of this Act. He shall establish an advisory council to advise him concerning the scope and implementation of the accelerated research program authorized by this Act. The members of the said advisory council, who shall not exceed fifteen in number, shall be appointed by the Secretary of Agriculture and shall serve without compensation or expense to the Federal Government for a term of five years. The Secretary of Agriculture shall appoint the Chairman of the advisory council and shall select as members of the council persons with a demonstrated interest in the program authorized by this Act, including a member or members to represent (a) the Association of State Foresters, (b) timber or related industrial groups, (c) conservation organizations, and (d) private forest land owners.

SEC. 4. There are hereby authorized to be appropriated such sums as are necessary, which shall be available until expended, to carry out the purposes of this Act.

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

S. 2478. A bill to provide for the disposition of funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of the Fort Hall Reservation, Idaho, as representatives of the Lemhi Tribe, in Indian Claims Commission Docket No. 326–I, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. CHURCH. Mr. President, on behalf of myself and my distinguished colleague from Idaho (Mr. JORDAN), I introduce for appropriate reference a bill to provide for the disposition of funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of the Fort Hall Reservation, Idaho, as representatives of the Lemhi Tribe, in Indian Claims Commission Docket No. 326–I, and for other purposes.

This bill, Mr. President, would authorize the use of funds now on deposit in the Treasury of the United States to the credit of the Shoshone-Bannock Tribes of Indians of the Fort Hall Reservation, Idaho, as representatives of the Lemhi Tribe, in satisfaction of a judgment in Indian Claims Commission Docket No. 326–I. The final judgment in that case was entered by the Indian Claims Commission on March 8, 1971, and was satisfied by the appropriation of funds by Public Law 92–18, signed by the President on May 25, 1971, and credited to the accounts of the plaintiffs in the Treasury of the United States. The judgment in the amount of $4,500,000 was in satisfaction of a claim for compensation for approximately 5,002,000 acres of land which the Indian Claims Commission held had been the aboriginal homeland of the Lemhi Tribe.

The Lemhi Tribe is part of the Shoshone-Bannock Tribes of Fort Hall, Idaho. In general, they reside on the Fort Hall Reservation and have participated in the assets of that reservation and have participated with rights as members of the Shoshone-Bannock Tribes.

By resolution dated June 15, 1971, the Fort Hall Business Council took the following action:

Now, therefore, be it resolved by the Business Council of the Shoshone-Bannock Tribes, pursuant to the request and desires of the general council of the tribe, that the judgment funds from the Lemhi claim in the original principal sum of $4,500,000.00 be distributed as follows for the following purposes:

(a) Seventy-five percent (75%) per capita distribution;

(b) Twenty-five (25%) to be used for the purchase of fractionated heirship land interests to the end that the Shoshone-Bannock Tribes will be the vestee of said lands and to further eliminate the economic hardships and economic loss to the tribe created by the extensive fractioned interests in Indian lands.

Be it further resolved that in the event the Congress fails to approve the amount of 75% for per capita distribution, that any reduction be added to use (b) above in the heirship land acquisition program.

I hope, Mr. President, that we can have favorable and early action by the committee and the Senate on this bill.

Mr. JORDAN of Idaho. Mr. President, I am pleased to join my colleague, Mr. CHURCH, as a cosponsor of this legislation to authorize payment of the Lemhi claim of the Shoshone-Bannock Tribes of Fort Hall, Idaho.

These Indians have been waiting for a number of years for the payment of this and other claims, and I hope that the

Congress can act expeditiously on this bill. A bill to pay an earlier judgment to Shoshones from Idaho, Wyoming, and Utah has been delayed because of the inability of the three Indian units involved to agree on the allocation. A Senate hearing on this legislation, which has been delayed for 3 years, will be held September 15.

The two claims are not related, however, and this bill on the Lemhi judgment is supported by the Shoshone-Bannock Tribes at Fort Hall. I hope these funds can be moved from the bank and into the hands of the Indians and their tribal enterprises.

Our colleagues, Representatives JAMES A. MCCLURE and ORVAL HANSEN, also have introduced a companion bill in the House.

By Mr. COOPER (for himself and Mr. WEICKER):

S. 2479. A bill to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes. Referred to the Committee on Public Works.

Mr. COOPER. Mr. President, I introduce with the Senator from Connecticut (Mr. WEICKER), the ranking minority member of the Buildings and Grounds Subcommittee of the Public Works Committee to which it will be referred, at the request of the administration, a bill that would amend the Public Buildings Act of 1959. This proposal is designed to develop a method for rapidly reducing the large backlog of authorized but unconstructed Federal buildings, and then to establish a systematic method for financing future Federal construction.

I am informed by the General Services Administration that there are 62 authorized Federal buildings on which construction has not begun or will not begin during fiscal year 1972. Congressional approval of these buildings dates back as far as 1960.

While some of these buildings should and will be built in the normal course as Federal construction projects, I understand it would be the purpose of this proposal to reduce this large backlog quickly.

The bill would authorize the Federal Government to contract with private developers for the construction of many of these buildings on a lease-purchase arrangement. This feature would turn over the ownership of the building to the Federal Government at the end of the lease period, but utilize private capital in the meantime to assist GSA in reducing the backlog of unbuilt structures.

An alternative approach contained in this draft bill would permit the sale to a private contractor of land and plans for an authorized building. The contractor would then lease the facility back to the Federal Government, but retain ownership at the end of the leasing period.

No later than the end of the third full fiscal year following enactment of this legislation, the special leasing and lease-purchase authority would expire, according to the provisions of the administration bill. At that time, a new Federal revolving fund would be created to finance the future construction of Federal office facilities. This fund would be supported by fees GSA would charge Federal agencies for the office space provided to them in any Federal building. Such a fund, supported by these rents and other charges, would insure the availability of funds to support a continuing program of new Federal buildings as needed.

Several other significant and controversial changes are incorporated within this legislation. One change would permit leasing by the Federal Government of buildings for a period of as long as 30 years. Existing authority permits leasing for a maximum of 20 years. Another significant provision of the bill would lift the requirement that a new building prospectus must be submitted to the Congress for its approval if the structure's cost is increased substantially. Apparently, this provision only concerns structures authorized prior to enactment, although the language is unclear.

Mr. President, the existing lease-construction authority has been a most controversial one within our Committee on Public Works. Although the committee in recent years has approved several projects for lease-construction, the committee has done so with great reluctance. The argument against leasing is its high cost. GSA figures show that leasing often amounts to three times the cost of a similar facility built and financed entirely by the Federal Government. This is true even after inclusion of the interest cost to the Federal Government for the acquisition of funds to finance the construction.

I might also recall for my colleagues that lease-purchase, as distinguished from lease-build, was tried, but rescinded by the Congress. This authority existed for several years during the 1950's, before it was repealed in the Public Buildings Act of 1959.

While several of these provisions are likely to be controversial, I believe this bill merits consideration by the Committee on Public Works. Together with other bills before the Congress on the subject, it will prove a base for evaluating ways in which the existing need for Federal office space might be met, and of developing a rational system for meeting future needs.

Mr. President, I ask unanimous consent that a description of the bill prepared by the GSA, plus a copy of the legislation be printed at this point in the RECORD.

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

GSA LEGISLATION

A major purpose of this legislative proposal is to amend both the Public Buildings Act of 1959, as amended (1959 Act), and the Federal Property and Administrative Services Act of 1949, as amended (Property Act), to require using agencies to budget and pay for the use of space and related services and to authorize the General Services Administration, subject to conventional Congressional and Executive controls, to finance its public buildings operations from the receipts arising therefrom.

Requiring all agencies to finance the cost of the space they occupy is consistent with the performance budgeting concept under which total program costs are reflected in the cost accounts of the program agency. Review of agency budgets internally by review authorities in the Executive Branch and by the Congress would be more realistic. This would be a significant change in the method of funding building operating and capital costs, but would be both practical and business-like.

The new budgeting approach would enhance the ability of General Services Administration to provide faster and better service with respect to space needs of agencies, both by new construction and lease. Provision of funds for space would be directly related to the programs involved. Authorization would be based on better information and cost estimates. Funds for specific projects would be provided at one time in lieu of the present two or more budget requests for the same project each involving a full cycle.

Section 2 is essentially a combination of amendments required for economic or technical reasons, as follows:

(1) Section 4(b) of the 1959 Act exempts from the Committee approval required in section 7 any alteration, including any necessary acquisition of land needed to carry out the alteration, the total estimated maximum cost of which does not exceed $20,000. The reason for the increase in the dollar amount is explained in the comments with respect to paragraph (2) of this section 7 of the bill and to bring the amount in line with the changes made in section 7 of the 1959 Act.

(2) The 1959 Act requires that prospectuses for construction or acquisition projects in excess of $100,000 and alteration projects in excess of $200,000 be submitted by the General Services Administration to the Public Works Committees of both Houses of Congress. The project cannot be started until the prospectus is approved by these committees and an appropriation act is passed by Congress.

This bill proposes that the minimum dollar criteria for submission of both construction and acquisition prospectuses and alteration prospectuses be increased to $500,000 for any project.

Since the Act was passed in 1959, construction and alteration costs have more than doubled and land acquisition costs in choice locations have increased as much as 500 percent. By increasing the minimum dollar criteria, it will not be necessary for Congress to expend its time and attention on the smaller projects, but will allow it to devote its full attention to the larger ones. Additionally, the General Services Administration will have the flexibility to respond rapidly to project requirements of the various Government agencies which are below the minimum dollar criteria.

(3) Deletion of the words "and such approval has not been rescinded as provided in subsection (c) of this section" in subsection (a) of section 7 is a technical amendment necessitated by the subsequent repeal of subsection (c).

(4) Deletion of the word "maximum" in clause (2) of subsection (a) and the deletion of subsection (b) of section 7 of the 1959 Act, as provided for in amendments (4) and (5) of this section of the bill, would properly remove from the Act the concept that the established cost set forth in the prospectus, plus 10 percent escalation, is an absolute cost limit. While cost estimates should be included in the prospectuses, the description of the building and the housing plan constitute a more meaningful limitation assuring integrity of the scope and purpose of the project.

(5) Subsection (b) of section 7 of the 1959 Act permits the Administrator to escalate by 10 percent the established maximum cost of any approved project. Since the

word "maximum" has been deleted as previously noted, there is no longer need for the escalation.

Subsection (c) of section 7 of the 1959 Act provides that when a project has been approved by both the Committees on Public Works of the Senate and House for more than one year and no appropriation has been made within this one-year period, thereafter, but before an appropriation is actually made, either of the committees may rescind its approval.

Subsection (d) of section 7 of the 1959 Act prohibits the Public Works Committees from approving any new projects when the following situation exists: Whenever there are 30 or more approved projects which have been approved for more than one year and for which no appropriations have been made, until there have been either appropriations or recisions of approval resulting in the number of such approved projects dropping to less than 30, no further approvals are permitted.

Amendment (5) of this section of the bill also would repeal subsections (c) and (d) of section 7 of the 1959 Act. The authority prescribed in these two subsections has never been exercised by the Congress and, therefore, should be repealed as serving no useful purpose. The deletion of the "(a)" following "Sec. 7" is necessary since subsections will no longer exist.

The passage of time makes it essential that the maximum prospectus costs of approved projects not started as of the date of enactment be waived as would be accomplished by section 7 of the bill. This is consistent with the deletion of the word "maximum" with respect to new projects proposed in subsection (4) of section 2 above.

Section 3 of the bill would amend subsection (f) of the Property Act to establish a special fund and prescribe its composition. Principal income would accrue from user charges to be paid by occupying agencies.

Receipts covered into the fund would be available for real property management and related activities but only when specified in an appropriation act, thus permitting the Congress to exercise its traditional surveillance over the real property management program through the appropriation process. Unexpended balances in certain specified no-year appropriations or revolving funds would be transferred to the new fund to finance completion of the work previously authorized. The fund rightly should and does assume the liabilities, obligations, and commitments of the five appropriations to be incorporated in the fund, as well as those of two revolving funds.

A standby authorization is also included in section 3 to appropriate capital advances to the fund of such sums as may be necessary to provide a needed degree of flexibility in the event the national interests are best served by construction or alteration in any year at a level exceeding the norm which would be provided through regular income. However, such advance appropriations must be repaid to the Treasury within 30 years with interest at the long-term rate for Treasury securities. Also, funds appropriated for the direct Federal construction of public buildings after July 31, 1971, must be repaid with interest.

In addition, section 3 provides that funds may be deposited to miscellaneous receipts. This would allow transfer of money out of the fund should excessive surpluses accumulate.

This section also permits General Services Administration to continue the provision of certain special services, not included in the standard level user charge, on a reimbursable basis.

Section 4 would authorize the Administrator to establish such charges for the property management services provided other agencies. This would be accomplished by adding a new subsection (j)(1) to section 210 of the Property Act which concerns the operation of buildings and related activities.

Section 4 would also authorize other executive agencies providing building services to those furnished by GSA to charge fees therefor as approved by the Administrator of General Services for comparable services. Receipt from such fees could be credited to the appropriation or fund initially charged, except that amounts in excess of costs incurred would be credited to miscellaneous receipts unless otherwise authorized by law.

Section 4 also incorporates four additional paragraphs in new section 210(j) of the Property Act so as to embody into substantive law essential authorities which are now carried in annual appropriation acts.

Section 5 of the bill would authorize the Administrator to enter into purchase contracts with independent contractors for the purchase of buildings, payments to be made over a period, not less than 10 years, not more than 30 years. The authority granted under this section would expire at the end of 3 full fiscal years after enactment.

Section 6 of the bill would authorize the Administrator to sell Government sites, plans, and specifications for lease construction contracts if he finds that a purchase contract is not a feasible means for providing the required space. The authority granted would expire at the end of 3 full fiscal years after enactment.

Section 7 would waive the maximum cost of projects already approved by Congress since section 2(4) of the bill would eliminate the concept of established cost plus 10 percent under the Public Buildings Act of 1959.

Section 8 of the bill authorizes the Administrator of General Services to issue regulations after coordination with the Office of Management and Budget, to carry out the provisions of the bill, and provides that user charges established by the Administrator shall be approved by the Director of the Office of Management and Budget.

Section 9 of the bill authorizes agencies to use available funds to pay user charges for space and services.

While section 10, the last section, makes the legislation effective upon enactment, it recognizes the necessity for postponing the effective date of the user charges for a reasonable period after enactment to accommodate the budgetary process.

The General Services Administration recommends prompt and favorable consideration of this draft bill.

S. 2479

A bill to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, 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 "Public Buildings Amendments of 1971".

SEC. 2. The Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601 *et seq.*), is amended as follows:

(1) delete the figure "$200,000," in subsection (b) of section 4 and insert the figure "$500,000" in lieu thereof;

(2) delete the figures "$100,000" and "$200,000" in subsection (a) of section 7, and insert in each case the figure "$500,000" in lieu thereof;

(3) delete "and such approval has not been rescinded as provided in subsection (c) of this section" in subsection (a) of section 7;

(4) delete the word "maximum" in clause (2) of subsection (a) of section 7;

(5) delete in such section all of subsections (b), (c), and (d), and "(a)" following "SEC. 7.";

(6) delete in subsection (a) of section 12 the following: "as he determines necessary,"; and

(7) in sections 11 and 12, delete "(a)" after "Section 7";

SEC. 3. Subsection (f) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is amended to read as follows:

"(f)(1) There is hereby established in the Treasury of the United States on such date as may be determined by the Administrator, a fund into which there shall be deposited the following revenues and collections:

"(a) User charges made pursuant to subsection (j)(1) of this section payable in advance or otherwise.

"(b) Proceeds with respect to building sites authorized to be leased pursuant to subsection (a) of this section, and proceeds with respect to building sites, plans and specifications authorized to be sold pursuant to subsection (h) of his section.

"(c) Receipts from carriers and others for loss of, or damage to, property belonging to the Fund."

"(2) Moneys deposited into the fund shall be available for expenditure of real property management and related activities in such amounts and for such purposes as specified in annual appropriation acts: *Provided*: That authorizations for capital expenditures may be made without regard to fiscal year limitations.

"(3) There are hereby merged with the fund established under this subsection, unexpended balances of (A) the Buildings Management Fund (including any surplus therein), established pursuant to this subsection prior to its amendment by the Public Buildings Amendments of 1971; (B) the Construction Services Fund, created by section 9 of the Act of June 14, 1946 (60 Stat. 259), as amended; and (C) any funds appropriated to General Services Administration under the headings 'Repair and Improvement of Public Buildings', 'Construction, Public Buildings Projects', 'Sites and Expenses, Public Buildings Projects', 'Construction, Federal Office Building No. 7, Washington, D.C.', and 'Additional Court Facilities', in any appropriation acts for the years prior to the fiscal year in which the fund becomes operational: *Provided,* That the fund shall assume all the liabilities, obligations, and commitments of the said (1) Buildings Management Fund, (2) Construction Services Fund, and (3) the appropriations specified in (C) hereof.

"(4) Advances are hereby authorized to be appropriated to the fund to carry out its purposes: *Provided,* That such advances shall, within thirty years, be repaid with interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining period to maturity comparable to the average maturities of such advances adjusted to the nearest one-eighth of one percentum, and; *Provided further,* That any appropriations made to the General Services Administration for the direct Federal construction of public buildings after July 31, 1971, shall, within thirty years from the date of obligation, be repaid as above.

"(5) In any fiscal year there may be deposited to miscellaneous receipts such amount as may be specified in the annual budget estimates for the fund.

"(6) Nothing in this section shall preclude the General Services Administration from providing special services not included in the standard level user charge, such as security guarding, alterations and space adjustments requested by and for the convenience of any agency, design and engineering services, and similar special services, in a reimbursable basis and such reimbursements may be credited to the fund established under this subsection."

SEC. 4. Section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), is amended by adding three new subsections reading as follows:

"(j) The Administrator is authorized—

"(1) to charge any eligible agency furnished services, space, quarters, maintenance, repair, or other facilities (hereinafter referred to as space and services), at rates to be determined by the Administrator from time to time and provided for in regulations issued by him. Such rates and charges shall approximate commercial charges for comparable space and services: *Provided*, That with respect to those buildings for which the Administrator of General Services is responsible for alterations only (as the term 'alter' is defined in section 13(5) of the Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 612(5)), the rates charged the occupant agency or agencies for such services shall be fixed by the Administrator so as to recover only the approximate applicable cost incurred by him in providing such alterations. Agencies, or activities within agencies may be exempted from the charges provided by this subsection, if the Director of the Office of Management and Budget determines that such charges would be infeasible or impractical. To the extent any such exemption is granted, appropriations to the General Services Administration are authorized to reimburse the fund for any loss of revenue;

"(2) to alter Federal buildings;

"(3) to maintain, operate, and protect public buildings (as defined in the Public Buildings Act of 1959, as amended) and sites, and provide services related thereto, including demolition and improvement with respect to sites authorized to be leased pursuant to subsection (a) of this section, by contract or otherwise;

"(4) to rent space in buildings in the District of Columbia notwithstanding the provisions of the Act of March 3, 1877 (40 U.S.C. 34); and

"(5) to provide such fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to section 3056 of title 18, United States Code and the Act of June 6, 1968, 82 Stat. 170."

"(k) Any other Executive agency, in addition to General Services Administration, which provides to an eligible agency space and services set forth in subsection (j)(1) of this section, is authorized to charge the eligible agency for such space and services at rates approved by the Administrator of General Services and the Director of the Office of Management and Budget. Moneys derived by other agencies from such rates or fees shall be credited to the appropriation or fund initially charged for providing the service, except that amounts which are in excess of actual operating and maintenance costs of providing the service shall be credited to miscellaneous receipts unless otherwise authorized by law."

"(l) As used in this section—

"(1) The terms 'eligible agency' or 'eligible agencies' shall have the same meaning as the term 'Federal agency' as defined in section 3(b) of the Federal Property and Administrative Services Act, as amended (40 U.S.C. 472) and include mixed ownership corporations (as defined in the Government Corporation Control Act), the government of the District of Columbia, private persons, or organizations.

"(2) The term 'real property management and related activities' shall include the functions of acquisition, design, construction, alteration, renting, operation, maintenance, protection, moving, demolition, and other like functions which General Services Administration or other agencies are authorized by law to provide eligible agencies."

SEC. 5. The Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601), is amended by adding a new section 4 and renumbering the existing section 4 and subsequent sections appropriately. The new section 4 shall read as follows:

(a) Whenever the Administrator of General Services determines that the best interests of the United States will be served by taking action hereunder, he is authorized to provide space for an eligible agency (as defined in section 210(1) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490) by entering into purchase contracts, the terms of which shall not be less than ten or more than thirty years and which shall provide in each case that title to the property shall vest in the United States at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in each of such purchase contracts. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of installment payments made thereunder.

(b) Each such purchase contract shall include such provisions as the Administrator of General Services, in his discretion, shall deem to be in the best interests of the United States and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the United States. No such purchase contract shall provide for any payments to be made by the United States in excess of the amount necessary, as determined by the Administrator, to—

(1) amortize the cost of improvements to be constructed plus the fair market value, on the date of the agreement, of the site, if owned or acquired by the contractor; and

(2) provide a reasonable rate of interest on the outstanding principal as determined under (1) above; and

(3) reimburse the contractor for the cost of any other obligations assumed by him under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so assumed by the contractor.

(c) Funds now or hereafter available for the payment of rent and related charges for premises, whether appropriated directly to the General Services Administration or to any other agency of the Government and received by said Administration for such purpose, may be utilized by the Administrator of General Services to make payments becoming due from time to time from the United States as current charges in connection with agreements entered into under authority of this section.

(d) With respect to any interest in real property acquired under the provisions of this section, the same shall be subject to State and local taxes until title to the same shall pass to the Government of the United States.

(e) For the purpose of purchase contracts provided for in this section for the erection by the contractor of buildings and improvements for the use of the United States, the Administrator is authorized to enter into agreements with any person, copartnership, corporation or other public or private entity, to effectuate any of the purposes of this section; and is further authorized to bring about the development and improvement of any land owned by the United States and under the control of the General Services Administration including the demolition of obsolete and outmoded structures situated thereon, by providing for the construction thereon by others of such structures and facilities as shall be the subject of the applicable purchase contracts, and by making available such plans and specifications for the construction of a public building thereon as the Government may possess: *Provided*, That projects heretofore approved pursuant to the provisions of the Public Buildings Act of 1959, as amended (40 U.S.C. 601 *et seq.*), and in which no substantial change in scope has been made, may be constructed under authority of this section without further approval, and the prospectuses submitted to obtain such approval shall for all purposes, be considered as prospectuses for the purchase of space.

(f) Except for previously approved prospectuses referred to in (e) above, no purchase contract shall be entered into pursuant to the authority of this section until a prospectus therefor has been submitted and approved in accordance with section 8 of this Act.

(g) No purchase contract shall be entered into under the authority granted under this section after a period of three full fiscal years from the date of enactment.

SEC. 6. Section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), is further amended by (1) deleting the word "twenty" in subsection 210(h)(1) and inserting the word "thirty" in lieu thereof; and (2) renumbering section 210(h)(2) as section 210(h)(3), and adding a new paragraph (2) immediately after section 210(h)(1), as follows:

"(2) For the purpose of lease agreements providing for the erection by the lessor of buildings and improvements for the use of the United States, the Administrator may make the property of the United States to be used as a site for a public building (as defined in section 14(1) of the Public Buildings Act of 1959, as amended) available by sale to the lessor in such manner and upon such terms as the Administrator deems approporiate to the best interest of the United States, together with such plans and specifications for the contruction of a public building thereon as the Government may possess: *Provided*, That projects heretofore approved pursuant to the provisions of the Public Buildings Act of 1959, as amended (40 U.S.C. 601 *et seq.*), and in which no substantial change in scope has been made, may be constructed under the authority of this section 210(h) without further approval, and the prospectuses submitted to obtain such approval shall, for all purposes, be considered as prospectuses for the lease construction of space: *Provided further*, That in order to utilize the authority granted under this paragraph (2) with respect to such previously approved projects, the Administrator must find that a purchase contract as provided for in section 4 of the Public Buildings Act of 1959, as amended herein, is not a feasible means of providing the required space. Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 483 and 484), shall not be applicable to property made available under this subsection. The authority granted under this paragraph (2) shall be in effect for a period of three full fiscal years from enactment and not thereafter.

SEC. 7. The maximum costs for projects heretofore approved by resolutions of the Public Works Committees of the Senate and the House of Representatives, construction of which has not yet started, are hereby waived, and the amounts so approved shall be considered as estimates at the time of approval only.

SEC. 8. To carry out the provisions of the Public Buildings Amendments of 1971, the Administrator of General Services shall issue such regulations as he deems necessary: *Provided*, That such regulations shall be coordinated with the Office of Management and the Budget, and the rates established by the Administrator of General Services pursuant to section 210(j)(1) of the Federal Property and Administrative Services Act of 1949, as amended, shall be approved by the Director of the Office of Management and Budget.

SEC. 9. Funds available to any eligible agency may be used to pay user charges established under section 210 (j) and (k) of the Federal Property and Administrative Services Act of 1949, as amended.

SEC. 10. This Act shall become effective upon enactment. The effective date of applying the rates to be charged pursuant to the regulations to be issued under subsections (j)(1) and (k) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended, shall be as determined by the Administrator of General Services but in any event shall not be later than the beginning of the third full fiscal year subsequent to the enactment thereof.

By Mr. PELL:

S. 2480. A bill to provide for mandatory wage and price controls. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. PELL. Mr. President, a full year ago, the Congress, deeply concerned over continued strong inflationary trends in the economy, gave to the President the authority to impose wage and price controls.

During the past year, prices have continued to rise sharply, placing an increasingly heavy and unfair burden on the average American whose income simply cannot keep pace with price rises. The administration, however, has declined to use the power given to it to stabilize the economy.

I believe it is time for the Congress to assume the responsibility and take the leadership in ending this accelerating price and wage spiral.

I am, therefore, introducing today a bill that would, in effect, require the President to exercise the wage and price control powers the Congress has given him. The bill simply changes the discriminatory authority granted the President in the Economic Stabilization Act of 1970 to a congressional directive that wage and price controls be instituted.

To insure compliance, the bill provides that unless the executive branch has acted within 60 days, Federal agencies shall then be prohibited from expending funds for goods and services if the prices of those goods and services have increased at an inflationary rate since passage of the legislation.

Mr. President, we have had enough talk about economic game plans. I believe it is past the time for firm action.

By Mr. BENTSEN:

S. 2481. A bill to broaden and expand the powers of the Secretary of Agriculture to cooperate with countries in the Western Hemisphere to prevent or retard communicable diseases of animals, where the Secretary deems such action necessary to protect the livestock, poultry, and related industries of the United States. Referred to the Committee on Agriculture and Forestry.

Mr. BENTSEN. Mr. President, the bill I introduce today is one which should have been introduced and passed long ago.

The recent outbreak of Venezuelan equine encephalitis—VEE—in Texas and its tragic consequences have served to reveal a severe restriction on the U.S. Department of Agriculture. Existing laws severely limit the Secretary of Agriculture in his attempts to cooperate with other Western Hemisphere nations to control and eliminate communicable diseases in animals. Currently, the Secretary is limited to working with Mexico only in regard to foot-and-mouth disease, rinderpest and screw-worm and with Central America only in regard to foot-and-mouth disease and rinderpest.

Mr. President, my bill would broaden and expand the powers of the Secretary of Agriculture to cooperate with countries in the Western Hemisphere to prevent or retard communicable diseases of animals, where the Secretary deems such action necessary to protect the livestock, poultry, and related industries of the United States. If the Secretary had been granted such powers previously he might have been able to prevent the recent VEE outbreak from reaching the United States and as a result saved the lives of thousands of horses and the loss of millions of dollars.

I must emphasize, Mr. President, that this is simply a preventative measure and only broadens the limits within which the Secretary of Agriculture can work to prevent a recurrence of what has happened in Texas. The responsibility for failing to act quickly and effectively in meeting the latest VEE outbreak must lie squarely with the Secretary of Agriculture and the members of his Department, but the extension of authority I propose will help to eliminate the possibilities of such failures in the future.

Mr. President, I urge the Senate to give this matter prompt and favorable consideration.

By Mr. PELL:

S. 2483. A bill to provide a national program in order to make the international metric system the official and standard system of measurement in the United States and to provide for converting to the general use of such system within 10 years after the date of enactment of this act. Referred to the Committee on Commerce.

THE METRIC CONVERSION ACT OF 1971

Mr. PELL. Mr. President, article I, section 8 of the Constitution provides that—

> The Congress shall have power . . . to fix the standard of weights and measures.

I now introduce a bill to make the international system of metric measurement the official system of measurement for the United States within 10 years of the enactment of my bill.

Since 1962, I have been advocating, here in the Senate, the benefits of metric conversion. In 1968, the Congress enacted the Miller-Pell bill directing the Department of Commerce to conduct a comprehensive study of the advantages and disadvantages of metric conversion for the United States. As a result of that study, the administration recommended to Congress last week that the United States go metric through a coordinated national plan within a period of 10 years.

I do not believe I need elaborate further on the many metric speeches I have made before this body. The volumes of testimony included in the U.S. metric study report speak for themselves. The question is no longer shall we go metric, the question is, how shall we go metric.

We should no longer have to endure the irony of being the oldest democracy of the world and yet the last of the major countries to abandon the "imperial system," of measures.

We should no longer have to face the contradiction of being the most advanced technological nation in the world—one capable of landing men on the moon—and yet of being the one major nation still using an obsolete system of measures which creates confusion for citizens and which stands as an artificial barrier to exports of American-made goods.

The Congress has been considering metric conversion since 1790 when Thomas Jefferson first suggested it as a possibility. I think it is time for us to act. We should begin an orderly conversion to the metric system now.

I believe the Congress should not be hesitant in initiating deliberations on metric conversion. Business plans are made many years in advance. I believe it is important that we in the Congress provide as much advance warning to the private sector as is possible in regard to how the national process of metrication will proceed.

It is for this reason that I offer my bill today. I do not contend it necessarily represents the perfect legislative vehicle for metrication. It is an attempt to get the metrication ball rolling without further delay.

This bill incorporates the major recommendations made in the U.S. metric study.

Section 3 of my bill provides that the international system of metric measurement shall be the official U.S. system of measurement within 10 years of enactment of my bill.

Title I directs the Secretary of Commerce through the National Bureau of Standards to develop and implement a coordinated national plan of metric conversion.

This title also calls for the appointment of appropriate advisory groups from various sectors of the economy, requires the submission of a national conversion plan to Congress within 18 months of enactment of the law, and authorizes the Secretary of Commerce to implement the national plan through Government regulations and purchases. It requires also a major national education program and a program of technical assistance to business and labor.

Title II of the bill provides for a program of metric conversion assistance. It would allow machinery and other equipment purchased for metric conversion to be given, for tax purpose, a uselife life of one-half of the usual useful life of the machinery, provided the machinery is purchased within the United States.

This accelerated depreciation provision will provide a tremendous shot in the arm for our American machine tool industry and create a strong incentive for American manufacturers to go metric.

In my own State of Rhode Island, there are an estimated 20,000 persons employed as machinists and a significant additional number of unemployed machinists. This depreciation provision and

the increased export potential of the machine tool industry as a metric industry could provide the basis for a resurgence of the economy of my State and other States.

Metric will mean more jobs for Rhode Islanders.

Under this bill, the Small Business Administration would be authorized to make grants to individuals, such as machinists and automobile mechanics, who must purchase new tools, because of metric conversion. Loans would also be authorized for small businesses whose economic viability might be adversely affected by the costs of metric conversion.

The Office of Education in consultation with the Department of Commerce would be authorized by this legislation to undertake a massive program of metric education in the United States. Since the administration has recommended that a metric education program be initiated immediately without awaiting any official decision to go metric I have also introduced this provision as an amendment to the higher education bill which was considered on the Senate floor yesterday. The Commerce Department study supports most of these proposals.

The Commerce Department's report suggested the need for accelerated depreciation for machinery and even investment tax credits. The Department also suggested changes in the antitrust laws to permit cooperation on metric conversion. It called for the provision of technical assistance and manpower training programs for business. To the extent that there is not provision in existing laws or in this bill for such assistance, I believe appropriate committees of the Congress should consider additional legislation.

Mr. President, we have been inching toward metric long enough. The metric study indicates that if, as the last remaining major country not on the metric system, we do nothing, we will be moved by the force of the world economy to go metric on a somewhat chaotic and costly, but voluntary, basis by the year 2000.

It seems to me that a planned metric conversion presents an opportunity for the United States to gain not only innumerable economic and technological benefits, but it presents a marvelous opportunity to incite a new industrial resurgence in this country.

As we know all too well, Japan and the major European countries built completely new industrial plants to replace those destroyed during World War II. These countries are now reaping the benefits of that investment. The United States, on the other hand, has been hindered in its economic expansion and in trade position by an industrial plant that is relatively aged. It seems to me that metric conversion could provide American industry with an incentive and opportunity for the modernization of its plant equipment. This could have implications far exceeding the direct benefits of metric conversion.

Mr. President, the metric message is simple. New jobs, increased exports, an incentive for economic expansion, greater facility of operation in commerce, consumers who can understand how much is in a package on a grocer's shelf when it is stated in metric terms rather than in pounds and ounces, children who learn measurements in school through logic rather than through memorization or irrationally conceived measurements. These are the benefits metric conversion can bring.

Let us now begin the work of metric conversion without further debate on its merits. The case has been made. Let us now focus our attentiton on how we can move to a metric system with the greatest ease and the maximum economic benefit.

I ask unanimous consent that the text of my 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. 2483

A bill to provide a national program in order to make the International Metric System the official and standard system of measurement in the United States and to provide for converting to the general use of such system within ten years after the date of enactment of this Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Metric Conversion Act of 1971".

FINDINGS

SEC. 2. The Congress finds that—

(1) the United States is the only major nation of the world that is not converting to the International Metric System;

(2) the adoption of such system would result in new jobs in the United States;

(3) the adoption of such system would enhance our position in world trade markets;

(4) the benefits of conversion would offset the costs of conversion;

(5) conversion to such system would be a stimulus to the economy and to new investment in plant equipment;

(6) the language and tools of our scientific community are already using such system;

(7) a common system of measurement would improve international communication;

(8) the nation is already heading toward such system slowly and haphazardly;

(9) such system is based on fundamental relationships and is easily understood and would be an aid to our educational system;

(10) small businesses and self-employed craftsmen would benefit from a coordinated conversion program; and

(11) new international standards are currently being developed into such system and the United States is not fully participating in such development.

STATEMENT OF POLICY AND PURPOSE

SEC. 3. (a) It is therefore declared to be the policy of the Federal government to adopt as the official and standard system of measurement for the United States the International Metric System and to provide for converting to the general use of such system within ten years from the date of enactment of this Act.

(b) It is the purpose of this Act to provide for the formulation and initial effectuation of a plan for such conversion, to provide certain assistance to businesses in bearing the cost of such conversion, and to provide for a national education program for the purpose of such conversion.

TITLE I—NATIONAL METRIC PLAN

SEC. 101. (a) The Secretary of Commerce through the National Bureau of Standards shall, within 18 months after the date of enactment of this Act, develop and report to the President and the Congress a national plan to carry out the policy stated in section 3(a) of this Act. Such plan—

(1) shall be developed making full use of studies and consultations carried out pursuant to the Act entitled "An Act to authorize the Secretary of Commerce to make a study to determine the advantages and disadvantages of increased use of the metric system in the United States", approved August 9, 1968 (82 Stat. 693);

(2) shall be developed after such additional consultations with other Federal, State, and local government agencies and with foreign governments and international organizations as may be appropriate;

(3) shall be developed with appropriate participation by representatives of United States industry, science, engineering, and labor who may be appointed by the President to advisory boards to assist in the development and implementation of a national plan;

(4) shall be put into effect to the extent possible under existing law after such 18 month period, and shall include recommendations for any legislation needed to further effectuate such plan;

(5) shall include proposed regulations, to be made effective pursuant to subsection (b), requiring such conversion in activities of the Federal government, including procurement, in accordance with an appropriate time schedule;

(6) shall include an appropriate program, including programs and projects carried out pursuant to section 203 of this Act, to educate the public for the purpose of such conversion; and

(7) shall include an appropriate program for the provision of technical assistance to industry and labor for the purpose of such conversion.

(b) The President is authorized to make effective regulations developed pursuant to clause (5) of subsection (a) of this section.

(c) Not later than two years after such plan is put into effect, and annually thereafter, the Secretary shall report to the President and the Congress with respect to (1) progress being made under such plan; (2) cost and benefits being incurred thereunder; and (3) any additional legislation needed to carry out the policy stated in section 3 (a).

APPROPRIATIONS AUTHORIZED

SEC. 102. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this title.

TITLE II—METRIC CONVERSION ASSISTANCE

TAX ASSISTANCE

SEC. 201. (a) Section 167 of the Internal Revenue Code of 1954 (relating to depreciation) is amended by redesignating subsection (m) as (n) and by inserting after subsection (l) the following new subsection:

"(m) Property Necessary for Metric Conversion.—

"(1) Useful life.—At the election of the taxpayer, the useful life of property described in paragraph (2) shall, for purposes of this section other than for purposes of subsection (c), be one-half of the useful life determined without regard to this subsection.

"(2) Property to which applicable.—Paragraph (1) shall apply only to personal property which is—

"(A) manufactured in the United States and substantially all of the component parts of which are manufactured in the United States, and

"(B) placed in service in replacement of

other property in order to carry out the requirements of the national plan for metric conversion submitted under the Metric Conversion Act of 1971.

"(3) Election.—An election under paragraph (1) with respect to any property shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulations.

"(4) Regulations.—The Secretary or his delegate shall, after consultation with the Secretary of Commerce, prescribe regulations to carry out the purposes of this subsection."

(b) As soon as practicable after the submission of the national plan for metric conversion under title I of this Act, the Secretary of the Treasury shall submit to the Congress recommendations for additional changes in the Federal income tax laws which he considers necessary or desirable to assist in carrying out the national plan. Before submitting recommendations under this subsection the Secretary of the Treasury shall consult with the Secretary of Commerce and the Secretary of Labor, and with such other officers of the United States and such private individuals and organizations as he deems desirable.

CONVERSION ASSISTANCE TO BUSINESSES AND INDIVIDUALS

SEC. 202. (a) Section 7(b) of the Small Business Act is amended—

(1) by redesignating paragraph (5) (added by Public Law 91-597) as paragraph (6);

(2) by redesignating paragraph (6) (added by Public Law 91-596) as paragraph (7);

(3) by striking the period at the end of paragraph (7) (as redesignated by clause (2) of this subsection) and inserting ", and"; and

(4) by adding after such paragraph (7) a new paragraph as follows:

"(8) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration, in consultation with the Secretary of Commerce, determines to be necessary or appropriate to assist any business concern to make changes in its equipment, facilities, or methods of operation to conform to the national plan of metric conversion submitted under the Metric Conversion Act of 1971, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b)(1) The Administrator of the Small Business Administration is authorized, under terms and conditions prescribed by him, to make grants to individuals to defray nonreimbursable expenses which must be incurred by them for the purpose of acquiring tools or instruments which are necessary to their continued employment in a trade or business and are required as the result of the implementation of the national plan of metric conversion submitted under the Metric Conversion Act of 1971. The amount of any such grant to any individual shall not exceed $2,000.

(2) There are authorized to be appropriated to the Small Business Administration such sums as may be necessary to carry out this subsection.

PUBLIC EDUCATION PROGRAMS

SEC. 203. (a) The Commissioner of Education, in consultation with the Secretary of Commerce, shall make grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private nonprofit agencies, organizations, and institutions to develop and carry out programs of public education necessary to carry out the policy stated in section 3(a) of this Act.

(b) Financial assistance under this section may be made available only upon application to the Commissioner. Any such application shall be submitted at such time, in such form, and containing such information as the Commissioner shall prescribe by regulation and shall be approved only if it—

(1) provides that the activities and services for which assistance is sought will be administered by, or under the supervision of, the applicant;

(2) describes a program which holds promise of making a substantial contribution toward attaining the purposes of this section;

(3) sets forth such policies and procedures as will insure adequate evaluation of the activities intended to be carried out under the application;

(4) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in this section, and in no case supplant such funds.

(5) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

(6) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records, and for affording such access thereto as the Commisisoner may find necesary to assure the correctness and verification of such reports.

(c) Applications from local educational agencies for financial assistance under this section may be approved by the Commissioner only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(d) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

(e) Federal assistance to any program or project under this section, shall not exceed — per centum of the cost of such program or project, including costs of administration, unless the Commissioner determines, pursuant to regulations establishing objective criteria for such determinations, that assistance in excess of such percentage is required in furtherance of the purposes of this section.

(f) There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this section.

By Mr. PROXMIRE:

S. 2484. A bill to amend title XI of the National Housing Act to provide for mortgage insurance for podiatric group practice facilities. Referred to the Committee on Banking, Housing and Urban Affairs.

QUALIFYING PODIATRISTS FOR FHA MORTGAGE INSURANCE

Mr. PROXMIRE. Mr. President, the legislation I introduce today proposes to qualify doctors of podiatric medicine for insured mortgage loans under the Federal Housing Administration's group practice facilities program. This program is designed to assure the availability of credit on reasonable terms to finance construction and equipment costs of group practice facilities. However, through an oversight, podiatrists are not included among those eligible for such mortgage insurance. Only doctors of medicine or osteopathy, dentistry and optometry can presently qualify as primary applicants for FHA mortgage insurance.

It is essential that the Nation continue its efforts to develop a sound, coordinated national health policy, one which assures all citizens the availability of comprehensive health care, including podiatric care. In pursuit of this goal, group practice represents one meaningful alternative in the delivery of health care services. Yet the initial capital requirements for constructing group practice facilities are substantial. For this reason, the FHA group practices facilities program was enacted to provide incentives for the construction of group practice facilities.

The fact that podiatrists do not independently qualify for such FHA mortgage insurance is inconsistent with the program's basic objective; namely, to encourage the provision and delivery of comprehensive health care for all citizens. This inconsistency is further evident when one considers the involvement of podiatrists in other important Federal health programs, including in part medicare and medicaid.

Alongside doctors of medicine, osteopathy, and dentistry, podiatrists are defined as physicians for purposes of medicare, part B, and fully participate in this vital health insurance program for the elderly. And when the Social Security Amendments of 1971 are enacted, added incentives for group practice development are fully expected to emerge, thus challenging all physicians, including podiatrists, to seek improved means of providing high quality, efficient health care services for medicare-medicaid beneficiaries.

Equally important are the numerous national health insurance (NHI) proposals now pending in the Congress. Many of these measures stress the importance of group practice and prescribe for it a prominent role in any future NHI program. Podiatrists' services, too, are integral parts of these same NHI measures. Yet podiatrists, unlike other health professionals, are handicapped by their inability to independently qualify for FHA mortgage insurance loans to develop group practice facilities.

I urge the Congress to correct this deficiency and thereby enable doctors of podiatric medicine to qualify for these essential FHA mortgage insurance benefits.

By Mr. WEICKER:

S.J. Res. 151. A joint resolution to authorize and request the President to issue a proclamation designating the last full week of September of each year as "National Dog Week." Referred to the Committee on the Judiciary.

NATIONAL DOG WEEK

Mr. WEICKER. Mr. President, it is fitting and proper that the Congress and the people of the United States pay respect to man's best friend and ally, the dog. Therefore, I am introducing today a joint resolution calling upon the President to declare the last full week in September of each year, "National Dog Week."

The objectives of "National Dog Week" would be to increase the public's awareness of the need to provide care and humane treatment of dogs and all other

animals, wild and domestic, through a series of national, State, and local pet shows, obedience trials, and dogsled racing. The purpose would also be to encourage all dog owners to a greater consideration of others through increased awareness and observance of licensing, leashing, and curbing laws, and to instill in the public as a whole, a lasting feeling of kindness and humanity toward all animals and toward each other.

It is particularly appropriate that we choose the dog to honor in this manner, for he has a long and honored history of loyalty and friendship toward man. The dog was the first animal to be domesticated by man, and since those early days of his history, he has aided his master in innumerable ways: He stands foremost as a protector of man's life and property; he is the saver of lives in the mountains and guides the blind throughout the world. But most important, he is man's friend, stalwart, brave, and loyal under all forms of adversity.

Mr. President, the stories of famous dogs in history are endless, and these few unique animals have been honored in story and verse. But more fitting than the honors heaped upon a few, would be a general recognition by all the people of the dog's long history and man's attachment to his favorite pet. That is the purpose of this resolution: To honor all dogs.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 882 AND S. 883

At the request of Mr. WILLIAMS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 882, a bill authorizing payment under medicare for services performed by a household aid; and S. 883, a bill to establish an Institute on Retirement Income.

S. 1012 THROUGH S. 1016

At the request of Mr. COOPER, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of the bills (S. 1012 through S. 1016) relating to amendments of the Federal Water Pollution Control Act; the establishment of an Environmental Financing Authority; and the control of noise pollution.

S. 1032

At the request of Mr. MCGOVERN, the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 1032, the Environmental Protection Act.

S. 1291

At the request of Mr. CASE, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of S. 1291, to facilitate the efficient preservation and protection of certain lands in Prince Georges and Charles Counties, Maryland, and for other purposes.

S. 1506

At the request of Mr. WILLIAMS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1506, to update the Retirement Income Credit.

S. 1925 AND S. 1935

At the request of Mr. WILLIAMS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1925, the Research on Aging Act; and S. 1935, the Housing for the Elderly Act.

S. 1985

At the request of Mr. WILLIAMS, the Senator from New Mexico (Mr. MONTOYA) and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 1985, the Truth in Food Labeling Act.

S. 2135

At the request of Mr. KENNEDY, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2135, to amend title V of the Social Security Act.

S. 2223

At the request of Mr. TALMADGE, the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 2223, a bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes.

At the request of Mr. BYRD of West Virginia, the Senator from Montana (Mr. MANSFIELD) was added as a cosponsor of S. 2223, a bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes.

At his request, Mr. MCCLELLAN was added as a cosponsor of S. 2223, the Consolidated Farm and Rural Development Act.

S. 2224

At his request, Mr. ROTH was added as a cosponsor of S. 2224, a bill to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency.

S. 2261

At the request of Mr. WILLIAMS, the Senator from South Carolina (Mr. HOLLINGS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), and the Senator from New Mexico (Mr. MONTOYA) were added as cosponsors of S. 2261, the State and Metropolitan Development Agency Act of 1971.

S. 2304

At the request of Mr. TOWER, the Senator from Nebraska (Mr. HRUSKA) was added as a cosponsor of S. 2304, the Veterans' Allied Health Professions Training Act.

S. 2318

At the request of Mr. WILLIAMS, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2318, the Longshoremen's and Harbor Workers' Compensation Act Amendments of 1971.

S. 2332

At the request of Mr. TOWER, the Senator from New York (Mr. JAVITS), the Senator from Tennessee (Mr. BROCK), and the Senator from Nevada (Mr. BIBLE) were added as cosponsors of S. 2332, a bill to permit a member of the U.S. Armed Forces to send mail matter without payment of postage if the member is performing duties at an overseas isolated or hardship area.

S. 2360

At the request of Mr. WILLIAMS, the Senator from Nevada (Mr. BIBLE) and the Senator from Rhode Island (Mr. PASTORE) were added as cosponsors of S. 2360, the Automobile Driver Education Act.

SENATE JOINT RESOLUTION 95

At his request, Mr. ROTH was added as a cosponsor of Senate Joint Resolution 95, relating to the authority of the President to use the Armed Forces of the United States in armed conflict.

SENATE JOINT RESOLUTION 135

At the request of Mr. TOWER, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of Senate Joint Resolution 135, establishing National Law Officers Appreciation Day.

SENATE RESOLUTION 163—SUBMISSION OF A RESOLUTION RELATING TO THE SEPARATION OF POWERS

(Referred to the Committee on the Judiciary.)

Mr. ERVIN submitted the following resolution:

S. RES. 163

A resolution expressing the sense of the Senate with respect to the doctrine of separation of powers as it applies to Executive Order 11605, dated July 2, 1971.

Whereas the first section of the first article of the Constitution states that "all legislative powers shall be vested in a Congress";

Whereas the second article imposes on the President the obligation to "faithfully execute" the laws enacted pursuant to article 1, section 1;

Whereas under the Constitution the President has no constitutional statutory powers to alter by executive order the content or effect of legislation enacted by Congress;

Whereas Congress, in exercise of its authority pursuant to article 1, section 1, has by statute invested in the Subversive Activities Control Board certain powers, functions, and duties as set forth in the Internal Security Act of 1950, as amended;

Whereas these functions, powers, and duties as established by law cannot be altered, amended, expanded, or restricted except pursuant to law enacted by Congress;

Whereas Executive Order 11605 purports to alter and expand the powers, duties, and functions conferred by statute on the Subversive Activities Control Board;

Whereas the first amendment to the Constitution guarantees the rights of all Americans to free speech, free thoughts, free expression, and free association;

Whereas the purpose of the first amendment is to make Americans politically, intellectually, and spiritually free;

Whereas these rights include the right of every American to advocate ideas no matter how foolish, how unwise, or how abhorrent to the government, the Congress, or to other Americans;

Whereas any governmental attempt to proscribe the advocacy of unpopular, unwise, or foolish ideas has the effect of restricting the right and ability of Americans to exercise their first amendment freedoms; and

Whereas the functions, powers, and duties purported to be conferred on the Subversive Activities Control Board by Executive Order 11605 are inconsistent with the Bill of Rights, and especially the first amendment: Now, therefore, be it

Resolved, That the Senate disapproves of Executive Order 11605 as an attempt to usurp the legislative powers conferred on Congress by the Constitution; and be it further

Resolved, That the Senate disapproves of Executive Order 11605 as an infringement

of the first amendment rights of all Americans; and be it further,

Resolved, That the Senate calls on the President to revoke Executive Order 11605, or to amend or revise it to bring it into conformity with article 1, section 1 and the first amendment to the Constitution.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 33

At the request of Mr. BROCK, the Senator from Virginia (Mr. SPONG) and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of Senate Concurrent Resolution 33, regarding the persecution of Jews and other minorities in Russia.

EQUAL RIGHTS FOR MEN AND WOMEN—AMENDMENTS

AMENDMENTS NOS. 400 THROUGH 409

(Ordered to be printed and to lie on the table.)

Mr. ERVIN submitted 10 amendments intended to be proposed by him to the joint resolution (S.J. Res. 150) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

TOXIC SUBSTANCES CONTROL ACT OF 1971—AMENDMENT

AMENDMENT NO. 410

(Ordered to be printed and referred to the Committee on Commerce.)

PURE DRINKING WATER AMENDMENT

Mr. HART. Mr. President, on behalf of myself and the Senator from Washington (Mr. MAGNUSON), I introduce an amendment to the Toxic Substances Act.

The Environment Subcommittee is now considering the Toxic Substances Act which is designed to prevent further contamination of our environment. This amendment will provide the research and resources necessary to deal with the hazards which result from our failure to prevent the existing contamination of our Nation's environment. Today, thousands of toxic substances, organic and inorganic, flow into the homes of every citizen through the water systems of this country.

A great deal of legislative concern in recent years has been directed toward this Nation's water pollution problems, which result largely from an ever-increasing population and vigorous industrial development. At the same time, woefully little attention has been devoted to the problems which these same factors have created, with far more threatening implications for human health in the area of water supply.

Due to our reliance upon what we have come to realize is a fixed supply of ground and surface waters, the steadily increasing demand of industry and the general population for safe, pure water has compelled us to treat and reuse our available supplies over and over again.

Many municipal systems are already handicapped by insufficient supply, inadequate transmission or pumping capacity, and other deficiencies, which become acutely apparent during peak water demand periods. Furthermore, most of these systems, particularly those serving large metropolitan areas, are designed solely to remove the coliform bacteria which transmit waterborne communicable disease and do not remove or in any way affect the toxic properties of such proven drinking water contaminants as trace metals, synthetic organic chemicals, and viruses.

Confronted with the necessity of relying more and more upon the recycling of wastewaters to meet future demands, it is disturbing to realize that we possess neither adequate scientific knowledge about these toxic substances and their effects upon human health nor the purification technology to remove or reduce their toxic threat in ever more concentrated proportions.

Though wastewater control efforts are sorely needed to keep future pollution of our available source waters at a minimum, water pollution efforts alone cannot assure safe drinking water quality. A vigorous effort must now be undertaken in the area of water purification to obtain the research and development information which, when implemented in a comprehensive water supply program, can provide us with that assurance. I welcome the chance to cosponsor this amendment with the chairman of the Commerce Committee (Mr. MAGNUSON).

Mr. President, I ask unanimous consent that Mr. MAGNUSON's remarks be printed in the RECORD at this point, together with the summary of the Community Water Supply Study conducted by the Bureau of Water Hygiene, now a part of the Environmental Protection Agency.

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

STATEMENT BY SENATOR MAGNUSON

Mr. President, one of the most perplexing problems in the area of environmental quality today is that of continually expanding water use at a time of greatly increased pollution of our ground waters, streams, lakes and rivers.

Bacterial contamination of public water supplies has been recognized as a significant threat to public health since the latter part of the last century, and a concentrated effort by public and private water supply organizations since that time has virtually eliminated the threat of waterborne communicable disease epidemics. But our past successes in the water purification field have fostered a complacency which now obscures our vision of new impacts upon human health, resulting from introduction into the environment of hundreds of new substances each year, the byproducts of our advancing technology.

Increasing levels of heavy mental contamination and synthetic chemical residues have been documented in every medium of our environment and particularly in the water resources which must ultimately receive something of all the physical, chemical, and biological contamination with which man burdens the earth. Concurrently, ecologists and toxicologists have brought to light the complex interactions which these substances undergo in a dynamic environment and have warned us of the actual and potential adverse effects which exposure to these chemical substances may have upon human health. Yet while we have utilized our knowledge of these facts and principles in designing our approach to problems of water pollution, there has been almost no recognition accorded them in the potentially much more critical concerns of the water supply field.

We know very little about toxic threshold levels for metals and even less about the long term health effects of these and many other contaminants, which have been proven to pass untreated through conventional water purification systems. Better methods must yet be developed for sampling and analyzing water quality and for determining the contribution of a single source of contamination to the total body burden of that substance. Our present drinking water standards hardly mention viruses, neglect toxic inorganic chemicals, and gloss over persistent and toxic organic substances.

Clearly, a concentrated research effort in the area of water purity is called for at the earliest possible time to confront the critical need for more information and thereby more adequately justify the citizen's belief in the essential safety and goodness of his water supply.

Mr. President, I commend to my colleagues in the Senate a summary of the Community Water Supply Study published last year by the Bureau of Water Hygiene, for the startling report it contains on the present gross inadequacies of our national water supply network.

COMMUNITY WATER SUPPLY STUDY: SIGNIFICANCE OF NATIONAL FINDINGS

FOREWORD

The ecological crisis with which our Nation, and the world, are today confronted has been building for many years. Yet, for many, the magnitude of the damage which we have inflicted on our environment, in ignorance and carelessness, has come as a recent, stunning surprise. However, the urgency of our environmental problems can no longer be ignored or denied. President Nixon expressed the National mood about these sobering realities when he declared that "the nineteen seventies absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters and our living environment."

Of special concern is the fact that the waste products of our highly urbanized and technological society—many of them not even identified—which pollute our land, air, and water, persist in the environment, and react, one with another, in complex and little understood ways, to affect the life cycles of plant, animal, and human organisms.

Our water resources, more perhaps than any other, illustrate the interaction of all parts of the environment, and also the recycling process that characterizes every resource of the biosphere. Everything that man injects into his environment—chemical, biological, or physical—can ultimately find its way into the earth's water and these contaminants must be removed, by nature or by man, before the water is again potable.

Concern for our water quality until quite recently has centered principally on the danger of bacteriological contamination from inadequately treated sewage discharged into our rivers and streams. Today we are confronted with the fact that chemical pollution of source waters poses additional, and possibly even more difficult, problems. Moreover, we deceive ourselves if we assume that even the most complete and effective treatment of municipal and industrial wastes can ever remove all threats of water contamination.

In a world subjected to growing burden of interacting pollutants, many other sources of contamination exist, so that the quality and safety of our drinking water must finally depend upon constant vigilance and application of the best techniques of water treatment and distribution.

That only recently has attention been focused on the problems of maintaining safe drinking water is illustrative of the dangerous complacency with which we have viewed the whole spectrum of environmental ills. This report by the Bureau of Water Hygiene, Environmental Health Service, represents the

first real attempt to determine, on a nationwide basis, the efficacy of current practices in water treatment and to assess future prospects for maintaining safe, high quality drinking water.

It may be concluded, on the basis of the survey findings, that, while the overwhelming majority of the people of the United States can be assured that the water they drink today is safe, several million drink water containing potentially hazardous amounts of chemical or bacteriological contamination. Clearly there is an immediate need, in many localities, for upgrading present water treatment and distribution practices.

Moreover, as in so many other aspects of our environmental situation, the findings are not reassuring with regard to the future. It seems abundantly clear that we will need, in the years ahead, to give increasing attention to the broad problems of water supply in order to assure the public of an adequate supply of safe drinking water on a continuing basis. (Charles C. Johnson, Jr., Assistant Surgeon General, Administrator.)

PREFACE

Contemporary American society recognizes a host of interrelated factors that determine the quality of urban life. In addition to the basic needs—food, clothing and shelter—we have recently begun to recognize two other daily necessities that were heretofore thought to be of unquestionable quality and available in unlimited quantities; ample quantities of clean air, from moment to moment, and safe drinking water, from hour to hour.

The Community Water Supply Study concerns the current and future healthfulness and dependability of the drinking water supplied to over 150 million Americans by community water supply systems. The remaining population drinks from private supplies. The purpose of the study was to determine the quality of drinking water being delivered to the over 18 million people in the study areas and the health risk factors that enabled scientists and engineers to evaluate the ability of these systems to continue to provide adequate supplies of safe water now and in the future. The Analysis of National Survey Findings of the National Community Water Supply Study (July 1970) is based on a survey of 969 representative public water supply systems located in nine areas of the Nation. This statement attempts to place the technical findings into a national perspective. It seeks to answer two questions about the nation's water supplies: (1) Are well established standards of good practice being applied to assure the quality and dependability of water being delivered to consumers' faucets today? and, (2) What needs to be done to assure adequate quantities of safe drinking water in the future on a National scale? While our study has helped provide answers to these important questions, not all the discussion that follows in this statement is derived solely from the results of this single investigation.

BACKGROUND

Americans generally assume that the water from their faucets is healthful, and free of bacterial or chemical contaminants that can bring disease. Usually, the assumption is correct. The drinking water supplies in cities and towns of the United States rank in quality, on the average, among the best in the world. Nevertheless, there is cause for serious concern about our drinking water. There are two good reasons for this paradox.

To begin with, it cannot be maintained that all of our drinking water is safe. It is true that the classical communicable waterborne diseases of years past—typhoid fever, amoebic dysentery and bacillary dysentery—were brought under control by the 1930's. However, we still have outbreaks of communicable disease from sewage contamination of water supply systems in the United States. Recent outbreaks are discussed later in this report. As we shall see in this report, we found evidence of bacterially contaminated water being served to consumers in communities ranging in size from less than 500 to 100,000 persons.

Disturbing as it is to find such evidence, there is a second, more far reaching problem of considerable importance to the country. That problem is the ability of all our present municipal water supply systems to continue to deliver water of good quality and adequate quantity in the decades ahead to a rapidly rising population. This is made all the more difficult by the growing amount of chemical pollutants entering our lakes, streams and aquifers.

Current forecasts provide an indication of how much water we will be needing in the future. According to one calculation, we used 270 billion gallons of water per day in 1965 in support of industry, agriculture, and for domestic drinking purposes. By the year 2020, our water requirements are expected to exceed 1300 billion gallons each day. But hydrologists estimate that the total usable surface water supply from rainfall is only 700 billion gallons per day. Even today, when we return our used waters to streams or lakes we find ourselves using them over and over again. The need for multiple reuse of water will become greatly amplified in major sections of the country in years ahead. If the future population growth rate is only half of current projections, and even where desalinization of salt and brackish waters is a practical and economically feasible alternative, major sections of the country will find it increasingly necessary to practice multiple reuse in the years ahead. Much of the future problem relates to the need for having this reason, ground water has emerged as a significant source now accounting for more than 20 percent of the Nation's water supply requirements.

Where both surface and ground sources are insufficient it will become necessary to directly recycle our wastewaters. This means taking wastewaters and using them over again in a closed system without first discharging them into our streams and lakes. With our present technology we cannot use water in this fashion for drinking, recreation or other intimate uses. It is true that during the past decade, much has been learned about the treatment of wastewaters for removal of some organic substances and bacteria, and processes for renovating wastewaters for direct reuse have even proceeded to the pilot plant stage. But the reuse of wastewaters over and over again presents us with new problems; with present treatment processes, chemicals would be concentrated, and therefore, new treatment processes must be developed; fail-safe warning systems must be found; and new methods must be developed to detect and remove such impurities as the pesticides and viruses which currently are present in almost undetectable concentrations. Little is known about the concentrations of carcinogens, antibiotics or hormones present in wastewaters.

Even though wastewater control efforts will be expanded in the future and are sorely needed to minimize future pollution of our drinking water sources, it is clear that water pollution control efforts alone cannot assure a safe drinking water quality. It is highly unlikely that even the best conventional waste treatment will produce a discharge of drinking water quality. As such, treatment does not remove all of todays known potential toxicants or biological agents prior to discharge. In addition, there are pollutants which have an effect on source of drinking water which are not subject to waste treatment. Such pollutants are found in uncontrolled runoff from our fields and forests, and from chemicals spilled in transportation accidents. Both of these examples adversely affect quality at the community water treatment plant intake. Both today and in the future, delivery of adequate supplies of safer water at the consumer's tap will be dependent upon properly designed, constructed and operated municipal water treatment plants and distribution systems.

SCOPE OF THE STUDY

The National Community Water Supply Study was designed to cover a variety of natural and demographic situations across the country. It surveyed 969 public water systems—in the State of Vermont and in eight standard metropolitan statistical areas—New York, New York; Charleston, West Virginia; Charleston, South Carolina; Cincinnati, Ohio; Kansas City, Missouri-Kansas; New Orleans, Louisiana; Pueblo, Colorado; and San Bernardino-Riverside-Ontario, California. The survey investigated every public water system in each of the designated areas. Twenty-two big city systems in the study areas served over 13 million people. The remaning 947 systems served 5 million people in communities of less than 100,000 people and 760 of those 947 systems each served populations of less than 5,000 people.

The survey was not expected to provide a perfect random sample of water supply systems throughout the country, but the results are reasonably representative of the status of the water supply industry in the United States. As detailed in the Analysis of National Survey Findings, and in the mine supportive reports presenting findings for the specific study areas, the Public Health Service Drinking Water Standards of 1962 were used to evaluate both the current quality of drinking water and the health risks associated with the systems delivering that water.

Each water supply system was investigated to determine the quality of water being delivered to the consumer's tap, the adequacy of physical facilities and operating procedures, and the status of surveillance programs so necessary to the delivery of adequate quantities of safe water on a continuing basis consistent with the U.S. Public Health Service Drinking Water Standards. Two or more water samples, depending on the size of the community population, were analyzed for chemical, bacteriological and other constituents. Each sample indicated the quality of water at a particular point in time, and when all samples from a given system were evaluated together, the average quality of water being served during the study was determined.

The evaluation of each system was designed to identify deficiencies which could lead to a system failure in the future that, in turn, could lead to the delivery of potentially hazardous water quality to the consumer. Past records were studied to determine operational practices, including the frequency of past failures of equipment. The current condition of physical facilities was examined for such deficiencies as inadequate disinfection equipment in the event of an emergency, or finished water reservoirs poorly protected from contamination. The surveillance programs were reviewed with an eye on such problems as collection of bacteriological samples on a regular basis and the regular inspection of the distribution systems to prevent recontamination of the drinking water between the treatment plant and the consumer's tap.

FINDINGS IN THE STUDY AREAS

Drinking water quality defects and health risk problems involving poor operating procedures, inadequate physical facilities, and poor surveillance activities were found in both large cities and small towns irrespective of geographical location. In general, the larger systems, those serving in excess of 100,000 persons including the 10.4 million people in the cities of New York, Cincinnati, Kansas City, and New Orleans, were delivering an "average" acceptable water quality consistent with the Drinking Water Standards. On this *average basis*, 86 percent of the approximately 18 million people covered by this study, or about 15.5 million served by 59 percent of the 969 systems investigated, were

receiving good water during the study. The larger systems also evidenced better operation of treatment and distribution facilities. While sanitary defects were found in larger systems, the overall health risk was generally judged to be low, even though improvements in operational procedures and physical facilities are believed warranted in many instances.

Conversely, 41 percent of the 969 systems were delivering waters of inferior quality to 2.5 million people. In fact, 360,000 persons in the study population were being served waters of a potentially dangerous quality. This was particularly true of community systems serving less than 100,000 persons. Even where average quality was good, occasional samples were found to contain fecal bacteria, lead, copper, iron, manganese and nitrate and a few even exceeded the arsenic, chromium, and selenium limits. After all, people do not drink "average" water. They drink "samples" of water from their kitchen faucets or a drinking fountain at work or play. It is particularly important to note that communities of less than 100,000 people evidenced a prevalence of the water quality deficiencies and health risk potential. Some of the very small communities were even drinking water on a day-to-day basis that exceeded one or more of the dangerous chemical limits, such as selenium, arsenic or lead.

The major findings from the study, in the light of today's water treatment technology are as follows:

Quality of water being delivered

36 percent of 2,600 individual tap water samples contained one or more bacteriological or chemical constituents exceeding the limits in the Public Health Service Drinking Water Standards.

9 percent of these samples contained bacterial contamination at the consumer's tap evidencing potentially dangerous quality.

30 percent of these samples exceeded at least one of the chemical limits indicating waters of inferior quality.

11 percent of the samples drawn from 94 systems using surface waters as a source of supply exceeded the recommended organic chemical limit of 200 parts per billion.

Status of physical facilities

56 percent of the systems evidenced physical deficiencies including poorly protected groundwater sources, inadequate disinfection capacity, inadequate clarification capacity, and/or inadequate system pressure.

In the eight metropolitan areas studied, the arrangements for providing water service were archaic and inefficient. While a majority of the population was served by one or a few large systems, each metropolitan area also contained small inefficient systems.

Operators' qualifications

77 percent of the plant operators were inadequately trained in fundamental water microbiology; and 46 percent were deficient in chemistry relating to their plant operation.

Status of community programs

The vast majority of systems were unprotected by cross-connection control programs, plumbing inspection programs on new construction, or continuing surveillance programs.

Status of State inspection and technical assistance programs

79 percent of the systems were not inspected by State or County authorities in 1968, the last full calendar year prior to the study. In 50 percent of the cases, plant officials did not remember when, if ever, a state or local health department had last surveyed the supply.

An insufficient number of bacteriological samples were analyzed for 85 percent of the water systems—and 69 percent of the systems did not even analyze half of the numbers required by the PHS Drinking Water Standards.

NATIONAL SIGNIFICANCE OF THE STUDY FINDINGS

Well established standards of good practice, in terms of the full application of existing technology, are not being uniformly practiced today to assure good quality drinking water. While most professionals hold the USPHS Drinking Water Standards in high esteem, the study shows that an unexpectedly high number of supplies, particularly those serving fewer than 100,000 people, exceeded either the mandatory or recommended constituent levels of bacterial or chemical content, and a surprisingly larger number of systems evidence deficiencies in facilities, operation and surveillance.

The National significance can be placed in perspective by considering the size-distribution of municipal water supply systems that were the subject of comprehensive facilities census conducted during 1963. At that time, 150 million Americans were being served by 19,236 public water supply systems including 73 million people dependent upon 18,837 small systems, each serving communities of less than 100,000 people. When these statistics are compared with the fact that over 40 percent of the small systems investigated during the current study evidenced current quality deficiencies *on the average* and both large and small communities were judged to be giving inadequate attention to quality control factors, there can be little doubt that this situation warrants major National concern.

Most of our municipal water supply systems were constructed over 20 years ago. Since they were built, the populations that many of them serve have increased rapidly—thus placing a greater and greater strain on plant and distribution system capacity. Many systems are already plagued by an insufficient supply, inadequate transmission or pumping capacity, and other known deficiencies that become most evident during peak water demand periods. Moreover, when these systems were built, not enough was known to design a facility for the removal of toxic chemical or virus contaminants. They were designed solely to treat raw water of high quality for the removal of coliform bacteria. Such facilities are rapidly becoming obsolete as demands rise for water. The task in the future for our water treatment plants can be visualized by examining our population trend. By the year 2000—only 30 years from now—our present population of about 205 million is expected to spurt to 300 million. By that time, it is expected that 187 million people (the total U.S. population just eight years ago) will be concentrated in four urban agglomerations—on the Atlantic Coast, the Pacific Coast, on the coast of the Gulf of Mexico and on the shores of the Great Lakes. Most of the remaining population will be living in cities of 100,000 or more.

In the past, communities and industries were in the favorable position of being able to select the best source of supply consistent with their quantity and quality requirements. The demand for more water to quench the thirst of a growing population and meet the needs of expanding industry have led many people to ask how future quantity requirements will be satisfied. Concurrently, expanding water use comes at a time of greatly increased pollution of ground water aquifers, as well as streams, lakes and rivers. Historically and traditionally, ground water coming from its natural environment has been considered of good sanitary quality—safe to drink, if palatable. Nevertheless, 9 percent of the wells sampled during this survey showed coliform bacterial contamination. It seems fair to say that a similar situation prevails nationwide.

Chemical contaminants in our environment have been on the increase for about 25 years, due to the dramatic expansion in the use of chemical compounds for agricultural, industrial, institutional and domestic purposes. There are about 12,000 different toxic chemical compounds in industrial use today, and more than 500 new chemicals are developed each year. Wastes from these chemicals—synthetics, adhesives, surface coatings, solvents and pesticides—already are entering our ground and surface waters, and this trend will increase. We know very little about the environmental and health impacts of these chemicals. For example, we know very little about possible genetic effects. We have difficulty in sampling and analyzing them—we have much greater difficulties in determining their contribution to the total permissible body burden from all environmental insults.

Consideration of the findings of this study leaves no doubt that many systems are delivering drinking water of marginal quality on the average, and many are delivering poor quality in one or more areas of their water distribution systems today. To add to this quality problem, the deficiencies identified with most water systems justifies real concern over the ability of most systems to deliver adequate quantities of safe water in the future.

RECOMMENDATIONS

Modern facilities operated by qualified personnel under adequate surveillance will provide high quality water with the lowest possible risk that current technology can offer. The following recommendations are made to those state and municipal officials concerned with the responsibility for safe, adequate water supply:

Apply available water treatment and distribution technology, more intensively.

Determine manpower needs of the state and county programs *now* in order to develop a program to provide technical assistance, training, and adequate surveillance to the Nation's numerous community water supply systems.

Upgrade the skills of personnel responsible for the operations and maintenance of the water supply systems themselves, particularly in the case of those systems serving fewer than 100,000 people, through short courses, seminars, and correspondence courses to employees presently employed in the field as well as those wishing to enter it.

Expand state laboratory resources to add the capability of routinely analyzing water samples for biological and chemical agents of health significance.

Provide educational opportunities in water hygiene at the university level to assure the availability of qualified personnel to meet existing and future needs.

In addition to defining the need for improvements at the state and community level, this study's findings also show a need for research, development and planning to improve current practices and to provide adequate supplies of safe water in the future. The study clearly evidences the need to develop:

Improved systems including surveillance procedures, to assure continuous and effective disinfection programs, particularly in smaller communities.

Additional engineering research to simplify and lower the cost of removing excess nitrates and fluorides.

Improved systems to control aesthetically undesirable concentrations of iron, manganese, hydrogen sulfide, and color, as well as taste and odor-causing organic constituents.

Analytical surveillance techniques and control procedures to eliminate the deterioration that is occurring in water quality between the time the water leaves the treatment plant and the time it reaches the consumer.

Improved planning to provide adequate quantities of safe water to the majority of our people who live in urban areas, and to assure optimum resource development and utilization to meet the needs of major population complexes.

History gives ample evidence of the inescapable penalties paid by past civilizations

which failed to provide for the safety of their drinking water systems. Modern history shows that such waterborne diseases as typhoid, dysentery, and cholera are controllable and, in fact, were all but eliminated in the United States by the 1930's by applying the principles identified in the Drinking Water Standards. This study demonstrates that we have begun to backslide, which in turn, explains why it is that waterborne disease persists as evidenced by the epidemic at Riverside, California in 1965 which affected 18,000 people, the 30 percent gastroenteritis attack rate in Angola, New York in 1968 due to a failure in the disinfection system, and the 60 percent infectious hepatitis attack rate which afflicted the Holy Cross football team in 1969 as a result of the ineffective cross-connection control procedures. These recent episodes, reinforced by the findings of the current study, provide ample evidence of the increasing potential for similar episodes unless we improve water system operations consistent with currently accepted standards of practice.

We must also recognize numerous voids in existing technology which do not allow measurement of the current effectiveness of existing procedures. The current Drinking Water Standards do little more than mention viruses, neglect numerous inorganic chemicals which are known to be toxic to man, and identify only one index that is supposed to cover the entire family of organic chemical compounds. These standards must be updated.

The need for knowledge about the health effects of waterborne contaminants is acute. Research is required, for example, to develop improved treatment control and surveillance procedures for viruses. The chronic long-term effects of chemical contaminants requires thorough investigation. For instance, we must determine the concentration levels at which numerous contaminants, such as mercury, molybdenum or selenium, cause adverse health effects. Similarly, we must mount a major attack on a host of synthetic organic chemicals which are growing at a rate of 500 new compounds per year. In addition to the threats posed by such well-publicized materials as pesticides, we now have to face a multitude of new organic chemical compounds. Recognizing our relatively fixed amount of ground and surface water supply, the increasing water needs of the general population and industry, and the need to reuse our available supplies to satisfy future demands, we can no longer afford to "wait and see what happens." We must begin to *investigate before we introduce* new compounds into the environment.

All this research is essential if we are to maintain at least the status quo for the current generation. These are issues confronting scientists and engineers today at all levels of government. But the overall water hygiene effort is this generation's responsibility to future generations. Indeed, answers to many of the currently identifiable research problems of today must be gained quickly if the current and future planners of our environment are to begin to formulate rational, economic and effective plans for the continued growth and development of our society.

SOCIAL SECURITY AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 411

(Ordered to be printed and referred to the Committee on Finance.)

Mr. GRIFFIN submitted an amendment intended to be proposed by him to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENT NO. 412

(Ordered to be printed and referred to the Committee on Finance.)

Mr. METCALF submitted an amendment intended to be proposed by him to H.R. 1, supra.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 318

At the request of Mr. RIBICOFF, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 318 intended to be proposed to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

ADDITIONAL STATEMENTS

THE SENATE'S BRISK PACE AND SUBSTANTIAL ACCOMPLISHMENTS

Mr. MANSFIELD. Mr. President, several "administration spokesmen" have recently appraised the pace of the first session of the 92d Congress as "leisurely." With the front door to the White House controlled by one political party and Congress by another, it is to be expected that in a pre-presidential election year, some administration spokesmen will tend to inject into statements about Congress what might best be termed the polemics of politics.

The pace of the first session, far from being "leisurely," has, in fact, been steady and brisk. Moreover, the achievements of this Congress thus far have not been scant, as the spokesmen seem to suggest, but, on the contrary, the achievements have been substantial.

Since convening on January 21, the Senate has met on 116 days and has been in session a total of more than 675 hours. Not in more than a decade has the Senate, by August 6 in a first session of a Congress, spent more hours conducting business on the Senate floor. Through yesterday, I might add, the Senate had taken 185 rollcall votes. While pertinent records available to me date back only to 1933, those records show that in no first session of Congress since that year have there been as many rollcall votes by August 6. It seems reasonable to assume that never in any first session of any Congress has the Senate cast more rollcall votes by a similar date.

Also, I would point out that at this session the Senate has passed some 375 measures, given its advice and consent to the ratification of five treaties, and confirmed over 30,800 nominations.

The Senate's record of accomplishment stems from the cooperation of all Members of the Senate on both sides of the aisle, and to my colleagues I wish to express the Democratic leadership's deep thanks. I also wish to pay special tribute to the distinguished minority leader (Mr. SCOTT) for his understanding, reason, patience, and assistance in making it possible for the legislative program to move ahead expeditiously. I ask him, too, to indulge the "administration spokesmen" who would cast doubt on the formidable record of the Senate to which he and his colleagues on his side of the aisle have contributed so much.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a summary of major Senate legislative activity thus far in the first session of the 92d Congress. In my opinion, this summary shows beyond question that the Senate's achievements to date have been substantial, indeed.

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

SENATE LEGISLATIVE ACTIVITY—92D CONGRESS, 1ST SESSION

(By Senate Democratic Policy Committee)

Symbols: P/H—Passed House; P/S—Passed Senate

Following is a brief summary of major Senate activity.

AGRICULTURE

Burley Tobacco.—Extended the time for proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971. Public Law 92–1.

Burley Tobacco—Poundage Quotas.—Provided for poundage quotas, without acreage allotments, for burley tobacco; provided for a referendum of burley tobacco growers to determine whether they favor or oppose the establishment of farm marketing quotas on a poundage basis for the next 3 crop years; increased to 15,000 pounds the amount of quotas a farmer may lease; provided that farm quotas cannot be reduced more than 5 percent in any year; prevented allotments of ½ acre or less from being cut more than 2½ percent in the years 1972 and 1973. Public Law 92–10.

California Peaches.—Added California-grown peaches to the list of commodities for which paid advertising provisions may be included in marketing orders under the Agricultural Adjustment Act. H.R. 4263. Public Law 92– .

Child Nutrition Programs.—Authorized the use of $35 million in section 32 funds for the National School Lunch Act in fiscal year 1971 and $100 million in section 32 funds to carry out the provisions of that act regarding free and reduced price meals to needy children in fiscal year 1972; extended the authorization for the school breakfast program for fiscal years 1972 and 1973 and authorized therefor $25 million for each fiscal year and the authorization for the special food assist-

ance program for children for fiscal years 1972 and 1973 and authorized therefor $32 million for each fiscal year; authorized the use of up to $20 million of section 32 funds for the supplemental food program in fiscal year 1972; and contained other provisions. Public Law 92–32.

Citrus Exports.—Called on the President to promptly make every effort to obtain the removal of the discriminatory import preferences maintained by the European Economic Community (EEC) with respect to citrus fruits and, should such efforts not succeed, to exercise within 60 days his authority to increase United States import duties or impose other import restrictions against products entering the United States market from the EEC. S. Res. 89. Senate adopted April 1, 1971.

Consolidated Farmers Home Administration Act of 1971 Amendments—Amends the Consolidated Farmers Home Administration Act of 1971 to increase the maximum loan and grant under section 306 (for water or waste disposal facilities and other specified purposes) to $10 million (from $4 million); to extend the planning grant authority to all waste disposal systems (now limited to "sewer" systems); to extend the authority of the Secretary to insure loans to October 1, 1975 (from October 1, 1971); to increase the maximum amount of loans which may be made by the Secretary from the Agricultural Credit Insurance Fund and held by him at any one time for sale as insured loans to $500 million (from $100 million); to transfer the assets and liabilities of, and authorization applicable to, the direct loan account to the Agricultural Credit Insurance Fund (to permit loans made from the direct loan account to be sold as insured loans, and abolish the direct loan account; to authorize insurance of loans meeting the requirements of the Watershed Protection and Flood Prevention Act of title III of the Bankhead-Jones Farm Tenant Act; to increase the ceiling on operating loans to $50,000 (from $35,000); and to authorize insurance of operating loans (of the type now authorized to be made as direct loans). S. 1806. P/S May 11, 1971.

Cotton Ginners Reports—Amends the census law to provide that reports by cotton ginners as to the county in which each bale ginned is grown shall be made at the completion of the ginning season, but not later than the March canvass; rather than at the March canvass. S. 932. P/S May 11, 1971.

County Committees—Amends the Soil Conservation and Domestic Allotment Act to permit the Secretary of Agriculture to consolidate counties or parts of counties for county committee puposes; contains other provisions. S. 1670. P/S June 21, 1971.

Crop Insurance.—Requires Federal crop insurance to be made available to persons between 18 and 21 years of age. S. 1139. P/S July 25, 1971.

Egg Product Inspection Act Exemption.—Required the Secretary of Agriculture, through December 31, 1971, to exempt from specific provisions of the Act any plant processing egg products which is located in the noncontiguous areas of the United States where the owner has been unable, despite good faith effort, to bring the plant into full compliance with the act. H.R. 9020. Public Law 92– .

Eminent Domain Pool. Allotment.—Repeals the existing requirement that acreage allotments established from the eminent domain pool be "comparable with allotments determined for other farms in the same area." S. 1545. P/S June 21, 1971.

Farm Credit of 1971.—Provides further for the farmer-owned cooperative system through which credit is made available to farmers and ranchers and extends its operations to provide for housing loans to rural residents and loans to others providing services upon which farming operations are dependent in order to provide a modernized system to meet current and future rural credit needs; and contains other provisions. S. 1483. P/S July 29, 1971.

Farm Payment Subsidy Limitation.—Calls for a report to the Congress by the Secretary of Agriculture on his findings on the operation and administration of the current $55,000 farm subsidy payment limitation. S. Res. 153. Senate adopted July 15, 1971.

Feed Grain Bases or Domestic Wheat Allotments for Certain Sugar Producers: Wheat History Preservation.—Authorizes (1) the establishment of feed grain bases, or wheat domestic allotments, for sugar beet producers who have no processing plant available, because their former processing plant ceased operation on or after January 1, 1970, and (2) the Secretary of Agriculture to permit acreage planted to barley prior to November 30, 1970 to be considered as devoted to feed grains or wheat for the purpose of preserving acreage history. S. 795. P/S March 25, 1971.

Marketing Quota Review Committee Members.—Permits farm marketing quota review committee members to be appointed from any county in the State instead of from only the county in which the farm subject to the quota being reviewed is located or nearby counties. S. 1131. P/S May 11, 1971.

Meat and Poultry Inspection Costs.—Increases the maximum Federal contribution to the cost of any State meat or poultry inspection system from 50 to 80 percent. S. 1316. P/S July 29, 1971.

National Forest Law Enforcement.—Authorized the Secretary of Agriculture to cooperate with any State or political subdivision in the enforcement of local law on lands within the national forest system. H.R. 3146. Public Law 92– .

Peanut Allotments.—Amended the Agricultural Adjustment Act of 1938 to set new criteria for apportionment of acreage allotments among new peanut farms. Public Law 92–62.

Rural Telephone Bank.—Provided a source of supplementary financing to meet the growing capital need of rural telephone systems through establishment of a rural telephone bank to furnish assured and viable sources of supplementary financing, which bank shall originally be a wholly owned government corporation until 51 percent of the Class A stock has been retired and then to be a mixed-ownership government corporation, subject to annual government audit but not budgetary review. Public Law 92–12.

Wine Promotion Activities.—Amended section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, to remove the restriction on foreign market promotion activities for domestic wine. Public Law 92–42.

APPROPRIATIONS

1971

Continuing Appropriations.—Continued, through June 30, 1971, funding for the Department of Transportation and related agencies, appropriating $2,404,134,605 in new budget authority for fiscal year 1971 and $150 million in fiscal year 1972 advance funding for the Washington Metropolitan Area Transit Authority. Public Law 92–7.

Second Supplemental, 1971.—Appropriated $7,028,195,973 in supplemental funds for fiscal year 1971. Public Law 92–18.

Supplemental-Labor.—Appropriated $50,675,000 for unemployment compensation for Federal employees and ex-servicemen. Public Law 92–4.

Urgent Supplemental.—Appropriated $1,037,872,000 for urgent supplemental appropriations for fiscal year 1971 for the Defense Department (claims, defense); the Veterans' Administration (compensation and pensions, and readjustment benefits); the Labor Department (Wage and Labor Standards Administration, salaries and expenses); Department of Health, Education and Welfare, Environment Health Service and Occupational Safety and Health Review Commission; the Small Business Administration (Disaster loan fund); funds appropriated to the President (Disaster relief). Public Law 92–11.

1972

Agriculture-Environmental and Consumer Protection.—Appropriated $13,276,900,050 for the Agriculture-Environmental and Consumer Protection programs. H.R. 9270. Public Law 92– .

Continuing Appropriations.—Made continuing appropriations for several departments, agencies, corporations, and other organizational units of the Government to avoid interruption of continuing government functions until the enactment into law of the regular annual appropriation bills for fiscal year 1972 or until the expiration of this joint resolution on August 6, 1971, whichever occurs first. Public Law 92–38.

Further Continuing Appropriations.—Further continuing appropriations for fiscal year 1972 for the period from August 6 to October 15, 1971, H.J. Res. 829. Public Law 92– .

Housing and Urban Development-Independent Offices.—Appropriated $18,339,738,000 for the Department of Housing and Urban Development and for space science, veterans, and certain other independent executive agencies, boards, commissions and offices. H.R. 9382. Public Law 92– .

Interior and Related Agencies.—Appropriated $2,223,980,035 for the Department of the Interior and related agencies. H.R. 9417. Public Law 92– .

Labor, and Health, Education and Welfare, and Related Agenices.—Appropriated $20,804,662,000 for the Department of Labor, the Department of Health, Education and Welfare, and related agencies. H.R. 10061. Public Law 92– .

Labor Department—Emergency Employment Assistance.—Appropriated $1 billion to the Department of Labor for emergency employment assistance. H.J. Res. 833. Public Law 92– .

Legislative Branch.—Appropriated $529,309,749 for the Legislative Branch. Public Law 92–51.

Office of Education and Related Agencies.—Appropriated $5,146,311,000 for the Office of Education and related agencies. Public Law 92–48.

Public Works—Atomic Energy Commission—Independent Offices.—Appropriated $4,716,922,000 for public works for water and power development, the Atomic Energy Commission, and related independent agencies and commission. H.R. 10090. P/H 7/29/71. P/S amended July 31, 1971.

State—Justice—Commerce—Judiciary.—Appropriated $4,067,116,000 for the Departments of State, Justice, and Commerce, the Judiciary and related agencies. H.R. 9272. Public Law 92– .

Transportation.—Appropriated $2,905,310,997 for the Department of Transportation and related agencies. H.R. 9667. Public Law 92– .

Treasury, Postal Service, and General Government.—Appropriated $4,752,789,690 for the Treasury Department, the U.S. Postal Service, the Executive Office of the President and certain independent agencies. Public Law 92–49.

Urgent Agriculture Appropriations—Appropriated $17 million to the Department of Agriculture for the summer program of the non-school feeding programs for children. Public Law 92–35.

ATOMIC ENERGY

Atomic Energy Commission Authorization.—Authorized $2,400,912,000 for the Atomic Energy Commission for fiscal year 1972. H.R. 9388. Public Law 92– .

CONGRESS

Commission on Art and Antiquities of the Senate.—Expands the authority of the Commission on Art and Antiquities of the United States Senate to enable it to acquire any work of art, historical object, document or material relating to historical matters, or exhibit for placement or exhibition in the Senate wing of the Capitol, the Senate Office Buildings, or in rooms, spaces or corridors thereof. S. Res. 95. Senate adopted April 1, 1971.

Federal Election Campaign Act of 1971.—Repeals the equal time requirement of Section 15 of the Federal Communications Act in regard to candidates for Federal office; requires broadcasters to charge all candidates (Federal and State) no more than the lowest unit rate in the same time period for 45 days before primaries and 60 days before general elections and applies the same requirement to candidates for Federal office only for non-broadcast media (Newspapers, magazines, periodicals and billboards); puts a separate limit on the amount Federal candidates may spend in primaries and general elections on broadcast media to be computed at the rate of 5 cents times the resident population of voting age in the State for candidates for the Senate, and the rate of 5 cents times the resident population of voting age of the district for candidates for the House of Representatives, with an identical limitation on non-broadcast media, with the provision that 20 percent of the allowable amount for either media may be spent on the other media; provides that the States may make the broadcasting spending limit applicable to Statewide elections, and makes the limitation applicable to any money spent by a candidate or on his behalf; requires broadcasters selling time on the behalf of a candidate to obtain a written certification that the amount to be spent will not put the candidate over the limitation, and applies the same requirement to spending for non-broadcast media; makes the Act applicable to every elective process, every candidate, and every political committee (national, state or local) which accepts contributions in a calendar year in excess of $1,000; approves the creation of a Federal Elections Commission, which will receive, compile, and publish financial statements of contributions and expenditures for every candidate and every political committee on a quarterly basis as well as on the 15th and 5th day before the date of every election, which will be made available for public inspection at the Commission's central office and the Clerk's office of every U.S. District Court; and contains other provisions. S. 382 P/S August 5, 1971.

Female Appointees.—Permits the appointment for the Senate of pages, elevator operators, post office employees, or Capital policemen without discrimination on account of sex. S. Res. 112. Senate adopted May 13, 1971.

Joint Committee on the Environment.—Provides for the establishment of a 22-member Joint Committee on the Environment to consist of 11 Members each of the Senate and the House. S.J. Res. 17. P/S March 16, 1971. H.J. Res. 3. P/H July 20, 1971.

CRIME-JUDICIARY

Additional Judicial District in Louisiana.—Creates an additional judicial district in Louisiana by dividing the present eastern district into two districts, the eastern and middle districts. S. 733. P/S July 23, 1971.

Civil Rights Commission Authorization.—Increased the annual authorization for the Commission on Civil Rights from $3.4 million to $4 million. Public Law 92–64.

Copyright Protection.—Extends until December 31, 1972 the duration of copyright protection in certain cases. S.J. Res. 132. P/S July 23, 1971.

Juvenile Delinquency Prevention and Control Act Amendments of 1971.—Extended the Act for 1 year, until June 30, 1972, and authorized $75 million for fiscal year 1972 for programs and projects under the Act; authorized an increase from 60 to 75 percent in the Federal share of funding for juvenile rehabilitation projects to make such funding consistent with funding in the Omnibus Crime Control and Safe Streets Act of 1968; authorized grants to assist juvenile rehabilitation projects sponsored by nonprofit, private agencies; and established an Interdepartmental Council to coordinate all Federal juvenile delinquency programs. Public Law 92–31.

Limited Copyright in Sound Recordings.—Provides for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording. S. 646. P/S April 29, 1971.

Patent Office.—Provides for several miscellaneous amendments of title 35, United States Code, and for an adjustment of the organization of the Patent Office within the Department of Commerce. S. 1254. P/S April 22, 1971.

Patents and Trademarks.—Afforded patent and trademark applicants an opportunity to make a claim for a filing date earlier than the date on which the application was received by the Patent Office. Public Law 92–34.

Authorizes the United States to make voluntary contributions to such organizations as the United International Bureau for the Protection of Intellectual Property and the Committee for International Cooperation in Information Retrieval Among Patent Offices in order to defray the cost of studies and other projects in connection with international patent and trademark matters. S. 1253. P/S April 22, 1971.

United States District Court.—Authorizes the United States District Court for the Northern District of West Virginia to hold court at Morgantown, West Virginia. S. 230. P/S April 21, 1971.

DEFENSE

Disposals from National and Supplemental Stockpiles.—Authorizes disposal from the national and supplemental stockpiles of various materials, as follows:

Abaca: 25 million pounds. S. 776. Public Law 92– .

Amosite Asbestos: 32,839 short tons. S. 763. Public Law 92– .

Antimony: 6,000 short tons. S. 765. Public Law 92– .

Celestite: 12,270 short dry tons. S. 772. Public Law 92– .

Chromite, Chemical grade: 324,500 short dry tons. S. 768. Public Law 92– .

Chromium metal: 4,238 short tons. S. 762. Public Law 92– .

Columbium: 5,010,716 pounds. S. 770. Public Law 92– .

Diamond tools: 64,178 pieces. S. 761. Public Law 92– .

Industrial diamond crushing bort: 18,912,000 carats. S. 751. Public Law 92– .

Industrial diamond stones: 4,961,000 carats. S. 769. Public Law 92– .

Iridium: 256 troy ounces. S. 757. Public Law 92– .

Kyanite-Mullite: 4,820 short dry tons. S. 778. Public Law 92– .

Magnesium: 78,000 short tons. S. 775. Public Law 92– .

Manganese, battery grade: 4,805 short dry tons. S. 760. Public Law 92– .

Manganese, metallurgical grade: 4,424,840 short dry tons. S. 759. Public Law 92– .

Mica: 5,026,987 pounds. S. 758. Public Law 92– .

Quartz crystals: 330,000 pounds. S. 756. Public Law 92– .

Rare Earth materials: 8,233 short dry tons. S. 767. Public Law 92– .

Selenium: 475,000 pounds. S. 771. Public Law 92– .

Shellac: 2.9 million pounds. S. 755. Public Law 92– .

Silicon carbide: 166,453 short tons. S. 754. P/S June 21, 1971.

Sisal: 100 million pounds. S. 777. Public Law 92– .

Thorium: 210 short tons. S. 753. Public Law 92– .

Vanadium: 1,200 short tons. S. 774. Public Law 92– .

Vegetable tannin extracts: 46,263 long tons. S. 752. Public Law 92– .

Zinc: 515,200 short tons. S. 766. P/S June 21, 1971.

Health Care Benefits for Certain Surviving Dependents.—Permitted surviving military dependents of Armed Forces members who die while eligible for receipt of hostile fire pay, or from a disease or injury occurred while eligible for such pay, who are receiving benefits under the special program for the physically handicapped or mentally retarded provided the civilian health and medical program of the uniformed services (CHAMPUS) to continue to receive such benefit until they pass their 21st birthday. Public Law 92–58.

Military Construction Authorization.—Provides construction and other related authority for the military departments, and the office of the Secretary of Defense, within and outside the U.S.; provides authority for construction of facilities for the Reserve components, in the total amount of $2,008,652,000 ($2,000,641,000 in new authority and an increase in prior years' authorization of $6,011,000); and contains other provisions. H.R. 9844. Passed House July 22, 1971. Passed Senate amended August 5, 1971.

Military Selective Service—Military Pay.—Extends the military draft for 2 years until July 1, 1973; increases military pay; authorizes military active duty strengths for fiscal year 1972; declares it to be the policy of the United States to terminate all U.S. military operations in Indochina and to provide for the prompt and orderly withdrawal of all U.S. military forces 9 months after enactment subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government; contains other provisions. H.R. 6531. Passed House April 1, 1971. Passed Senate amended June 24, 1971. House adopted conference report August 4, 1971.

National Guard Technicians—Increased the ceiling for National Guard technicians from 42,500 to 49,200 in fiscal year 1972 and to 53,100 for fiscal year 1973 and beyond. S. 2296. Public Law 92–

DISTRICT OF COLUMBIA

Administration of Estates.—Amended the District of Columbia Code to increase the jurisdictional amount for the administration of small estates, to increase the family allowance, to provide simplified procedures for the settlement of estates, and to eliminate provisions which discriminate against women in administering estates. H.R. 7931. Public Law 92– .

Assaults on D.C. Firemen—Provided the same criminal penalties for asasults on firemen in the District of Columbia, and for interfering with such firemen in the performance of their official duties, as are presently provided by law for assaults on and interference with police officers in the city. H.R. 5638. Public Law 92– .

Commission on the Organization of the Government of the District of Columbia—Extension—Extended the life of the Commission on the Organization of the Government of the District of Columbia 6 months (from September 22, 1971, to March 22, 1972). Public Law 92–25.

Decedents' Estates—Minor's Share—Facilitated the distribution of a minor's share in the personal property of an estate whenever such share is of the value of $1,000 or less, and the minor is not otherwise under a legal disability and does not have a duly appointed

and qualified guardian. H.H. 2594. Public Law 92——.

District of Columbia Police Commendation—Commends the Chief of the Metropolitan Police Department and other law enforcement personnel for their efficient action during demonstrations in the Nation's Capital in May. S. Res. 119. Senate adopted May 10, 1971.

Healing Arts Practice Act Amendments.—Revises the makeup of the Commission on Licensure; provides for temporary licensure of certain physicians and osteopaths; and broadens the use of endorsement as a method of licensure, by eliminating the application of reciprocity as a barrier to the admission of competent physicians to practice in the District of Columbia. H.R. 8589. P/H June 14, 1971. P/S amended August 6, 1971.

Memorial to Mary McLeod Bethune.—Extended for 2 additional years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune, a prominent Negro educator, Public Law 92–57.

Metropolitan Police Department Band.—Permitted members of the District of Columbia Fire Department, the Executive Protective Service, and the United States Park Police force to participate in the activities of the Metropolitan Police Department band. H.R. 2596. Public Law 92– .

Paralyzed Veterans of America.—Granted a Federal charter of incorporation to the Paralyzed Veterans of America. H.R. 2894. Public Law 92– .

Payment of Medical Expenses for Police and Firemen Retired for Total Disability.—Authorized the District of Columbia government to pay the necessary costs of medical, surgical, hospital, or related health care services for officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Police force, the Executive Protection Service, and the United States Secret Service, who are retired subsequent to the date of enactment of this legislation for total disability incurred in line of duty and which expenses are incident to the injury or disease which is the cause of retirement. H.R. 8794. Public Law 92– .

Public Utilities.—Standardized procedures for the testing of utility meters; added a penalty provision to enable certification to meet the requirements of the Natural Gas Pipeline Safety Act of 1968; and authorized joint cooperative action by the D.C. Public Service Commission with State and Federal regulatory bodies on matters of joint interest. H.R. 2591. Public Law 92– .

Regulating Employment of Minors.—Extensively revises the existing child labor laws of the District of Columbia, enacted in 1928, to reflect present demands by youth for jobs, and to eliminate obsolete and restrictive provisions which hinder the employment of minors. H.R. 2592. P/H June 14, 1971. P/S amended August 6, 1971.

Retirement Benefits for Totally Disabled Policemen and Firemen.—Provided that former members of the Metropolitan Police force, the U.S. Park Police, the Executive Protective Service, the U.S. Secret Service, and the District of Columbia Fire Department who were retired prior to October 1, 1956, for service-incurred disability which was rated at 100% at the time of their retirement, shall have their annuities computed on the same basis as are those for members who retired for service-incurred disability subsequent to that date. H.R. 2600. Public Law 92– .

School Fare Subsidy.—Extended the subsidy for the transportation of school children in the District of Columbia for three years to August 1974. H.R. 6638. Public Law 92– .

ECONOMY-FINANCE

Adjustment of Outstanding Currency.—Permits the writeoff of Federal Reserve bank notes, national bank notes, and silver certificates issued after June 30, 1929 when the Secretary of the Treasury determines they have been lost or destroyed, or are held in collections and will never be presented for redemption. S. 670. P/S February 18, 1971.

Appalachian Regional Development Act and Public Works and Economic Development Act—Extensions.—Extended for 2 years until June 30, 1973 the Public Works and Economic Development Act and authorized therefor $800 million for each of fiscal years 1972 and 1973; authorized the continuation of the general program portions of the Appalachian program for an additional 4 years with biennial authorizations of $282 million for fiscal years 1972 and 1973 and $294 million for fiscal years 1974 and 1975; added a 4-year, $40 million Appalachian airport safety improvements program; and made other changes. S. 2317. Public Law 92– . (A similar bill—S. 575—but one which would have reactivated the Pubic Works Acceleration Act and authorized $2 billion for the fiscal years beginning after June 30, 1970, for grants for State and local public works, was vetoed by President Nixon on June 29, 1971. The Senate sustained the veto on July 14, 1971.

Assistance for U.S. Citizens Returned From Abroad—Continuation.—Extended for 2 years (to June 30, 1973) the authorization for the provision of temporary assistance to U.S. citizens returned from foreign countries under certain circumstances. Public Law 92–40.

Duty-Free Treatment of Certain Products.—Provides for the permanent duty-free treatment of calcined bauxite, bauxite ore, aluminum hydroxide and oxide, TNT and blends of TNT and ammonium nitrate, generally called Amatol, and tinned sheets used in the manufacture of maple sap evaporators. H.R. 4590. P/H 6/8/71. P/S amended July 20, 1971. House concurred in Senate amendments with an amendment August 3, 1971.

Duty Suspension on Certain Metal Scrap.—Continued for 2 years (until July 1, 1973) the existing suspension of duties on certain metal waste scrap provided by item 911.12 of the Tariff Schedules. Public Law 92–44.

Economic Disaster Relief Act of 1971.—Amends the Disaster Relief Act of 1970 to include economic as well as natural disasters; modifies the definitions of a "major disaster" to include the existence of an unemployment rate 50 percent above the national average for six of the preceding twelve months or a 100 percent increase over twelve months to a rate higher than 6 percent; provides expanded unemployment compensation benefits in a disaster area; provides relocation assistance to unemployed individuals in disaster areas; expands the aid to major sources of employment in such areas to include loans to certain enterprises; and contains other provisions. S. 2393. P/S August 5, 1971.

Emergency Loan Guarantee Act.—Authorized a maximum of $250 million for emergency loan guarantees to major business enterprises, designed in particular, for the Lockheed Aircraft Corporation, subject to the approval, under certain conditions, of an Emergency Loan Guarantee Board composed of the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Securities and Exchange Commission. H.R. 8432. Public Law 92– .

Export Administration Act.—Provided a temporary extension of the Export Administration Act to October 31, 1971. Public Law 92–37.

Export Expansion Finance Act of 1971.—Excluded the receipts and disbursements of the Export-Import Bank of the United States in the discharge of its functions from the totals of the budget of the U.S. Government and exempted the Bank's operations from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the U.S. Government; increased from $3.5 billion to $10 billion the amount of outstanding guarantees and insurance the Bank may charge on a fractional reserve basis against its overall limitation; increased the overall limitation on the amount of loans, guarantees, and insurance the Bank may have outstanding at any one time from $13.5 billion to $20 billion; extended the life of the Bank for 1 year to June 30, 1974; precluded the Bank from guaranteeing, insuring, extending credit, or participating in the extension of credit to any nation with respect to which the President determines that such transaction would be contrary to the national interest; directed the Bank to offer financing in support of U.S. exports that is competitive with that being offered by the government agencies of the other principal exporting nations; and contained other provisions. S. 581. Public Law 92– .

Investment Company Act Amendment.—Amends sec. 27(f) of the Investment Company Act of 1940, as amended, to provide that the refund rights contained in that section apply to any periodic payment plan other than a plan under which the amount of sales load deducted from any payment thereon does not exceed 9 percent of such payment. S. 2216. P/S August 6, 1971.

Interest Equalization Tax—Extension.—Extended the interest equalization tax for 2 years from March 31, 1971, to March 31, 1973; provided discretionary authority to the President to extend the tax to debt obligations with maturities of less than 1 year; restricted the tax-free rollover privilege of existing mutual funds to investments in the funds prior to March 24, 1971; and made other changes. Public Law 92–9.

Interest Rates and Cost-of-Living Stabilization—Temporary Extension.—Provided a temporary extension until June 1, 1971, of certain provisions of law relating to interest rates and cost-of-living stabilization. Public Law 92–8.

Lost or Stolen Securities.—Authorized the Secretary of the Treasury to replace for their owners lost or stolen bearer securities of the United States prior to their maturity. Public Law 92–19.

Public Debt and Interest Rate Limitations.—Increased the permanent debt limitation from $380 billion to $400 billion and provided for a temporary increase (until July 1, 1972) from $15 billion to $30 billion; provided that long-term U.S. obligations, in an aggregate amount not exceeding $10 billion, may be issued without regard to the statutory 4¼ percent limitation on the interest rate on long-term bonds; and provided that U.S. Government obligations issued after March 3, 1971 having a market value below face value cannot be redeemed at face or par value in payment of any U.S. tax. Public Law 92–5.

Purchase of U.S. Obligations by Federal Reserve Banks.—Extended for a 2-year period, from June 30, 1971 to June 30, 1973 the authority of the Federal Reserve banks to purchase U.S. obligations directly from the Treasury. Public Law 92–45.

Renegotiation Amendments of 1971.—Amended the Renegotiation Act of 1951 to extend the Act for 2 years until June 30, 1973, to modify the interest rates on excessive profits determinations and on refunds where excessive profits determinations are found to be erroneous, and to provide the Court of Claims with exclusive jurisdiction of renegotiation cases; and contained other provisions. Public Law 92–41.

Small Business Amendments Act of 1971.—

Expands existing Small Business Act (SBA) programs which encourage participation in the financing of small business by private capital; establishes a new program of grants to reduce interest costs to small business; amends the Small Business Investment Act to recognize the development of Minority Enterprise Small Business Investment Companies and to clarify SBA's guarantee authority with respect to debentures issued to Small Business Investment Companies; amends the SBA to establish four new programs to assist businesses which affect or are affected by environmental regulations and pollution; and provides reimbursement, on a limited basis, for certain out of pocket costs presently being met by volunteer groups. S. 1905. P/S May 21, 1971.

Small Business Act Amendment.—Amended the Small Business Act to increase by $900 million (from $2.2 billion to $3.1 billion) the amount of certain loans, guarantees, and other obligations or commitments outstanding in any one time from the business loan and investment fund of the Small Business Administration, thus permitting a continuation of five SBA programs through fiscal year 1972. Public Law 92–16.

Social Security Amendments.—Increased social security benefits by 10 percent across-the-board retroactive to January 1, 1971; increased by 5 percent special payments to certain persons age 72 and over; and provided for an increase in the taxable wage base from $7,800 to $9,000 effective January, 1972 and a 5.15 percent increase in the tax rates in 1976 and thereafter. Public Law 92–5.

Sugar Act Amendments.—Extends the Sugar Act through December 31, 1974 and fixes foreign quotas for 1972, 1973 and 1974; increases quotas for domestic producing areas; improves the effectiveness of the anti-confiscation provision; and contains other provisions. H.R. 8866. P/H June 10, 1971. P/S amended July 28, 1971. In conference.

Transfer of Trust Funds to the Philippines.—Provides for the transfer to the Philippine Government of money the Secretary of the Treasury holds in a special trust account to make principal and interest payments on outstanding matured bonds of the Philippines and its political subdivisions issued before 1934. S. 1330. P/S March 25, 1971.

Wage and Price Controls and Ceilings on Deposit Interest Rates—Extension of authority.—Extended until July 1, 1973, the authority of the Federal bank regulatory agencies to establish flexible ceilings on the rate of interest payable on time and savings deposits by commercial banks, mutual savings banks, and savings and loan associations; extended on a permanent basis the President's authority to initiate a program of voluntary credit controls; and extended for 1 year, until May 1, 1972, the President's authority to establish mandatory price and wage controls. Public Law 92–15.

EDUCATION

Education Amendments.—Revises the Higher Education Act of 1965 to constitute a single law including all continuing higher education financial asistance programs, and, in general, extends the authorizations for higher education programs through fiscal year 1975; amend the Vocational Education Act of 1963, and extends authorizations for funds for programs thereunder through fiscal year 1973; establishes an Education Division within the Department of Health, Education, and Welfare to include the present office of Education and the newly created National Foundation for Postsecondary Education and National Institute of Education; amends the Elementary and Secondary Education Act of 1965 and the Adult Education Act with regard to Indian education; and contains other provisions. S. 659. P/S August 6, 1971.

Emergency School Aid and Quality Integrated Education Act of 1971.—Authorizes $1.5 billion between the date of enactment and July 1, 1973 for a project grant program attempting to deal with problems arising out of minority group isolation in public schools. S. 1557. P/S April 26, 1971.

GENERAL GOVERNMENT

American Revolution Bicentennial Commission.—Authorized $670,000 for the American Revolution Bicentennial Commission for fiscal year 1971. Public Law 92–33.

Assistant Secretaries of the Interior.—Established within the Department of the Interior the position of an additional Secretary of the Interior to replace the now existing position of Assistant Secretary for Administration. Public Law 92–22.

Established within the Department of the Interior the position of an additional Assistant Secretary of the Interior intended to perform duties relating to Indian Affairs. S. 291. P/S August 5, 1971.

Civil Service Retirement.—Permits an employee or Member of Congress eligible for an immediate retirement annuity after a cost-of-living increase is effective, but before the next cost-of-living increase effective date, to retire and receive an annuity not less than it would have been had he been eligible and retired before the effective date; provides that the survivor annuity of an employee or Member who dies after the cost-of-living increase date would not be less than it would have been had it commenced on or before the effective date. S. 1681. P/S May 14, 1971. P/H amended May 17, 1971.

Commission on Government Procurement.—Provided the Commission on Government Procurement with additional time to complete its assigned mission by extending its final reporting date until December 31, 1972. Public Law 92–47.

Comprehensive Drug Abuse Prevention and Control Act of 1970 Amendment.—Amended the Act to provide an increase from $1 million to $4 million in the authorization for the Commission on Marihuana and Drug Abuse. Public Law 92–13.

Depository Libraries.—Authorizes the Public Printer to designate the library of the highest appellate court in each State as a depository library. S. 2227. P/S July 16, 1971.

Foreign Claims Settlement Commission—Changes the term of office of Commission members from 3 years to a term at the pleasure of the President and reduces the present full-time membership of 3 members to 1 full-time member and 2 part-time members. S. 1206. P/S June 23 1971.

Lowering the Voting Age to 18: Proposed an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older. S.J. Res. 7. Became effective as 26th amendment to the Constitution July 5, 1971.

Metric System Study: Authorizes $144,000 for fiscal year 1972 to complete the metric system study authorized by the act of August 9, 1968. S. 1257. P/S July 30, 1971.

National Advisory Committee on the Oceans and Atmosphere: Provides for the establishment of a 25-member National Advisory Committee on the Oceans and Atmosphere to be primarily responsible for advising on the progress of the efforts of the U.S. in the fields of marine and atmospheric sciences and to advise the Secretary of Commerce on National Oceanic and Atmospheric Administration programs. H.R. 2587. Public Law 92– .

National Science Foundation Authorization: Authorized for the National Science Foundation $655,500,000 for fiscal year 1972, including $3 million in foreign currencies for fiscal year 1972. H.R. 7960. Public Law 92– .

Postal Savings System.—Authorized the Secretary of the Treasury to distribute among the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam, their pro rata share of the balance of unclaimed postal savings deposits on hand. H.R. 135. Public Law 92– .

Railroad Retirement Annuities.—Amended the Railroad Retirement Act of 1937 to provide a temporary 10 percent increase in railroad retirement benefits retroactive to January 1, 1971, to terminate, along with the present 15 percent increase, on June 30, 1973, and to extend for 6 months, until December 31 1971, the date by which the Commission on Railroad Retirement is to submit its report to Congress and the President. Public Law 92–46.

Reorganization Plan No. 1 of 1971.—Established in the executive branch a new agency, ACTION, to be responsible for administering the following volunteer programs: Volunteers in Service to America, Auxiliary and Special Volunteer Programs now in the Office of Economic Opportunity, the National Student Volunteer Program, Foster Grandparents, Retired Senior Volunteer Program, Service Corps of Retired Executives, and Active Corps of Executives. Additional contemplated transfers to ACTION after its establishment are the Peace Corps program, the functions carried out by the Office of Voluntary Action, and the Teacher Corps. S. Res. 108 (disapproval resolution). Senate rejected June 3, 1971. Plan became effective June 4, 1971.

Spanish-Speaking People.—Authorized funds for the Cabinet Committee on Opportunities for Spanish-speaking People for the fiscal years 1972 and 1973. H.R. 7586. Public Law 92– .

Star Route Mail Contracts.—Clarifies the provisions of the Postal Reorganization Act of 1970 regarding the authority of the Postal Service to renew a star route contract for the transportation of mail to permit renewal of such contracts with subcontractors who are supplying services satisfactory to the Postal Service. S. 1989. P/S August 5, 1971.

Texas Land Addition.—Gave the consent of Congress to consider the land, acquired by the United States as a result of the Convention between the United States and the United Mexican States for the Solution of the Problem of the Chamizal, to be a geographical part of the State of Texas and that that State shall have civil and criminal jurisdiction over the land. Public Law 92–36.

Trust Territory of the Pacific Islands.—Authorized an ex gratia contribution of $5 million to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951; established a Micronesian Claims Commission to determine the validity of such claims; and authorized $20 million for claims payments. Public Law 92–39.

Virgin Islands—Amendment of Revised Organic Act.—Amended the Organic Act of the Virgin Islands to give the Attorney General discretionary authority to appoint more than one assistant U.S. attorney for the Virgin Islands. Public Law 92–24.

HEALTH

Cancer Conquest.—Amends the Public Health Service Act to establish a Conquest of Cancer Agency as an independent agency within the National Institute of Health under a Director reporting to the President. S. 1828. P/S July 7, 1971.

Health Professions Educational Assistance Amendments of 1971.—Amends title VII of the Public Health Service Act to extend the program for 5 years and to expand and improve the Nation's resources for the training of physicians and other professional health personnel and authorizes $5,948,000,000 for fiscal years 1972–76 for such purposes; con-

solidates, extends, and increases the scope of, grants for construction of health research, education, and library facilities and establishes an additional program of loan guarantees and interest subsidies for such construction; establishes awards based on enrollment to educational institutions covering one-third of the average per-student educational cost; extends and increases the maximum level of direct student loans and student scholarships and adds a program of loan guarantees; establishes awards based on enrollment for graduate medical and dental education; provides for grants to schools in financial distress; adds a new program of grants to health or educational entities for training in family medicine; and contains other provisions. H.R. 8629. P/H July 1, 1971. P/S amended July 14, 1971. In conference.

Health Professions Student loans and Scholarships — Extension. — Amended the Public Health Service Act to extend for 1 year, until June 30, 1972, the loan and scholarship provisions for students of the health professions. Public Law 92–52.

Nurse Training Act Amendments of 1971.—Amends title VIII of the Public Health Service Act to extend for 3 years the program of assistance to schools and students of professional nursing; authorizes a total of $1.1 billion for fiscal years 1972–74; extends and broadens the program of construction grants for nursing education facilities and adds authority for loan guarantees and interest subsidies; extends and broadens the authority for special project grants for improvement in nurse training; authorizes a new program of capitation grants to schools of nursing to replace the present formula grant authority; extends and broadens the authority for nursing scholarships for needy students; and contains other provisions. H.R. 8630. P/H July 1, 1971. P/S amended July 14, 1971. In conference.

Public Health Service Hospital and Outpatient Clinics.—Required that Public Health Service hospitals and clinics remain open and continue to perform their multiple responsibilities through fiscal year 1972, during which time the Secretary of Health, Education, and Welfare and Congress should explore how these facilities can best be used in the future to offer comprehensive health care to Federal beneficiaries to meet the needs for health services of the Nation at large, and particularly of medically underserved areas. S. Con. Res. 6. Senate adopted June 29, 1971. P/H amended August 2, 1971.

HOUSING AND URBAN DEVELOPMENT

Land Use Planning.—Increases authorizations for comprehensive planning grants and open space land grants from $420 million to $470 million and $560 million to $660 million, respectively. S.J. Res. 52. P/S July 15, 1971.

INDIANS

Blackfeet and Gros Ventre Tribes, Montana.—Authorizes division and disposition of judgment funds awarded to the Blackfeet Tribe of the Blackfeet Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana. S. 671. P/S March 11, 1971.

Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana.—Authorizes disposition of judgment funds awarded to the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana. S. 602. P/S August 2, 1971.

Iowa Tribes of Oklahoma and of Kansas and Nebraska.—Authorized division and disposition of judgment funds awarded to the Iowa Tribes of Oklahoma, Kansas and Nebraska. Public Law 92–29.

Pembina Band of Chippewa Indians.—Authorized distribution of judgment funds awarded to the Pembina Band of Chippewa Indians. Public Law 92–59.

Sisseton and Wahpeton Tribes of Sioux Indians.—Authorizes distribution to the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of judgment funds awarded to the Mississippi Sioux Indians. S. 1462. P/S June 8, 1971.

Shoshone-Bannock Tribe of Idaho; Shoshone Tribe of Wyoming; Bannock Tribe and the Shoshone Nation or Tribe.—Authorizes disposition and distribution of judgment funds awarded to the Shoshone-Bannock Tribes of Fort Hall, Idaho; the Shoshone Tribe of Indians of the Wind River Reservation, Wyoming; and the Bannock Tribe and the Shoshone Nation and Tribe of Indians, S. 101. P/S June 8, 1971.

Snohomish Tribe, Upper Skagit Tribe, and Snoqualmie and Skykomish Tribes.—Authorized distribution of judgment funds awarded to the Snohomish Tribe, the Upper Skagit Tribe, and the Snoqualmie and Skykomish Tribes. Public Law 92–30.

INTERNATIONAL

Passport fees.—Authorized the United States Postal Service to receive the fee of $2 for execution of an application for a passport. Public Law 92–14.

Northwest Atlantic Fisheries Act Amendment.—Brought the Northwest Atlantic Fisheries Act of 1950 into accord with two new protocols which amend the International Convention for the Northwest Atlantic Fisheries. H.R. 9181. Public Law 92– .

Peace Corps Authorization.—Authorizes $77,200,000 for the fiscal year 1972 operations of the Peace Corps. S. 2260. P/S August 2, 1971 H.R. 9166. H. Cal.

Radio Free Europe and Radio Liberty.—Authorizes $35 million for fiscal year 1972 to the Department of State for grants to Radio Free Europe and Radio Liberty. S. 18. P/S August 2, 1971.

Wheat Price Negotiations.—Requests the President to ask the International Wheat Council to request the Secretary General of UNCTAD to convene a negotiating conference with a view toward the negotiation of suitable provisions relating to the prices of wheat and to the rights and obligations of members in respect to international trade in wheat. S. Res. 136. Senate adopted July 12, 1971.

TREATIES

Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America.—Designed for signature of states possessing nuclear weapons, the protocol commits the United States, subject to its clarifying interpretations, to respect the aims and provisions of the treaty, not to contribute in any way to the violation of the treaty, and not to use or threaten to use nuclear weapons against the Latin American States for which the treaty is in force. Ex. H. (91–2) Resolution of ratification agreed to April 19, 1971.

Bryan-Chamorro Treaty of 1914—Termination.—Ex. L. (91–2). Resolution of ratification agreed to February 17, 1971.

Extradition Treaty With Spain.—Covers 23 extraditable offenses, including aircraft hijacking and offenses relating to narcotic drugs. Ex. N. (91–2). Resolution of ratification agreed to February 17, 1971.

International Wheat Agreement, 1971.—Replaced the International Grains Arrangement of 1967, which expired on June 30, 1971, with a new Wheat Trade Convention to continue international cooperation in wheat trade and a new Food Aid Convention to continue the commitment whereby parties contribute food aid to developing countries. Ex. F (92–1). Resolution of ratification agreed to July 12, 1971.

Treaty With Mexico Providing for the Recovery and Return of Stolen Archaeological, Historical and Cultural Properties.—Ex. K. (91–2). Resolution of ratification agreed to Feburary 11, 1971.

LABOR

Blind and Other Severely Handicapped—Sale of Products and Services.—Amend the Wagner-O'Day Act to extend the special priority in the selling of certain products to the Federal Government now reserved for the blind to the other severely handicapped, assuring, however, that the blind will have first preference, and to expand the category of contracts under which the blind and other severely handicapped would have priority to include services as well as products, reserving to the blind first preference for 5 years after enactment; authorized $200,000 for each of fiscal years 1972, 1973, and 1974. Public Law 92–28.

Emergency Employment Act of 1971.—Provided for programs of public service employment for unemployed persons and authorized therefor $750 million for fiscal year 1972 and $1 billion for fiscal year 1973, which funds shall cease to be obligated when the national rate of unemployment recedes below 4.5 percent; established a Special Employment Assistance Program to be used for public service jobs in local areas where the unemployment rate is 6 percent or more and authorized therefor $250 million for each of fiscal years 1972 and 1973; and contained other provisions. Public Law 92–54.

Railway Labor-Management Dispute.—Designed to end a nationwide railroad strike by extending until October 1, 1971 the period for negotiations with respect to an existing railway labor-management dispute and by providing retroactive wage increases for employees concerned in the dispute. Public Law 92–17.

MEMORIALS AND TRIBUTES

Harry S. Truman.—Saluted President Harry S. Truman for his extraordinary record of national service, and extended the best wishes of the Senate for a happy eighty-seventh birthday. S. Res. 118. Senate adopted May 6, 1971. H. Res. 422. House adopted May 5, 1971.

President Nixon's Proposed Journey to the People's Republic of China.—Commend the President for his outstanding initiative in furtherance of U.S. foreign relations by deciding to undertake a "journey for peace" to the People's Republic of China and offers Congress' full support to him in seeking the normalization of relations with that country. S. Con. Res. 38. Senate adopted August 2, 1971.

PROCLAMATIONS

Human Development Month and Voluntary Overseas Aid Week.—Authorized the President to designate the week of May 9, 1971, as "Voluntary Overseas Aid Week" and the month of May, 1971 as "Human Development Month" in recognition of the 25th Anniversary of the American voluntary foreign aid programs and the International Walk for Development. S. Con. Res. 22. Senate adopted April 29, 1971. House adopted May 5, 1971.

Medical Library Association Day.—Authorized the President to issue a proclamation designating June 1, 1971 as Medical Library Association Day. Public Law 92–23.

National Moon Walk Day.—Requested the President to designate July 20, 1971, as "National Moon Walk Day." Public Law 92–55.

National Peace Corps Week.—Authorized the President to issue a proclamation designating the week beginning on May 30, 1971 and ending June 5, 1971 as "National Peace Corps Week" and to invite the Nation's Governors and mayors to issue similar proclamations. Public Law 92–20.

National Star Route Mail Carriers Week.—Authorized the President to designate the last full week in July of 1971 as "National Star Route Mail Carriers Week" and calls upon the Postal Service to observe such week with appropriate recognition to those carriers. Public Law 92–26.

National Week of Concern for Prisoners of War/Missing in Action.—Authorized the President to designate the week beginning March 21, 1971 as "National Week of Concern for Prisoners of War/Missing in Action." Public Law 92–6.

Trial Lawyers Week.—Designated the week commencing August 1, 1971, as "American Trial Lawyers Week." Public Law 92–61.

Volunteers of America Week—Authorized the President to proclaim the second week of March 1971 as "Volunteers of America Week." Public Law 92–3.

Year of World Minority Language Groups.—Authorized the President to designate 1971 as the "Year of World Minority Language Groups." S.J. Res. 105. Public Law 92– .

Youth Appreciation Week.—Provided for the observance of "Youth Appreciation Week" beginning the second Monday in November, 1971. Public Law 92–43.

RESOURCE BUILDUP

Arches National Park, Utah.—Provides for the establishment in Utah of the Arches National Park to consist of some 73,154 acres. S. 30. P/S June 21, 1971.

Buffalo National River.—Establishes the Buffalo National River in the State of Arkansas, said area to include not more than 95,732 acres. S. 7. P/S May 21, 1971.

Canyonlands National Park, Utah.—Provides for the extension of the boundaries of the Canyonland National Park in Utah to include certain superlative areas omitted when the park was established in 1964, by the addition of four additional tracts totaling approximately 79,618 acres. S. 26. P/S June 21, 1971.

Capitol Reef National Park, Utah.—Provides for the establishment of the Capitol Reef National Park in Utah, for a total park area of 241,671 acres. S. 29. P/S June 21, 1971.

Gateway National Recreation Area in New York and New Jersey.—Authorizes the Secretary of the Interior to establish in the vicinity of Metropolitan New York City the Gateway National Recreation Area to be comprised of not more than 26,250 acres. S. 1852. P/S August 6, 1971.

Glen Canyon National Recreation Area, Utah and Arizona.—Provides for the establishment of the Glen Canyon National Recreation Area in Arizona and Utah to comprise approximately 1,285,310 acres of land and water. S. 27. P/S June 21, 1971.

Horses and Burros.—Provides protection to wild free-roaming horses and burros on public lands; places the animals under the jurisdiction of the Secretary of the Interior for the purposes of management of the animals as components of the public lands; and contains other provisions. S. 1116. P/S June 29, 1971.

Interstate Compact to Conserve Oil and Gas.—Consents to an extension and renewal of the interstate compact to insure oil and gas. S.J. Res. 72. P/S August 6, 1971.

Kortes Unit, Missouri River Basin Project, Wyoming.—Permits the Secretary of the Interior to operate the Kortes unit so as to maintain sufficient flows in the North Platte River below Kortes Dam to enhance fisheries. S. 123. P/S July 31, 1971.

Lincoln Back Country, Lewis and Clark and Lolo National Forests, Montana.—Directs the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests in Montana. S. 484. P/S April 5, 1971.

Lincoln Home National Historic Site, Illinois.—Authorized the Secretary of the Interior to acquire by donation, purchase with donated or appropriated funds, or exchange, the former home of Abraham Lincoln, in Springfield, Illinois. H.R. 9798. Public Law 92– .

Middle Snake River—Prohibition of Licensing of Hydroelectric Projects.—Suspends until September 30, 1978, the authority of the Federal Power Commission to accept applications or grant licenses or permits for construction of hydroelectric projects on the Middle Snake River below Hells Canyon Dam along the Idaho-Oregon and Idaho-Washington borders. This will provide time for studies of the highest and best future development of the Middle Snake River. S. 488. P/S June 28, 1971.

Minam River Canyon, Oregon, Wilderness Area.—Provides for adding approximately 80,000 acres of the Minam River Canyon area to the 220,000-acre Eagle Cap Wilderness, located in the northeastern section of the State of Oregon, which was established by the Wilderness Act of 1964. S. 493. P/S June 4, 1971.

Mining and Minerals Policy Act Amendments.—Amends the Act to support research and training centers through the authorization of matching grants to each State of $100,000 in fiscal year 1972, $150,000 in fiscal year 1973, $200,000 in fiscal year 1974, and $250,000 in fiscal year 1975 and succeeding fiscal years; authorizes additional funds for special mineral resource research projects; and contains other provisions. S. 635. P/S July 19, 1971.

Pine Mountain Wilderness, Arizona.—Establishes the Pine Mountain Wilderness within and as a part of the Prescott and Tonto National Forests, Arizona, comprising an area of 19,569 acres. S. 959. P/S August 2, 1971.

Preservation of historical and archeological data.—Amends a 1960 law under which the Secretary of the Interior, through the National Park Service, conducts archeological salvage programs at reservoir construction sites, to include within the scope of such activity all Federal or federally assisted or authorized construction projects, such as major airports, roads and public housing projects, and other construction which alters the terrain; authorizes construction agencies to use or transfer up to one percent of funds appropriated for a project to the Secretary for survey and salvage work; and contains other provisions. S. 1245. P/S August 5, 1971.

Reclamation investigation costs.—Makes the costs of investigations of potential Federal reclamation projects nonreimbursable. S. 24. P/S July 31, 1971.

Reclamation project feasibility studies.—Authorizes the Secretary of the Interior to undertake feasibility investigations of six Federal reclamation projects. S. 2248. P/S August 5, 1971.

Saline water conversion program.—Extended the Federal saline water conversion program for 5 fiscal years after fiscal year 1972 and authorized $27,025,000 for fiscal year 1972; redirected and extended the Federal research and development program; and contained other provisions. Public Law 92–60.

Santa Fe, Gila, Cibola, and Carson National Forest boundaries, New Mexico.—Extends the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests, New Mexico, to include certain public and private lands. S. 447. P/S August 2, 1971.

Small Reclamation Loan Program Act.—Removes the requirement that irrigation be the primary purpose of a project; increases the limit on the total cost of each eligible project; increases the amount of loan funds authorized for each proposal; and increases the total authorization for program appropriations from $200 million to $300 million. S. 1026. P/S July 31, 1971.

Sycamore Canyon Wilderness, Arizona.—Designates 46,500 acres as the Sycamore Canyon Wilderness within and as a part of the Coconino, Kaibab, and Prescott National Forests, Arizona. S. 960. P/S August 2, 1971.

Upper Snake River Reclamation Project.—Authorizes construction, operation and maintenance of the potential Salmon Falls division of the Upper Snake River reclamation project in south-central Idaho, which would provide irrigation water and minor fish and wildlife conservation benefits. S. 432. P/S June 28, 1971.

Washakie Wilderness and the Shoshone National Forest, Wyoming.—Designates the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, Wyoming. S. 166. P/S May 31, 1971.

Water Pollution Control.—Extended for 3 months (through September 30, 1971) authorizations for administration of the Federal Water Pollution Control Act. Public Law 92–50.

Water Resources Planning Act Amendments.—Placed an authorization ceiling of $1.5 million annually on administrative expenses of the Water Resources Council and retained the existing authorization ceiling of $6 million annually on funding for river basin commissions. Public Law 92–27.

Whales—Moratorium in Killing.—Requests the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whales. S.J. Res. 115. P/S June 29, 1971.

SPACE

National Aeronautics and Space Administration Authorization.—Authorized $3,354,950,000 for NASA for fiscal year 1972 as follows: $2,603,200,000 for research and development; $58,400,000 for construction of facilities; and $693,350,000 for research and program management. H.R. 7109. Public Law 92– .

TRANSPORTATION AND COMMUNICATIONS

Amateur Radio Operators.—Amended the Communications Act of 1934 to permit the Federal Communications Commission to issue licenses for the operation of amateur radio stations by aliens who have filed a declaration of intention to become citizens of the United States. S. 485. Public Law 92– .

Boat Safety Act.—Provided a coordinated national boating safety program involving both the Federal Government and the States; required manufacturers to provide safer boats and boating equipment to the public through compliance with safety standards to be promulgated by the Secretary of Transportation; authorized federal grant-in-aid incentive payments to states which have an accepted state boating safety program or indicate an intention to establish such a program; and contained other provisions. H.R. 19. Public Law 92– .

Coast Guard Authorization.—Authorized $235,960,000 for fiscal year 1972 for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; and contained other provisions. H.R. 5208. Public Law 92– .

High Speed Ground Transportation Act Extension.—Removes the ceiling and termination date on authorization for research and development in the field of high speed ground transportation. S. 979. P/S June 15, 1971.

Maritime Authorization, 1971.—Authorized $229,687,000 for acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, and reconditioning of ships; $239,145,000 for payment of obligations incurred for operating-differential subsidy; $25 million for research and development activities; $4,318,000 for reserve fleet expenses; $7.3 million for maritime training at the Merchant Marine Academy at Kings Point, N.Y.; and $2,370,000 for State marine schools. Public Law 92–53.

Maritime Lien.—Permitted a supplier who furnishes necessaries to a vessel to acquire a lien on a chartered vessel for such neces-

saries despite a "prohibition of lien" clause in the charter party. H.R. 6239. Public Law 92– .

Rail Passenger System Review.—Directs the National Railroad Passenger Corporation to make a study with respect to expanding the basic national rail passenger system; authorizes therefor $100,000; and requires a report thereon to Congress by June 15, 1971. S.J. Res. 92. P/S May 11, 1971.

Sonic Booms—Regulation.—Prohibits, with certain exceptions, operation of civil aircraft at a speed greater than sound (mach 1) over the United States except by authorization of the Federal Aviation Administration; provides that supersonic transport (SST) prototypes comply with existing noise standards applicable to new subsonic jets; and requires the Secretary of Transportation to submit to Congress and the public a report covering all aspects of the prototype program when it is completed. S. 1117. P/S March 19, 1971.

Supplemental Maritime Authorization.—Authorized an additional $80 million (from $193 million to $273 million) in supplemental appropriations for fiscal year 1971 for payment of obligations incurred for operating-differential subsidy by the Maritime Administration of the Commerce Department. Public Law 92–21.

Uniform Time Act of 1966 Amendment.—Permits a State split by time zones to exempt that area of the State lying within a given time zone from the provisions of the Uniform Time Act of 1966 providing for the advancement of time (daylight saving time) between 2:00 a.m. on the last Sunday in April and 2:00 a.m. on the last Sunday in October. S. 904. P/S May 18, 1971.

Vessel Bridge-to-Bridge Radiotelephone Act.—Required a radiotelephone on certain vessels in order to reduce vessel collisions and other mishaps. Public Law 92–63.

VETERANS

Group Mortgage Insurance.—Authorized the Administrator of Veterans' Affairs to purchase a commercial policy to provide mortgage protection life insurance for seriously disabled veterans—principally service-connected paraplegic and quadriplegic veterans—who have received grants for specially adapted housing. H.R. 943. Public Law 92– .

Medical Information Exchange Program.—Extended the authority of the Administrator of Veterans' Affairs to carry out a program of exchange of medical information and authorized such sums as may be necessary through fiscal year 1975. H.R. 4762. Public Law 92– .

Sale of Direct Loans.—Authorized the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable under prevailing mortgage conditions direct loans made to veterans pursuant to chapter 37, title 38, United States Code. H.R. 3344. Public Law 92– .

U.S. RELATIONS WITH MAINLAND CHINA

Mr. DOMINICK. Mr. President, Mr. George Watt, a citizen of Great Britain, was the site engineer for a British firm building a textile plant in Lanchow, capital of Kansu Province in mainland China. After arriving in Lanchow in December 1966, he was falsely arrested as a spy, subjected to Communist-style "trials," savagely beaten, and kept in various prisons for three and a half years. Just prior to the President's announcement that he would visit Peking, Mr. Watt arrived in the United States to testify before the Committee on Foreign Relations but was prevented from doing so by a rule preventing the testimony of foreign nationals.

I feel Mr. Watt's account of his tragic years in Communist China is of extreme interest and pertinent to the amount of attention at present surrounding our relations with mainland China. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

Another matter of interest to all of those seeking a balanced view of our relationships in the Far East is the speech delivered by Ambassador James C. H. Shen of the Republic of China to the Commonwealth Club of San Francisco on July 28. Ambassador Shen offers an articulate evaluation of the ties which have bound the United States and Taiwan in friendship and cooperation since 1949, and I ask unanimous consent that this speech be printed in the RECORD following Mr. Watt's testimony.

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

TESTIMONY PREPARED FOR PRESENTATION TO THE SENATE FOREIGN RELATIONS COMMITTEE, JULY 20, 1971, BY GEORGE WATT, BRITISH CITIZEN AND PRISONER OF THE RED CHINESE FOR 3 YEARS

Mr. Chairman. I want to first thank you for giving me an opportunity to provide testimony today to you and other members of the Senate Foreign Relations Committee.

As some of you may know I was the British engineer who was imprisoned on a false spying charge by the Chinese Communists for three years. During that time, and this may be of some interest to you and the American people, I observed two and managed to speak with another of the American prisoners the Chinese Communists have held in solitary confinement under inhuman conditions for years and years on end.

It is my opinion that my years in China both inside and outside political prison walls gives me an unrivaled experience and knowledge necessary to respectfully offer my comments for your consideration on why the Red Chinese totalitarian regime should not be admitted to the United Nations.

It is *said* that the Chinese Communist regime is firmly established on the mainland and there is no evidence that it will soon be overthrown. It is *said* that it is a futile effort to ignore 750 million human beings and deny *them* a voice in the world organization.

But the devastating "Cultural Revolution"—a period of severe internal disorders is only now ebbing. Its total effects on the people and the country are yet to be measured. A military dictatorship under the direction of Lin Piao today controls Mainland China. And an increasingly frail Mao will be 78 in December. In the past few months more Chinese have attempted to escape to freedom in Hong Kong than East Germans have ever tried to go over or under the Berlin Wall since it was erected in 1961. The Chinese Communist Party is so uncertain of its power that it has been unable to decide on a new president since unseating and imprisoning Liu Shao-chi in November, 1968.

All of this indicates to many educated observers that the hunger for freedom still exists, that there are big cracks yet in the structure of the Communist regime, that the Communists are not necessarily *permanent* rulers of the Chinese people.

Let me add that I have heard that a big reason for "rapprochement" is the lure of trade with Red China. As a British businessman with some experience in this area I would say that the "lure" is unlikely to bring much in the way of concrete results—except to further enhance the economic power the Western World can give the Red Chinese government to hold the Chinese people in bondage.

With all of this as background it seems to me to be incredible to consider admitting Red China to the United Nations and thus firmly establish the Communist dictatorship in power. To do this would truly be to ignore the 750 million Chinese people and deny them the representation in the U.N. to which they are entitled under a government of their own choosing and representing their own interests, not a self-appointed bunch of Fascists that represents no one but itself.

But let me give you some background on myself—my career and my experiences in China.

I arrived at Lanchow a week before Christmas in 1966. I went to China to sincerely make a success of my mission, to carry out my work under which I knew from previous experience in underdeveloped countries would be under difficult conditions. But I was confident our offer of friendship towards the local people would be reciprocated and together with our joint efforts we would be successful.

Shortly after arrival it did not take me long to realize both from my conversations with my colleagues of various nationalities and by my own observations that law and order were completely broken down . . . and the masses of the Chinese people were in a state which I can only describe as a mixture of fear and bewilderment . . . I had previously discovered from my visit to the Soviet Union that people living under the Communist system are reluctant to accept responsibility and make decisions. And while I expected that this pattern would apply in Communist China, nevertheless I was surprised that it did in fact apply to a much greater extent. In Russia while people were reluctant to make decisions and accept responsibility they could be persuaded to do so. In Communist China, it was virtually impossible to so persuade them.

I was stopping at a hotel in Lanchow which the Chinese described as the "Friendship Hotel." There were some 20 other foreigners from several companies. They were in a state of anxiety because as I learned several days prior to my arrival the super sensitive revolutionary masses had discovered some alleged slight or insult and had burst into the hotel, assaulted engineers and their wives and beseiged the hotel as a howling crowd for ten days. The Occidentals were cowered into a small room at the end of a corridor with their wives and children and deprived of proper food for several days. The authorities did nothing about this situation.

Towards the end of my first week in Lanchow I was taking a Sunday stroll with a British Colleague, accompanied of course by my interpreter, Mr. Gin, along the road which led from the hotel to the city.

About a quarter of a mile from the hotel, near the bank of the Yellow River we saw a group of about a dozen Red Guard ahead of us. They were shouting, blowing whistles, and were obviously highly excited. One of them was carrying a bundle.

Suddenly he threw the bundle to the ground and they all gathered around, red books containing the thoughts of Mao raised above their heads, shouting.

Then they walked on still cheering.

The bundle was the nude body of a boy of about three years old. He was dead and had been badly burnt.

It was my first taste of the savagery which could be so suddenly unleashed in this frightening country. I felt physically sick.

The other Briton and I looked at each other with horror. Then I felt Mr. Gin pulling at my elbow and saying: "Come, come. No photographs," and then he held my camera.

Months later I was to learn that this was a fairly common form of action against "enemies of the people." A wife, husband, or child would be killed or badly maltreated to intimidate the offender's family.

Two senior Chinese engineers had invited

all the Europeans at the Friendship Hotel to dinner. It was a much better meal than we usually had there and the wine flowed. One of our hosts, who could speak English, made a speech saying the dinner was to welcome us to China.

It was a couple of days later that Mr. Gin suggested that I might like to visit the curio and antique shop in the city. It is situated in a corner of a wide open space called Anti-Revisionist Square. When we approached the shop the square was filled with a howling mob.

Then I saw my host of two nights before. He was strung up by the neck to a lamppost and he was dead.

I turned to Mr. Gin in horror. "Why, why?" was all I could say.

Solemnly he told me: "He has been punished for a number of crimes. He has taken the capitalist road and has lorded it over his comrades by wasting public funds on high living and needlessly entertaining foreigners."

During mid-August 1967 I received permission from the Lanchow Security Bureau to leave the area and proceed to Hong Kong via Peking for a short holiday. My arrival in Peking coincided with the turn of the British diplomatic mission to have its officers destroyed and its staff violently assaulted by mobs of Red Guards. The local police stood idly by as the mobs ravaged the mission, its personnel and offices.

I associated with the diplomats at this period and was horrified that the mobs had dragged British girls by their ankles through the streets, assaulted them and had stolen their personal possessions. The British chargé d'affairs was badly beaten and bled profusely from a head wound.

Several hours later I was informed officially that I would not be permitted to leave Peking and would be held there indefinitely with my wife and children. They had arrived in Lanchow several weeks earlier and we had looked forward to our holiday together in Hong Kong. Actually, because of my fear of violence and my family's safety, we were planning to leave the country for good. I had, by an error in judgment, allowed them to enter China several weeks earlier when there was a temporary lull in the street fighting.

We were held under arrest in Peking at an old building. My wife and children were threatened daily with violence. I managed to make contact with groups of visiting Western Maoists. I explained my predicament to them. They in turn appealed to the Chinese to release my wife and children, as their threat of force did not conform with accepted principles of Western civilized conduct. The Chinese adhered to this request and permitted my wife and children to leave the country. But they continued to hold me as a hostage. After three more weeks I was placed under arrest by the Secret Police, returned to Lanchow where I was interrogated, threatened on numerous occasions with immediate execution and tortured until I signed a false confession under duress, that I was an imperialist spy. I still carry physical scars to this day of the inhuman treatment accorded me by the guards.

At the end of six months of interrogation I was taken to an open air mock trial where, after pronouncing sentence, the young female acted as a cheer leader for the thousands of screaming, hysterical people who danced around me, spitting, waving and beating me. I was then severely beaten before the public by soldiers with their rifle butts. Several days passed before I fully emerged out of the twilight of pain and found myself in Peking in what my political commissars described as an Ideological Remoulding Center.

I was incarcerated there for the remainder of my three year sentence, in solitary confinement. It was during this period that I was able to accidentally make contact with Americans, some of whom have been held under inhumane conditions in solitary confinement for 20 years and fed as I was—little more than slop out of a bucket with a ladle as our only utensil.

I managed to speak a number of times to a very brave American—a Major Philip Smith of your Air Force. Major Smith has suffered severe beatings but has an indomitable spirit and I believe will not let his spirit be broken after six years in Chinese Communist detention:

Unfortunately, the other two I saw—Richard Fecteau and John Downey—appeared to be completely broken, shuffling from their cells down the prison halls like zombies. They have been there, I understand, for some 20 years.

Gentlemen, when your President visits Peking and talks with the Communist leaders I would *hope*—I would *respectfully urge*—that he would demand that these American prisoners be released before any meaningful discussions take place. These imprisoned Americans must not suffer from the blind eye of officialdom and continue to be abandoned to their fate.

Mr. Chairman and members of this august committee, let me sum up for you, if I may, what I feel I learned as a result of my initial stay of nearly 10 months and then three years of imprisonment in Communist China.

1. The Chinese people are one thing—the Chinese Communist government is another and totally different thing. I was the victim of the inhumanity, the brutal indifference, the total callousness of the Chinese Communist government—not the Chinese people. It seems to me that the United States should be careful to make the same distinctions.

2. The Chinese Communists use whomever and whatever they can to attain their goals. As I have described, during the Cultural Revolution, I saw with my own eyes senseless, incredible acts of brutality, savagery, and destruction. Chou En-lai was the Premier of China presiding with Mao Tse-tung and Lin Piao over the excesses of the Cultural Revolution. He is the Premier now and Mao and Lin are still his superiors. It seems to me that the United States should be wary of accepting at face value a government and leaders like Chou En-lai who use any means to gain their ends.

3. The Chinese Communist government and the Mainland Chinese businessmen are one and the same. When you trade through a Communist country, you trade through a Communist-controlled corporation. There is *no* trade in a person to person way. Nor is "fair play" a normal part of the government's trade operations. We British should know. We have seen numbers of our businesses expropriated without compensation—my own company Vickers-Zimmer lost a plant worth three million pounds.

With this in mind I can not see how any Western entrepreneur would want to trade with the Communist Chinese. They will certainly gain further political and economic power from importing American metals, machinery, computers and turbines in exchange for pig bristles and ping pong balls.

It is well to keep in mind that our objective in "trade" is not quite the same as the Red Chinese. For them trade is just another technique to advance their political and economic control over 750 million Chinese.

4. Communist China is capable of cataclysmic and abrupt shifts from one extreme to the other—from the peak of violence of the Cultural Revolution of only two years ago to the smiling diplomacy of today. Is it not a fact that three months ago, on April 16, the *Peking Review*, the official English language publication of the Chinese Communist Party described your President as an "arch criminal" and "chief butcher?" Surely, such a government must be treated and approached with extreme caution.

5. The Chinese Communists do not have the same appreciation for human life and dignity, for individual freedom, that we in the West do. I shall never forget the countless small cruelties visited upon me and others by my captors—cruelties which apparently did not bother them or strike them as anything out of the ordinary. It seems to me that such a government has yet to demonstrate that it belongs and has earned a place in the family of nations.

6. The Chinese Communists understand and appreciate a tough, hard bargainer—in business as well as in diplomacy. President Nixon, of course, is famous for his toughness and shrewdness—we all remember his Kitchen Debate with Khrushchev. I hope and I pray that when he goes to Peking he will demand *quid pro quos* all down the line with Chou En-lai and Mao Tse-tung, including such vital questions as the security and integrity of the Republic of China; the cessation of subversion in Thailand, Laos and Cambodia; the cutting off of narcotics production, processing and distribution which has earned for Red China the reputation throughout Asia as the "drug pushers to the world."

Above all, Mr. Chairman, I hope that when Mr. Nixon goes to Peking he will demand the release of all the American prisoners whom I saw and those whom I did not see. Their imprisonment is an affront to international law and decency which cannot be forgiven. Their release should be a pre-condition, I feel, to any and all negotiations.

Finally, Mr. Chairman, may I say that I hope and pray that the day will soon come when there will be true and meaningful relations between my country and China, between your country and China. I look forward to returning to China one day with my family and visiting and talking with a free Chinese people. But I am obliged to say that I believe that meaningful relations will only come about and I will only return to mainland China when Communism no longer enslaves the Chinese people.

My imprisonment in Communist China has inspired me to read Chinese history, and of one thing I am sure, communism is anti-Chinese in its philosophy, its economics, its ethics. I, for one, do not believe that China can ever be truly China again until communism no longer rules. Because I want that day to come as soon as possible I am opposed to an act which would unquestionably delay that day—its admission to the United Nations.

Thank you very much indeed for this signal honor and for giving me the opportunity to share my thoughts and experiences with this distinguished committee.

THE CHINA STORY—TRUTH VS. TREACHERY

(By Ambassador James C. H. Shen)

It is indeed an honor and a great pleasure for me to have the opportunity to be here with you today, particularly because your gracious city was once my home and my mind is full of memories of those days. It is, of course, home to many of my countrymen, too. More than that, San Francisco is special to all freedom-loving Chinese because it was at one time the home of the father of the Republic of China—our George Washington—Dr. Sun Yat-sen.

The world has turned over many times since Dr. Sun left San Francisco to return to China to establish my country's first republic in 1911. Perhaps you are aware that nearby in St. Mary's Square there is a statue of him erected in 1937 by donations from the City Government and Chinese everywhere. A memorial to the ideals for which he fought and worked so hard to attain during his life—ideals which all enlightened people seek—Democracy, National Unity, and human welfare.

But in the more than sixty years that have passed since the founding of our Re-

public not only has there been enormous technological change, there has also been great human change. And the change is often so swift, that either we have not the time to absorb its impact and reflect on its meaning, or it is obscured in a deluge of more news and we are unable to remember it with any clarity.

I must admit that with regard to my country, a great deal of myth has grown up in the minds of Americans as to the reality of what exists on the mainland and what exists in the Republic of China's island province of Taiwan. And so today I thought I would talk to you on some aspects of this problem. It is a problem that affects your country and mine, perhaps as no other in the world today, and like so many problems, we must look at it first in its proper perspective from the point of view of the truth v. treachery. We shall be examining several treacherous myths and attempting to dispel some clouds of doubt by exposing them to the shining light of reality.

One of the first and also the earliest myths we might deal with right away is that Mao and his regime are agrarian reformers. That is, of course, preposterous. They liquidated all land-owners. If you really want to see an agrarian reform program that has worked magnificently—come to Taiwan. This program instituted years ago in a peaceful and orderly manner is recognized world-wide as an example which can be successfully emulated elsewhere.

Another myth that seems to cling in the western atmosphere is that the Chinese Communists fought the Japanese in World War II and that Government troops merely sat on their arms. That is a falsehood also. A careful study of the records will reveal that Communist troops spent more time fighting Government troops than fighting the Japanese. They conserved their strength, waiting until they could fight their own battle for domination of the mainland. That was how they were able to seize the country at the end of the war.

Recently a new myth has been making the rounds as fact, and it is to the effect that before the Korean War, the Chinese Communists sought the friendship of the United States and were coldly rebuffed in their efforts. Supposedly Mao Tse-tung and Chou En-lai were anxious to come to the United States and talk with your leaders but their offer was ignored. I wonder how those who consider this a serious policy mistake on the part of your government can reconcile the trust one allied government would have for another should it welcome those who seek the overthrow of its partner?

One of the great faults of well-meaning people is that they so forget the lessons of history. As the philosopher George Santayans has said: "Those who forget the mistakes of history are doomed to repeat them."

What was the United States attitude toward the Mao regime when the latter seized power in 1949–50?

In 1950 when Mao Tse-tung had virtually completed his seizure of the Chinese mainland, the United States was very near to a decision to recognize Mao's government as the *de-facto* government of China. In that expectation, it had left some of its diplomatic officials in Manking and other mainland cities. It had kept its consulates open in others. India led the euphoric procession by recognizing Mao's government on December 30, 1949. Britain followed suit in January, 1950, quickly followed by Israel, Switzerland, Afghanistan and the Scandinavian countries. The United States had not yet clarified its thinking.

Then, with his incurable xenophobia, Mao Tse-tung slammed the door. He put the "imperialist" label upon the United States and declared that it was the enemy of his Red regime. He capped this performance by placing Angus Ward, U.S. Consul General in Mukden, under house arrest. Ward remained in that plight for an entire year, and then was jailed. Meanwhile, the U.S. Vice Consul in Shanghai was arrested by Mao's agents and badly beaten up.

On June 25, 1950, the North Koreans attacked South Korea. They were prompted by the Chinese Communists. In November 1950, the Red Chinese entered the war with 300,000 so-called volunteers and attacked United States forces. The United States found itself at war with the Mao regime. The break became complete when Washington placed the Seventh Fleet in the Taiwan straits to prevent a Communist attack upon the Republic of China, which had by then already re-established itself in Taiwan which is part of the Chinese territory.

From the beginning Mao has been a screaming and vitriolic hater of the United States. The basis of his hate is the almost psychopathic fanaticism of his type of Communism, hardened in recent years by his insistence that his followers deify him as a demi-god. United States leaders dealing with Mao will be well advised to recognize that they are dealing with a cloudy-minded man in Mao Tse-tung.

Let me give you a more recent example—Great Britain. The British, then under the Attlee government, believed that they could reap rich trade gains from the Chinese mainland. So they set about early to establish amicable relations with Peiping. Since they controlled Hong Kong they thought they would be in a favored position to do so, but they soon found out that they had reckoned without the unpredictability of Mao. All British investments on the Chinese mainland were confiscated in short order.

There was a more recent case. In 1967, a British concern won a concession to build a factory on the mainland in the city of Lanchow. Its site engineer was one George Watt—presently a visitor in this country. Without any advance warning he and his company were accused of "crimes against the state", the factory was confiscated, and Watt was thrown in prison, tortured and constantly questioned. He endured this for three and a half years—languishing in a communist prison. Finally he was released after signing a confession he never read, and enduring the spectacle of a mass trial. His plant became a $10 million dollar "gift" to the gang headed by Mao. Then there was the case of the Reuter correspondent in Peiping who was put under house arrest during the so-called Cultural Revolution.

Japan, which under normal circumstances, should be enjoying lucrative trade with the Chinese mainland has not fared much better. Peiping offers an opportunity for foreign traders to arrange trade deals at its annual fair in Canton. Many traders visit the fair, including the Japanese, with order books in hand. But since all trade with the Chinese Communists is nationalized, foreign traders find themselves negotiating with only one customer—the Communist regime. The Red Chinese regard trade as a plum to be held out as long as it can accomplish some political objective. Japanese traders have been required year after year to sign political declarations denouncing their own government as the price of trade.

Actually Japan now enjoys a larger volume of trade with the Republic of China on Taiwan than with the Chinese mainland. And, I might add, many many other nations deal with us freely and profitably.

Yet, in the face of such experience, there are many American businessmen who believe that recognition of the Mao regime will result in a plentiful flow of trade over the coming years. Their influence and, I believe unwarranted optimism has been an important factor in the emergence of a state of public opinion which apparently would welcome a new deal with Mao Tse-tung.

It should be noted that historically trade has never been a deterrent to hostilities. The Krupp empire sold steel to Britain right up to the opening of World War I, and this country sold oil and steel and scrap iron to Japan until some four months before Pearl Harbor.

But what is there to gain in this area? The myth is that mainland China is a fantastic market. One energetic market analyst said, "Just think of its 750 million new customers." But a realistic ending must be put on that assessment—Yes, 750 million customers, but all broke!

The most optimistic estimate of possible trade with the Chinese mainland is that it might total as much as $300 million a year in the long run. An estimate by an organization *friendly* to the Peiping regime—the National Committee for U.S.-China Relations, holds out the hope that by 1980's trade *might* reach a total of $650 *million* a year. Your total two-way trade in 1969 was over $74 *billion*. $650 million might easily be overlooked. That, gentlemen, is rather small reality to be chasing after so large a myth.

Now to some of the terms used by myth-makers. Terms such as the "great leap forward" and the "cultural revolution" are used as though they were developments that brought both material and social progress to people on the mainland. The myth-makers would like to have you accept these terms without examining what havoc they created. The term "cultural revolution" has a most important scientific and friendly sound. But I can assure you this was a very dark phase in the history of my people.

It is currently being reported by some newsmen who have recently been allowed to take the "guided tour" of the mainland that food is now plentiful there. Of course in the places they have been allowed to visit, it has been purposely made plentiful. That is an old Communist trick. But if food is so plentiful, why do escapees without exception describe its lack—describe the meager rations on which they must live while working a 16 hour day? Why is it then necessary for Chinese living in Hongkong to send food packages to their relatives on the mainland? Why is it people still try to escape from the mainland? Seven thousand of them did so since the beginning of the year.

The reality is that the Communist regime, which now rules through military control, has failed to improve the general welfare of its 750 million subjects. It has instead spent millions they could ill afford to acquire a small arsenal of nuclear weapons which they are using to blackmail neighboring countries, and which, I am afraid, may one day provoke a nuclear attack against our country.

If you should have doubts about the intentions of the Communist regime and its continuing adherence to doctrines of repression and hate, all you have to do is to tune in on Peking radio which broadcast the following message fifteen minutes after announcing the President Nixon's visit to Peking—"People of the world unite against the U.S. aggressors and all their running dogs." The message is clear, and if one should still believe the myth of the docile Red dragon, I would refer him to what happened in Korea in 1950, Tibet in 1960 and on the Indian border in 1962, in Indonesia in 1965 and the current training of Arab guerrillas for terror tactics in the Mid-East. You need not take my word for it. The Communists' own newspapers claim credit for training the youth of the National Liberation Movement—the Al Fatah.

As for the myth of non-aggression I think your former Secretary of State Dean Rusk summed it up very aptly when he said: "I am not the village idiot. I know Hitler was an Austrian and Mao is Chinese. I know all the other differences between this situation and the situation in the thirties. But what is

common between the two situations is the phenomenon of aggression."

Perhaps I have been dwelling too long on the negatives. Let me take you into the realm of positive reality for a moment. To the existence of the Republic of China in our island province of Taiwan.

We are reality. We are preserving Chinese culture and the Chinese way of life. We have the highest rate of economic growth in Asia. We had 3 billion dollars worth of foreign trade last year. We have the highest per-capita income in Asia, next only to Japan. We provide nine years of free education for all our children. We have about the best living conditions in Asia. We have 600,000 men under arms and over a million in active reserve. As an ally we are making a contribution to collective security of the free world in the Western Pacific. And you may all consider this a personal invitation to come and see for yourselves—no need to make secret arrangements, you are all welcome. (And by the way may I lay to rest a continuing myth—the myth that we are being "propped up" by American dollars. We have received no direct foreign aid since 1965. There are no—and I repeat no—American combat troops on Taiwan. It is a fact that we continue to receive some indirect military aid but that is because we are your ally. We have a mutual defense pact between us.)

Now finally, to the sixty-four thousand dollar question—what about our position in the United Nations?

Well, the myth makers would like to ignore all the facts about Taiwan that I have just recited. They would just like for us to fold our tents and silently steal away.

Gentlemen, just as we participated in the creation of the United Nations as one of the founding members we are continuing to participate in its operation—and we intend to by right, and we believe there are still enough members in that body who care enough about the Charter and the continued existence of the UN to keep us there. We certainly do not intend just to go away. Incidentally our delegation there has just taken a ten year lease on office space in a nearby building in case anyone was wondering.

Contrary to much misinformed current discussion the United Nations was never conceived as a "universal" body. This point was painstakingly discussed in this city in 1945 when drafting the Charter, from which I quote Article4:

"Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the organization, are able and willing to carry out these obligations."

Does the Mao regime qualify under these definitions? I leave it for you to judge.

Is this the regime which some Americans of high reputation are backing for a seat in the peace-maintaining international apparatus? They are proposing a mirable linking of the lion and the lamb.

Have you ever heard the conditions Chen Yi, Peiping's foreign minister set down for their admission to the U.N.?

"The United Nations must rectify its mistake and undergo a thorough reorganization and reform. It must admit and correct all its past mistakes. It should cancel its resolution condemning China and the Democratic People's Republic of Korea as aggressors and adopt a resolution condemning the United States as the aggressor."

Now the issue of the United Nations may only be an academic exercise to you who are still secure—but I assure you it is a most serious matter to those of us who are in the front lines—in the trenches as it were—in Asia. We cannot afford to split philosophic hairs at this crisis in world history. The stakes are too high.

Gentlemen, I am saying to you as clearly as I know how, our backs are against the wall. So far as we are concerned there is no option of retreat or accommodation. Although we are small we are spirited.

In any case we are counting on the spirit of Americans who, for centuries have helped those who are willing to fight: for their freedom, to help us continue that battle. To help us keep alive the hope of our mainland brothers that the flame of freedom still burns brightly in our island province and in parts of the rest of the world.

We are taking a page from the history of your illustrious naval hero John Paul Jones. Gentlemen, do not fail us, for we too "have not yet begun to fight."

Thank you.

MENTAL HEALTH

Mr. WILLIAMS. Mr. President, on July 13, 1971, the distinguished junior Senator from California (Mr. TUNNEY), appeared before a Senate appropriations subcommittee to testify in favor of increased funding for programs for mental health. His statement presents, with great clarity, the nature of the problems of mental illness and need for a national resolve to act. I ask unanimous consent that the statement of Senator TUNNEY be printed at this point in the RECORD.

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

STATEMENT OF SENATOR JOHN V. TUNNEY

Mr. Chairman: The problems of mental illness and the quest for mental health are truly issues of national concern. Whether one focuses on the manifest disability and suffering associated with the major psychiatric disorders or looks more broadly at the psychological component of current social ills, these problems are seen to affect all segments of society. In sometimes distinct but always significant ways they are problems of infancy and old age, both sexes, the entire spectrum of economic and social conditions, and all racial and cultural groups.

MAJOR MENTAL ILLNESS

Some measure of the broad impact of mental illness upon the population of this country is suggested by the following statistical findings regarding major mental illness.

Nearly 40% of the hospital beds in the United States are occupied by individuals suffering from major and often still apallingly chronic mental illness.

Schizophrenia, the most common form of psychosis and clearly one of the world's most important health problems, accounts by itself for approximately one half of these beds, or the hospitalization of nearly 200,000 Americans on any given day. The social and economic impact of this tragic illness is underlined by the fact that its onset is most often during the most productive years of life. Three-fourths of all first-admission schizophrenic patients are between fifteen and forty-four years of age, and the median age is thirty-three years.

Severe *depression* led to the treatment, both in and out of hospitals, of more than 300,000 people in the United States during 1970. Of the approximately 19,000 deaths by *suicide* reported in this country each year, the great majority are related to depressive illness. Suicide again strikes forcefully at the prime of life, being the fourth most frequent cause of death in ages eighteen to forty-five and third most frequent cause of death among college students.

Current estimates indicate that there are more than five million *alcoholics* in the United States and an additional four to five million individuals for whom alcohol abuse is a serious problem. Alcohol is responsible for over two million arrests each year for public intoxication, disorderly conduct, and vagrancy. This represents 45% of all arrests. Somewhat more than one-half of the homicides in the United States annually are known to be alcohol-related, and one-third of American suicide victims have significant alcohol in their blood at death. Fifty percent of the 56,000 traffic fatalities each year involve alcohol. A conservative estimate of the drain on the national economy due to alcohol abuse is 15 billion dollars per year.

The incidence and growth of *drug abuse* in this country has recently received well-deserved attention. It is estimated that there are now 250,000 heroin addicts in the United States and death due to overdose or the physical complications of addiction has become the leading killer in ages fifteen to thirty-five in several of our larger cities. One-half of all crime in our cities is now committed by addicts, and estimates place the total value of goods stolen during the past year to support narcotic addictions at more than three billion dollars. In addition to narcotic drug addiction, an estimated half-million Americans chronically abuse other dangerous drugs, about whose long-term effects we know relatively little.

SOCIAL PROBLEMS

Although more difficult to define precisely, the psychological components of broader social problems take a no less real toll on the population of this country.

Our failure to understand and control the problem of human *aggression and violence* is a source of major concern to large segments of the population today. While we deplore the personal and social consequences to man's aggressiveness, far too little effort has been devoted to serious understanding of the complex biological, psychological, and cultural factors which predispose to violent behavior in times of stress. Soviety has traditionally delegated to the criminal justice system responsibility for the management of those individuals who exhibit violent and aggressive behavior but has often failed to provide sufficient resources or the breadth of expertise necessary to cope effectively with these problems. With our prisons frequently becoming schools for crime and rehabilitation efforts often weak or non-existent, further knowledge in this area must be sought and applied.

Under modern circumstances *adolescence* is the most dramatic example of the complex processes involved in negotiating a critical period of normal development. It illustrates the shifting interplay between biological, psychological, and cultural demands on the individual. In earlier times when the shift to adult social roles temporarily overlapped with the biologic change in status, there was but a single critical period in going from childhood to adulthood. Moreover, preparation for adult roles was typically gradual, extending over much of childhood, and the children had abundant opportunity for directly observing their parents and other adults performing the same adult roles which they would also adopt. In today's highly technological and rapidly changing world, we have arrived at a situation in which there are two, largely non-overlapping critical periods in the transition from childhood to adulthood. It is tragic that we are able to cite a normal phase of growth and development as a "social problem". Yet, for all too many young people today, adolescence has become a time of frustration and anxiety and a period in which to learn drug use, alienation, and aggressive modes of behavior. Again, far more must be learned about this crucial developmental phase and applied with skill to those in distress.

Progress toward the reduction of disability related to mental illness and the solution of complex social problems will require significant increases in available *manpower, facilities,* and *knowledge.*

MANPOWER

There are presently slightly more than 100,000 trained mental health professionals in the United States. Although this number is still woefully inadequate to meet the nation's needs, it is a vast improvement over the situation at the end of World War II. At that time, virtually all mental health treatment occurred in large state mental hospitals and was administered by approximately 3,000 relatively poorly trained psychiatrists and an even smaller number of clinical psychologists and psychiatric social workers. The very striking progress in both the quantity and quality of mental health personnel over the past two decades has been a direct result of the training programs developed and maintained by the National Institute of Mental Health. To cite but a single example, the NIMH Psychiatry Training Program has provided support for an increase from 3,000 psychiatrists in 1946 to nearly 25,000 today. Further, these men are no longer narrowly trained in hospital-based and largely custodial care, but rather are increasingly prepared to povide a broad range of community-based services and to seek the answers regarding cause and cure of mental illness.

Despite their record of achievement and clear evidence of present need, these NIMH training programs are currently under severe threat. The administration's budget for Fiscal Year 1972 proposes a 6.7 million dollar cut in support for psychiatric training, and elimination of the entire 34 million dollar program is projected over a three-year period. Elimination of this program will severely restrict the preparation of medically trained mental health specialists, cutting the number of psychiatrists in training by 36%, from 4,275 to 2,427. Further, the training institutions most drastically affected will be those based in medical schools and innovative community settings, while less progressive state, hospital-based training programs can more easily shift training costs to bed care charges. The NIMH budget for the training of other mental health professionals, including psychologists, social workers, and psychiatric nurses, has been held essentially level for the past three years, thus representing an inflationary reduction of approximately 7% each year. These programs are clearly targeted for cuts in the years ahead.

This documentation of the need for continued support of professional mental health training in no way reduces the importance of providing funds for the development of "new careers" and para-professional programs. The wisest course would seem to be the maintenance of support for training programs of proven effectiveness while providing the relatively small amount of additional funding required to launch carefully developed innovative training efforts.

FACILITIES

As mentioned above, prior to the late 1940's virtually all mental health care in this country took place in large public mental hospitals. These institutions were frequently old and in poor repair, usually overcrowded and understaffed, and most often remote from the homes and families of their patients. Such treatment as was available focused primarily on adjustment to life within the hospital and provided little incentive or support for the patient to resume a productive life. It is little wonder that hospitalizations were long, re-admissions frequent, and that the numbers of mentally ill confined to hospitals rose steadily. With the establishment of the National Institute of Mental Health in 1948, innovative programs of research, training, and patient care were promptly initiated to reverse these trends. Progress was initially slow, but in 1955 an historic turning point was reached. In that year the total mental hospital population reached 559,000, and in the following year it began to decline. This decline has continued in each of the following years, and by 1970 the patient population stood at 339,000. These dramatic results have been obtained in the face of rapid increase in the population at large and thus the number at risk of suffering mental illness. The present hospital census is even more dramatic when compared with the figure of 755,000 which is the number of Americans who would be in mental hospitals today had the earlier growth rate continued.

The development of effective and efficient mental health care received a major advance in the passage by the Congress of the Community Mental Health Centers Act of 1963 and Amendments of 1965. This far-sighted legislation provided Federal matching funds for the construction and staffing of community-based mental health facilities and set the ambitious goal of providing convenient and comprehensive mental health services for every American. The outstanding success of this program is documented by the fact that by the end of FY 1971 three hundred Centers were in operation and their services were available to 50 million people.

As was noted for training support, we again find that in the face of demonstrated past success and clear current need the Administration proposes to severely restrict the Community Mental Health Centers program. Against an authorization of 90 million dollars for construction grants in FY 1972 the Administration requests *no* new funds. Of the 105 million dollars requested in FY 1972 for staffing grants, 91 million dollars will be required simply to maintain on-going programs. The 13 million dollars available for new projects must be compared with the 63 projects totalling 24 million dollars which have been *fully approved* by the NIMH but remain unfunded from previous years. The argument that the Federal government has become excessively involved in the operational support of these programs seems singularly hollow since in FY 1969 Federal staffing grants provided only 20% of the operating costs of the Centers then functioning. A powerful multiplier effect thus acts upon Federal dollars allocated to the provision of mental health services.

The tragedy in the restriction of this program is further underlined when it is realized that those populations, particularly rural and central city, presently having the least access to mental health services are also those most in need of Federal funds to begin program development.

Finally, the restrictions proposed make extremely difficult the development of specialized services and innovative programs, and markedly reduce the chances for meaningful evaluation of operating Centers. Despite clear documentation of need for children's services in the Report of the Joint Commission on the Mental Health of Children and authorization of 20 million dollars in FY 1972 for this specialized care in the Community Mental Health Amendments of 1970, no funds for this purpose are requested. New programs for the community treatment of drug abuse and alcoholism must be developed and integrated into Mental Health Centers but again little funding is available for comprehensive approaches to these pressing problems. Funds for careful evaluative research on community mental health must be specifically appropriated rather than facing program administrators with the painful choice of deducting such funds from those needed and intended for patient care.

It seems clear that a minimum of an additional 35 million dollars in staffing funds and 25 million dollars in construction grants is required to maintain the viability and growth of the Community Mental Health Centers program. The importance of further development and refinement in this area actually extends far beyond the care of the mentally ill. The Centers provide a working model for comprehensive service delivery to geographically-defined populations and thus have broad implications for the effective provision of more general health and human services.

KNOWLEDGE

Problems of training and service can be only as sound as the knowledge upon which they are based. Beginning far behind other fields of medicine and science, mental health research has made very significant progress over the past two decades. Especially promising are recent advances in behavioral science. Increasing understanding of the fundamental biochemical events of the brain make it seem possible that the processes underlying depressive illness will soon be elucidated. Such knowledge allows a more rational approach to the drug treatment of this and other mental disorders. Broader appreciation of the complex biological and social forces involved in normal human development offers more specific clues when this development goes awry.

Despite the progress made in both understanding and the application of knowledge, many unsolved problems remain. The tasks in the field of mental health are in no sense *only* the technical ones of making available to larger population groups the modes of treatment so far developed.

The Administration request for NIMH research support in FY 1972 is 92 million dollars. This is essentially the same amount allocated in each year since FY 1969 and thus represents a significant real reduction over the past four years. An additional 10 million dollars could well be utilized in the present year, with emphasis on the broad-based and interdisciplinary study of the complex problems of mental illness.

MERIDEN, CONN.'S SPECIAL PEOPLE DAY

Mr. WEICKER. Mr. President, the critics of our day often ignore the many good things accomplished by our parents and grandparents. The Nation was built by men and women, young and old, who believed in excellence and worked hard to leave a better foundation than that which they inherited.

But there are two people—in fact, a whole town in my State—who have not forgotten that this is the generation of grandparents who found better ways to raise food, build homes, construct schools, and encourage scientific research and who harnessed the atom and sent man to the moon.

Charles Byron, physical education instructor at the Lincoln Middle School in Meriden, and Mrs. Mildred Newlon, director of the Golden Age Committee, headed up an all-day outing at Hubbard Park in Meriden—1,000 senior citizens enjoyed hot dogs, ice cream, and cold drinks served by Girl Scouts and students from Lincoln School under sunny skies on June 19.

Not only did Mr. Byron and Mrs. Newlon provide an active day for Meriden's "special people"—a day of addresses by public officials, a group-sing, and waltz and dance music—but they organized free bus transportation and even brought 27 crippled "special people" to the leafy park.

This is an outstanding example of a town that recognizes the needs of our wonderful generation of parents and grandparents, a town that not only recognizes the needs but opens its heart to

provide its "special people" with special activities. I am proud that Mr. Byron and Mrs. Newlon of Meriden, Conn., are my constituents.

U.S. MILITARY PREPAREDNESS

Mr. TALMADGE. Mr. President, there is growing concern throughout America about the status of national security and the increasing attacks on the U.S. defense and military establishment. I share this concern, and I have had occasion to address myself to this subject in recent weeks in various appearances throughout Georgia.

The military has been put under severe attack. Our servicemen are ridiculed and scorned. Defense production, research, and development are filibustered in the Senate. In general, bad days have fallen upon the military defense establishment of our Nation. As a result, national security has been seriously jeopardized.

At the same time, there has been a decline in our military preparedness, while the Soviet Union continues to build her mighty army and navy and nuclear missile power. Red China, of course, is also moving ahead in these areas.

I have no doubt that much of the unrest in our country today against the defense establishment can be attributed to bitterness over the war in Vietnam. This war has been a curse on our Nation for the past decade. It has torn our people apart to the point that some people are ready to strike out at anything having to do with the military.

However, we cannot ignore the lessons of history. It has taught us that peace has almost always resulted from strength, while war has come from weakness. If we are to survive, the United States must at all times be ready to defend itself, whatever the cost.

The wisdom of U.S. involvement in Vietnam, past and present, can be debated. But national defense has never been debatable. It is not debatable now.

On August 5, 1971, the Washington Evening Star published an excellent editorial column written by James J. Kilpatrick on the decline of America's military power. I commend it to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

IT'S TIME TO WAKE UP TO OUR MILITARY DECLINE

(By James J. Kilpatrick)

Seven members of the U.S. Senate went to a good deal of trouble one day last week in an effort to voice a collective warning against the alarming decline in America's military power. They arranged a special order; they prepared their speeches with care; they released the text in advance; and they held the Senate floor for more than an hour.

But to judge from local reaction, they might with equal effectiveness have hurled their Catonian cries upon the summer wind. There was no local reaction. The national security has become, not a bore exactly, but a matter of sullen indifference. Members of Congress, by and large, do not want to talk about it; they do not want to hear about it. Their ears are numb and their senses dulled. They want to go home.

It will be small consolation, one of these days, to call a roll of those who were right in 1971. Unless their warnings are heeded—and not merely heeded, but acted upon swiftly—the United States assuredly will wind up as No. 2 among the powers of the world. The implications of that somber prospect cannot be precisely defined, but they can be vividly imagined.

These were the seven who spoke last Thursday: Thurmond of South Carolina, Byrd of Virginia, Dominick of Colorado, Gurney of Florida, Buckley of New York, Curtis of Nebraska and Brock of Tennessee. Other senators, of course, have spoken to the same effect on other days; one thinks especially of Henry Jackson of Washington, Barry Goldwater of Arizona, John Stennis of Mississippi.

The warnings they have delivered in the Senate have been buttressed by outside authorities. Nearly a year ago, the President's "Blue Ribbon Defense Panel" raised an urgent cry of alarm. The American Security Council has grown hoarse with protest. Such respected magazines as Life and Reader's Digest have devoted pages to expert analysis of the deteriorating situation. On the very day the seven senators spoke, the authoritative Jane's Fighting Ships released a chilling report on Soviet gains and American declines.

Yet the erosion continues. One is hard put to identify the reasons. The war in Vietnam—this exhausting, inconclusive, wretched war—doubtless is the primary cause; it has left death and debt and disenchantment in its wake. The high cost of preparedness is another factor, especially at a time of deficit finance and heavy obligations here at home. The anti-militarism of leading intellectuals and dissident youth surely has contributed. And the Pentagon itself, by creating an image of ineptitude and waste, has hurt its own cause.

It is not so important to fix the blame; but it is critically important that the American people understand what is happening. In terms of both offensive and defensive capability, the United States steadily is falling behind Russia.

In two classifications only—aircraft carriers and missile-launching submarines—the United States retains a superior position. There is not much comfort here. With its prodigious land mass, the Soviet Union has seen no reason to invest in mobile carriers. Our dominance in nuclear subs (we have 41 with Polaris-Poseidon missile capability) probably will be lost by 1975.

Everywhere else the picture is bleak. Curtis devoted his speech to the uncertain future of our new B1 manned bomber. It is intended eventually to replace the aging B52—but that eventuality is at least seven years in the future. "For some obscure reason," said Curtis, "every heavy bomber ever built by the United States has fought its stiffest battle in Congress." The B1 is no exception.

Dominick dispassionately reviewed the astonishing growth of the Soviet navy. Thurmond implored his colleagues to ponder the meaning of Soviet first-strike missile installations. Buckley pleaded that a whole "new strategy" is needed. Brock urged that the spectre of an "arms race" be disregarded: "How can there be a 'race,'" he asked, "when one of the contestants isn't even running?"

The long colloquy provoked no debate in the Senate. It drew scarcely a line in the local papers. What is required, one asks in despair, to wake up the Congress, to wake up the people?

TOWARD A NEW CONSENSUS IN FOREIGN POLICY

Mr. HUMPHREY. Mr. President, the Woodrow Wilson International Center for Scholars recently presented its first public program, a dialog on the theme, "Toward a New Consensus in Foreign Policy: Legislative and Executive Approaches." Participating in the program were our distinguished colleague from New York, Senator JACOB JAVITS, and the noted diplomat, George W. Ball, former Under Secretary of State. The discussion was moderated by Alton Frye, a charter fellow of the Wilson Center and of the Council on Foreign Relations.

The evening's dialog touched on many aspects of legislative-executive relations, and offered some illuminating insights into the necessity and difficulty of forging a collaborative relationship between the two branches of Government. As chairman of the board of the Wilson Center, now in its first year of operation as the Nation's living memorial to our 28th President, I believe my colleagues in the Senate and others will find the proceedings of interest.

I ask unanimous consent that an edited transcript of this useful discussion be printed in the RECORD.

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

TOWARD A NEW CONSENSUS IN FOREIGN POLICY: LEGISLATIVE AND EXECUTIVE APPROACHES

MODERATOR. Alton Frye, Fellow of the Council on Foreign Relations and the Woodrow Wilson International Center for Scholars

Participants. The Honorable Jacob K. Javits, senior Senator from the State of New York, and the Honorable George W. Ball, former Undersecretary of State and Ambassador to the United Nations.

Mr. FRYE. Tonight's program addresses a theme which is crucial to the future prospects for American Government. How and under what circumstances can we find that lost consensus on foreign policy which has prevailed for much of the post-World War II period? Some, of course, will argue that we need less consensus and more of what we might call "dissensus" as the way to energize American foreign policy. We are prepared to entertain that view, and perhaps one or more of the panelists this evening will argue that case, so the program's title should not intimidate those in the audience who want to argue a contrary assumption to the goal of consensus we have stated.

But there is a powerful case which can be made, and which has been made since the beginning of this Government, that effective international action by the United States requires a reasonable degree of domestic agreement on the goals and ends and means and techniques of our foreign policy. Evidently the cold war consensus has decayed. Tonight we hope to illuminate some ideas about the kind of consensus we can seek in a new world and about the methods by which we might achieve it.

There is an old maxim in American Government that where you stand depends upon where you sit. That often applies with special force between the Legislative and the Executive Branches of Government. The quest for a new consensus must hinge largely on the reconciliation of these branches of Government. Both share major responsibilities in the field of foreign policy, and each has great power to frustrate the purposes of the other unless the course of action is agreed upon between the two. That kind of frustration can produce a dangerous deadlock, which in no way serves American national interest.

So our question for the evening is how to escape the current turmoil and frustration, the friction between the branches, and how can we establish that degree of domestic

rapport which is essential to a constructive American presence in the world. It is my great pleasure to introduce Ambassador George Ball, who has for many years been a central figure in the shaping of American foreign policy. In and out of Government, as an official, an attorney, a banker dealing extensively abroad, he has been a diligent promoter of close ties between the United States and other members of the Atlantic Alliance. Prior to becoming Ambassador to the United Nations in 1968, Mr. Ball for six years served as Undersecretary of State in the Kennedy and Johnson administrations. In those roles, he was a clear and consistent voice of reason on a vast range of issues. He is not a man to say "I told you so", but others in a position to know recall that George Ball was a man grimly prophetic about the possible outcome of American intervention in Southeast Asia. Though he would not, himself, point to that as his major contribution in Government, it's one to note in passing, because there was no one more forcefully opposed to the major American military involvement in Vietnam than Secretary Ball in 1964 and 1965, and the case he put has come to be a very prophetic portent.

Mr. Ball, we're pleased to have you join us and we look forward to your perspective on the issue before us this evening.

Mr. BALL. Thank you very much, Mr. Frye.

Like so many other things today, the relative roles of the Legislative branch and of the Executive branch in the making and administration of foreign policy are being debated in a very special context. It is a context of our involvement in Southeast Asia. The principal question which is, therefore, uppermost in the minds of many of us and in the minds of the Congress, is the role that the members of the Congress, both houses may play in starting wars and in stopping them, and the contribution to a more orderly definition of the relative powers of Congress and the President. Senator Javits has put forward an interesting proposal which has to do with the powers of the President to deploy American forces overseas, and there have been several bills that have been introduced both in the House and the Senate by such distinguished Senators, for example, as Senator Stennis, which are directed at this same problem. I must say that I have great sympathy with the problems of anyone in the Senate or the House who faces the present involvement of the United States in Vietnam and who is seriously concerned with what he can usefully do about it.

I think this is a matter which we all have to concern ourselves with very much. My own view, however, is one of some skepticism. I doubt that there is any practical solution that would have much restraining effect on the President of the United States faced with a set of circumstances which he regarded as urgent that could be incorporated in legislation without weakening the political effectiveness of the President or without limiting his ability to react when he was confronted with a need for sudden decision. I want to say something more about this in the course of the evening. I think it's probably better to develop it as a matter of dialogue than for me to try to address it initially.

For the time being, I would prefer to comment on some of the broader aspects of the relations between the legislature and the executive with regard to our foreign policy, and our foreign relations, in an effort to respond to the theme of the evening which is the emphasis on a new consensus in foreign policy. The basic disenchantment in the Congress today with regard to its own role in foreign policy does not spring from any infirmities in the procedures, but from the fundamental divergence of view in the United States with regard primarily to Southeast Asia, but also with regard to some of the broader implications of policy. The divergence is felt throughout the whole national life of our country. It is not something that simply bisects Pennsylvania Avenue, it's something that's felt in every community.

By one of those accidents that stems from the mysterious workings of Congressional machinery, the leadership, the key committee in the Senate with regard to these matters is Senate Foreign Relations Committee, today represents a school of opinion with regard to Vietnam that, for the most part I think, fundamentally opposed to the position of the administration. Or for that matter, quite at variance with the opinions not merely of the present administration but with the last two administrations. I don't say this in any mood of criticism. I don't want to suggest that I'm taking sides with any of the individuals involved. I record it simply as a fact, something we have to deal with. The practical effect that results from this polarization of view, when the executive has one strongly felt opinion and the Senate Foreign Relations Committee has another, is that the committee has been effectively disabled in the performance of certain of its traditional duties—its duty, for example, of serving as an instrument not only for advising the administration but for transmitting to the other members of the Senate the information and the ideas which the administration would normally divulge almost on a day-to-day basis with a committee with which it had full sympathy. And when I say committee, I am speaking primarily of the leadership of this particular committee.

As a result, I detect in the Senate a kind of sense of isolation and I think this is true on both sides of the aisle, it's not partisan. A normal two-way conversation on foreign policy between the executive and the Senate has ground almost to a halt. This, it seems to me, is a very unhappy situation. The best way for Congress to make its views felt in foreign policy is by a constant interchange with the administration in power. And that, I suppose, is why the drafters of the Constitution were quite careful not to confer the conduct or administration of foreign policy on either one branch or the other. What the Constitution does, in fact, is to confer on the President certain powers by which he can effect our foreign relations while assigning still other powers to Congress and still others specifically to the Senate. And if the result has been to encourage a sort of institutional free enterprise, so that there is competition between the two coordinate branches, that competition has normally been restrained or at least cushioned by informal working arrangements between the President and the Congress. When, as in the case of the Senate today, those relationships are enfeebled by a fundamental disagreement with a key Senatorial committee, it just isn't going to work very well and in fact it is not working well. Positions at the moment are deeply dug in.

I don't think that we are going to be able to do anything about reaching a consensus in Vietnam. The process of withdrawal now under way will have to work itself out leaving some very difficult residual questions. But in the larger issues that America faces throughout the world, I would hope we could come more nearly to a common view, although I am not sure even on this one.

Fundamentally, the key to the foreign policy problems that face this country, the key depends on our making some very fundamental decisions as to just what kind of a world it is we live in. I am personally persuaded we live in a world still largely polarized between two super-powers, the United States and the Soviet Union, with our security still dependent on the maintenance of a fragile balance of power. Then our role is pretty well mapped out, although I would agree that we should play that role much more judiciously than we have in the past and certainly much more cautiously than we did in Southeast Asia. But there is certainly no consensus on this point. Indeed, a quite different school of thought is widely held in the Congress and particularly among the younger generation in this country.

In general terms, that school argues that the United States and the Soviet Union are two enormous nations both driven by the same kinds of ambitions and almost equally reprehensible in their tendency to interfere in the affairs of others. The Soviet Union, it is argued, wants to preserve its sphere of influence, primarily its position in Eastern Europe, just as we want to keep ours. But beyond that the Soviet Union, so this school of thought contends, is not expansionist and it is driven to the building of new armaments and the maintenance of huge military establishments only by fear of us, just as we are driven by fear of the Soviet Union. Thus all that is necessary to secure peace in the world is to banish fear and to establish mutual confidence and it is up to the United States to take the initiative,

This, in large part, was the underlying thinking of a number of proponents, I don't say all, but a number of the proponents, for example, of the Mansfield resolution, which would drastically have cut our troop deployment in Europe without consultation or agreement with our NATO allies. Apart from that, the Mansfield resolution reflects the inherent disabilities of Congress in trying to force a major change in our foreign policy. Foreign policy is by definition not a matter of unilateral action or an abrupt decision or ultimatum. It is a matter of accommodating our interests to those of other nations in order to preserve what is essential for us, and that can be achieved only by the most patient consultation, the most continuous discussion, the most painstaking negotiation. And these things manifestly are beyond the competence of any legislature.

In fact, legislation which would seek to alter a major policy position of the United States, a major doctrine of foreign policy, legislation that was enacted not at the request of but contrary to the views of the executive, would be a very blunt instrument, would be something which in my judgment we can use only very sparingly indeed. And this is quite well understood in Congressional circles since, while there is a great deal of talk about legislation that would impose lines of action on the President against his own judgment in the conduct of foreign policy, Congress usually draws back when put to the test. Thus there is no doubt at all that Congress could by its appropriation power compel the immediate withdrawal of all our forces from Vietnam. But it is very unlikely that it will take that action for a number of reasons.

Most members of Congress would hesitate for example, to accept the responsibility for all the consequences against the strong urging of the President who presumably is better informed than they, since they can't be certain at all of just what the consequences of such an action would be. In addition, I think most members of the Congress assume that to deprive the President of the instrument of power in Southeast Asia so abruptly would be to weaken his hand in the conduct of foreign policy all over the world.

Thus I suspect that Congress is, as a matter of practice, more reluctant to compel the President to do something he doesn't want to do in the area of foreign policy than it is to deny the President the possibility of doing something he does want to do. This latter kind of question constantly arises with respect, for example, to our foreign aid program where Congress has shown little hesitance in making its will felt. Questions of this kind also arise in connection with the ratification of treaties and indeed I think we shall witness a very important test later this

year, when the treaty providing for the reversion of Okinawa comes before the Senate.

The handling of the Okinawa reversion issue deserves particular mention in connection with the relations between the executive and the Congress, not only as a substantive matter—it goes to the heart, after all, of our relations with Japan and indeed our whole Far Eastern policy—but also as a matter of procedure.

The method by which the United States concludes agreements with foreign governments raises two separate problems. The first is whether the President should deal with important international arrangements by executive agreement relying solely on his inherent powers, and with respect to this, I would only say that since it is a challenge to a cherished Congressional prerogative, this is something that can't be profitably discussed outside the context of a specific factual issue. But of much more practical importance tonight is the question whether the President should make a particular international commitment through treaty or by means of an executive agreement authorized by Congress. This question is not only a potential source of conflict between the executive and each house of Congress, but it may also stir up an intramural quarrel between the two wings of the Capitol since the House is obviously playing its role through executive agreement procedure while the Senate is quite jealous of its prerogative of being the instrument which, under the Constitution, recommends the ratification of treaties.

Apart from one's views, however, on Constitutional theology, there are, I think, some sound practical reasons in giving the President freedom of choice in this situation, provided he is prepared to risk some abrasive exchanges with the Senate Foreign Relations Committee of which Senator Javits is a distinguished member. A classic instance of this, a classic instance of where the President's ability to maneuver proved extremely useful, involved the annexation of Texas. On the first try at annexation, the treaty providing for annexation failed to obtain approval by two-third of the Senate, but when after the election of 1834, President Tyler submitted to the full Congress a joint resolution, in other words, went through the executive agreement route, authorizing annexation to be carried out by executive agreement, Texas became part of the Union. Now, any judgment as to the effect that action may have had on the Union is fortunately not on the agenda at this meeting tonight.

The Okinawa reversion question presents another situation in which the exercise of the President's tactical discretion may make a major difference in the success of our foreign policy. If the issue is presented, however it's presented, whether it's in the form of a treaty or a proposed executive agreement, the protectionist lobbyists, who have been very active in the past session, will almost certainly try to use the necessary Congressional action as a lever to exact further so-called voluntary restrictions from Japan with respect to textiles and other products. The fact that the President has now decided to pursue the treaty route thus may be interpreted to mean either that he believes that it is easier to obtain the affirmative vote of two-thirds of the Senate—which means really that 34 votes in the Senate can be a blocking minority—than the majority vote of both houses which is seen, in the abstract at least, to be doubtful, or that he is prepared to in the name of Constitutional orthodoxy or for reasons of domestic policy to run the risk of wrecking our relations with the third most powerful industrial nation in the world. What seems to be most likely is that the practical issue was not very carefully thought through before the decision to adopt the treaty route was made.

Whatever the reason for this procedural decision, what we should probably expect is a classical contest between politically powerful special interests with regard to a critically important measure of foreign policy. Unlike Vietnam, this is not a substantive issue on which the Senate Foreign Relations Committee is at odds with the administration. On the contrary, the chairman of the committee, Senator Fulbright, has promised to throw his full support behind this ratification. But certainly the outcome is not one we can take for granted nor should we be very relaxed about it. I could think of few things that would be more disastrous than for the United States to refuse to relinquish our military administration of a million Japanese citizens living on Japanese territory twenty-six years after the end of the war particularly when the President has already promised the Japanese Prime Minister that those territories would be returned to Japanese administration sometime in 1972. This issue is so heavily marked by emotion in Japan, as any of you who have been there recently well know. The failure of the Senate to ratify the treaty would almost certainly bring down the present Sato government and it could set in train forces that could fatally poison our relations with Japan and thus destroy the basis for our whole Far Eastern policy.

Now these are a few ideas I want simply to put in the domain of the discussion tonight, and I'm sure that Senator Javits will have many wise things to say about these comments I have made, as well as to discuss his own very interesting proposal with regard to some codification of the war power. Thank you.

Mr. FRYE. We are honored to have as our second speaker this evening Senator Jacob Javits, who is the senior Republican Senator from the state of New York. Senator Javits is nothing less than phenomenal, both in his unique capacity to find a Republican majority in the city of New York and in his remarkable record of building bi-partisan victories in the Senate. During a quarter-century in Congress, fourteen years in the Senate, Senator Javits has been a leading participant in most of the important foreign policy debates. Especially notable have been his efforts in the field of international economic policy, as a ranking member of the Joint Economic Committee. He has also long been active in NATO affairs, indeed since the inception of the alliance, and has taken an active role in American work within the United Nations. As Mr. Ball mentioned, Senator Javits is the principal legislative advocate of a statutory definition of the balance of war powers between the Presidency and the Congress.

Senator, we are pleased to have you with us.

Senator JAVITS. Thank you very much, Mr. Frye. I hope you will understand that nothing I say is intended to detract in the slightest from my enormous admiration for George Ball and my enormous respect for his view, gained the hard way, by outstanding service in the executive department. I do think that we can reveal to you different facets of our minds as they approach a common problem for our country. For I detect in what has been said something of the attitude which we in the Congress feel very deeply, and that is best expressed in two ideas put before you. Mr. Ball said most members of Congress would hesitate to accept the responsibility for all consequences, to wit, cutting off money for Vietnam, against the strong urging of the President, who is presumably better informed than they. Now there is something a little superior in that, and yet that's the attitude of the executive department, that they are better informed than we and that we'd better just be good boys and let them run it because they know more about it than we do.

And then the other idea, which is contained very briefly after this comment; he says, "Thus, I suspect that Congress is, as a matter of practice, more reluctant to compel the President to do something he doesn't want to do in the area of foreign policy than to deny the President the possibility of doing something he does want to do." So, that's the dog in the manger role. The general attitude of executive departments, who have their problems with Congress, has been, one, that we're relatively uninformed and that Daddy knows best, and second, that we're kind of dogs in the manger and you've got to find a way around us, whether it's by executive agreement in lieu of a treaty, or facing us with a fait accompli, and that the world is better served and our country is better served if the executive department does that.

Now these are extremes, very vivid, but true. The result of this thinking has been Vietnam. The result has been that we pursue a policy which is gravely lacking in public support of the real kind, even though it may command still a majority vote in one or both Houses of the Congress. This gets our country into terrible mischief, because nobody knows it all, not the President, not the Congress. We're lucky if we both know better together. Our margin of error will still be relatively very great. But nobody knows it all. And yet, that's the attitude, generally speaking, of the executive department on a whole range of issues. The President is a single man, and he's been elected by all the people, and he's charged under the Constitution with tremendous powers and he does have enormous sources of information. Therefore, all we have to do is kind of confirm what he thinks is best, and then everything will be nice and peaceful.

Now this way of doing business has not brought about the great and creative moments of American foreign policy. On the contrary, it has generally been the prelude to disaster. But the great moments of American foreign policy have been when a President contrives and leaders in the Congress contrive to work in harmony with mutual respect and give and take. That's why you have the United Nations and that's why you have NATO, and that's why you had Point IV, and that's why you had the Marshall Plan, and other great achievements, even though Congress might be in the control of a different party than the President's. There is a great need for Congress being scrappy about it when the interests of the country are at stake. As Eisenhower so truly said, "The greatest security is the security of the tomb." It's very irritating when the Foreign Relations Committee disagrees with a President. But what's the Foreign Relations Committee going to do about it, if it deeply feels the President's wrong? It's a duty to disagree, as well as its privilege.

Now an interesting illustration of this is found in two points mentioned by Mr. Ball. One was the Mansfield Resolution and the other is this question of why we don't just cut off the money for Vietnam. Well, it seems to me in both cases this is rather a paean of praise for the responsibility of Congress, rather than the other way. It is very noteworthy to me that because this is deeply inculcated in a man of the enormous attainment and the training of George Ball that he implied the Mansfield Resolution passed when he told you about it. The Mansfield Resolution didn't pass, notwithstanding that it was proposed by the majority leader, and notwithstanding the fact that it was designed to appeal to our worries about the balance of payments and our deep resentments about the fact that Europe wasn't doing its part in respect to NATO. But the arguments prevailed that this was not the path of wisdom or the path of responsibility, and our collective judgment in that regard

was at least as good as the President's. The votes were not even very close.

And the same is true about cutting off money for Vietnam. I am for it, but I deeply respect the fact that a majority is against it. And the reason the majority is against it is precisely because it is very deeply responsible and even though it may know that we're pursuing a Vietnam war which is probably one of the most costly and terrible mistakes this country has ever made in all its history. We, nevertheless, value the structure of the government, the powers of the President, the prestige of our country, the hallowed blood which has been shed in Vietnam, so that we're straining, straining, straining to find some way out which will reconcile all of these values and not throw them overboard by the most drastic act of all which is a fund cut-off.

I think that's greatly to the credit of the Congress and shows that it's eligible for great responsibility Now, it is very doubtful and in this I thoroughly agree with George Ball, it is very doubtful that you can pass any law which can compel a President to do anything he doesn't want to do. But for that matter it is very doubtful that you can make us do anything we don't want to do. It's often not understood by the citizen and in a sophisticated atmosphere like Washington, it's very important to bring out this point. There is nothing in the Constitution that makes the Congress do anything. Let us never forget that. Indeed, the two-year term for members of the House, which has often been discussed and challenged on the grounds that it ought to be longer, notwithstanding that it was developed in the very early days of the Republic when it took so long to get from some far away place in the thirteen states to Washington, has the wonderful advantage that if the one House, a majority of one House, decided to sit on its hands, nothing would happen. Indeed, Government would grind to a halt. There would be no money and no authority. Our founding fathers understood that very well. So it's as broad as it's long

Sure, we can't make the President do something he doesn't want to do, but he can't make us do something we don't want to do, either. And that's the way it ought to be. In short, we have to find some way of reconciling our views, and that's to the best interest of the country, that collective judgment. We don't think we're any smarter than the President, but he mustn't think he's any smarter than we are. And that's been the big rub since the end of World War II in the U.S.A.

In one effort to deal with the problem which is so vividly shown by the Vietnam war, I have offered a bill by which, by statute, the Congress can have a technique for sharing its war power with the President. Now there is no question about the fact that we have war powers and our war powers are contained in the power to raise armies, the power to regulate armies, quite apart from the power to declare war, and the power which is granted by the Constitution in all these regards is certainly as great, or greater, than the power of the President to command our forces and to give them such instructions as are compatible with supreme command. I leave out completely the war-making power in terms of the President's Commander-in-Chief authority, which the Congress cannot and should not challenge, or the war-declaring power of the Congress which the President doesn't challenge—except to assert that it's quite "obsolescent." The Founding Fathers, in my view, were more careful to place the essential war powers in the hands of Congress than anything else in the Constitution. Read article I, section 8. I call your attention particularly to the final clause of that section—the "necessary and proper" clause which empowers Congress to enact laws to carry out all of its powers, and everybody else's, including the President.

The complexity and subtlety of modern war, both in front of and behind the lines, is such that it's very unlikely that you will see overt declarations of war unless there is some world conflagration equivalent to World War II. Yet our people have every right to be deeply dissatisfied with a situation in which 50,000 lives can be lost, 200,000 wounded can be suffered, the loss of $100 billion worth of treasure endured, and our country almost dismembered by this division over a war which has never been declared. So this is a new challenge to us. How do we architect this order, this society, so as to bring the best brains to bear upon a given point, to wit, either to restrain a war or fight one only if the nation is really back of it and really has the will to do it and isn't forced into it by some alleged attacks on destroyers in the Gulf of Tonkin or by some fancied fooling about pride and the flag and the United States has never been defeated or retired from any battlefield, and so you keep on and on and on in the bloody business even if it makes no sense.

Now I've made a suggestion on that score establishing a framework by which the elementary dangers which can come instantly in this world can be dealt with by the President, who does have the capacity to act as a single individual in immediate response. And these categories are four: to repel a sudden attack against the United States, its territories and possessions; to repel an attack against the armed forces of the United States on the high seas or lawfully stationed on foreign territory; to protect the lives of U.S. nationals abroad; and to comply with a national committment affirmatively undertaken by the Congress and the President, like NATO. Now, in those instances the President can immediately respond, but his response cannot last for more than 30 days without congressional concurrence. At the end of that time, he loses authority, unless we have acted in the Congress to confirm authority or to give directions or otherwise to manifest our approval of the continuing. This is a framework. There are lots of variations. Other brothers of mine in the Senate, Senator Stennis, Senator Eagleton, Senator Taft, have come up with different details, but they have accepted, and I'm deeply honored that they have, this fundamental framework.

This is a feasible way, without jeopardizing the immediate response capacity of the United States, to join the President and the Congress in the responsibility of a so-called undeclared war. Now, this, it seems to me, is the direction in which we have to go. If there are better ideas, no one would welcome them more than I. But certainly we need, having gone through the bitter experience we have, some codification of the practice on this score, and this is the best codification of which I'm capable.

Now, I'd like to close as follows, because as always happens with these matters, it's so much more exciting and interesting to have a discussion. In a democratic system, as I see it, there is no substitute for national consensus. Policies, and especially wars, which do not enjoy public understanding and public support are just not viable, and Vietnam has certainly demonstrated this. And it is precisely in this regard that Congress can make its greatest contribution. Over the past five years, it has been the Congress, and not the Presidency, which has demonstrated an awareness and a responsiveness to the national will and the national mood respecting Vietnam and the unpostponable need to reorder national priorities at home and in the world.

The charge has often been made that Congress lacks the knowledge, the sophistication and the statesmanship to play a leading role in our nation's foreign affairs. Yet it showed a high order of statesmanship, as I analyzed it a minute ago, in the handling of the recent Mansfield amendment. And I would like to add that I predict that the Congress will, notwithstanding the rhetoric, and the heat of the debate, separate Okinawa from trade policy, even though Japan, in my judgment, has been very unwise, to say the least, in her unwillingness to make a government to government agreement with the United States on textiles. I deeply believe that the Senate will separate the two and that the Okinawa treaty will be ratified by two-thirds of the Senate. Notwithstanding the rhetoric, it will not be held hostage to a trade pact.

I think the Congress, given the opportunity by such a law as I have suggested and by more intensive consultation by the President with the Congress, by less use of the executive privilege of withholding witnesses from the Congress, and by an understanding that our people are by no means dumb, Congress can play its proper and constructive role in foreign policy. People are willing to listen, and if you've established a reputation for having a reason for what you do, they are willing to accept the fact that you're a reasonable human being, even though they don't agree with you, and still give you political support. That is the value which the Congress can bring to any President. The fact is that its support is essential, and when gained is absolutely invaluable and indispensable, and even if not gained, at least you gain the respect of the Congress by being willing to submit to it what you do, as for example in this big imbroglio we're in right now about Laos. The Executive benefits from the public scrutiny and the debate of the Congress and the incisive judgment of many minds, not just its own. One thing we're learning in this world: that practically nothing is secret. How often have I gone to highly secret meetings of the Foreign Relations Committee, or the Foreign Affairs Committee when I served on that in the House, only to find that everything I read in the morning paper was the secrets which were being disclosed to us a few hours later—and I don't mean as a result of congressional leaks.

So I think that Congress will rise to the historic challenge facing it and the nation. There will be a struggle, and we're in it now, and we may reach the brink of a grave Constitutional crisis about Vietnam itself, for example, but I think that President Nixon and his successors will reach an accommodation with Congress in terms of sharing the war powers and greater openness as well as greater joint decisions about foreign policy matters. This doesn't exclude executive power or executive privilege or secrecy or things the President must and will do himself. We're talking about the grade, the quality of decision-making, not just the quantity. And I believe that if we can accomplish that, we can see a new era of full harmony where enormous achievements will be possible in terms of the good of our nation and the peace and prosperity of the world.

The President talked a few weeks ago about neo-isolationism in the Congress. Indeed, though he didn't directly use my name, he mentioned my name in connection with it, as a well-known and staunch "Atlanticist," he said. There's a great sentiment for prudence in the Congress, for a reordering of priorities and for a new style, and updated foreign policy goals. But that's not isolationism. That's just understanding the responsibilities, the difficulties and the dangers which are ahead. This is being questioned in many parts of the world, especially in Europe. It is my judgment that the United States is and will remain a world power, that we haven't lost our marbles, and we haven't lost our grip, and that we're not nec-

essarily afraid even of war, but that it's going to be done providently and wisely and by concurrence of the Congress and the executive and not on the theory that we don't know enough to run our own lives, but we have to have them run for us by the single individual the people have elected as President of the United States. I am convinced that we will not retreat from our legitimate world responsibility attributable to our power, our location and our productivity, that we will utilize this vast power for maintenance of world peace and the establishment of a rule of law in place of the rule of force. And I look to a new birth of freedom, a new birth of enterprise, a new birth of boldness in the pursuit of peace, even taking risks that many people in the world think we will no longer take, once we get this terrible bone in our throat, called Vietnam, coughed up. Thank you.

Mr. FRYE. I'm about to violate that ancient Chinese wisdom that "he who stands in middle of road gets run over from both directions." I'm sure with such gentlemen as these there'll be no apprehension about that. I do want to add one minor comment of context, as moderator. It's understandable that our discussion of great foreign policy issues in the 1960's and '70's has come to dwell upon Vietnam. I think it's worth reflecting, though, as we continue our discussion, that there are formidable changes which would have occurred in the absence of Vietnam. If there had been no crisis in Southeast Asia to drain this country, we would still have seen our consensus from the cold war era eroding.

To begin with, we would have seen the end of the monolithic Communist threat with the Sino-Soviet split developing in the 1960's. We would still be facing today, whether or not there had been Vietnam, a fantastically altered strategic relationship with the Soviet Union in which, for the first time strategic parity exists, and in some respects, Soviet superiority has come into being. We would still be in a world in which a resurgent Europe and a massively expanded Japanese economy will portend both opportunities for cooperation and the risks of greater competition between ourselves and our close associates. And I suspect that we might agree that, even without Vietnam, there would still be a fatigue in this country from bearing the international burdens which devolved upon the United States after World War II. There would certainly still be a demand for re-allocation of our resources to meet the important domestic needs which the riots, the poverty, the urban blight of recent years impress upon this country. I mention this only because I think it's worth our while, as we continue the discussion, to keep looking for the broader context in which, after Vietnam, we must still shape an American consensus on foreign policy.

Mr. Ball, with those observations regarding the altered world, I wonder if you have some notions about specific devices in regard to these issues and others which could facilitate a legislative-executive rapprochement in the foreign policy area.

Mr. BALL. Before I comment on that, I'd like to clarify the situation which has become a little obscure. What we witnessed in the last few minutes I think could very well make a contribution beyond the realm of foreign policy, even in the area of natural history, to which this building has been dedicated, because for the first time we find the tiger defending himself against the deer. Actually, I find myself put in a very strange light by what the Senator has observed. I don't think I'm a particular apologist for the executive branch of the Government. In fact, during the six years that I spent as Undersecretary, I received so many invitations from Congressional committees to appear before them that I had a feeling I had much more time on Capitol Hill than I did in Foggy Bottom.

In any event, I have deep respect for Congress and my regret is a rather different one than the Senator has suggested. My regret is that Congress hasn't been more assertive in the area of foreign policy. I think what happened was that both the executive and legislative branches of the Government got in rather slothful habits. There is a pattern of American conduct set up in the period after the war where the United States did feel obliged to appear in many areas around the world and this became a rather self-activating thing. On one occasion I was in the State Department when I received a rather alarming memorandum from the lower regions of the department suggesting that there had been a Communist presence established in a particular country which didn't seem to me to be a country that was vital to American security interests. So I sent a note down saying that, I've always understood that God had the obligation to look after every sparrow that may fall and I don't see quite why we should compete in this league. This was not universally respected and I must say I had as much trouble with the Congress over this issue as I did with the department, primarily I think because there was very much the same tendency on both ends of Pennsylvania Avenue, there was a feeling that we did have to get into every situation that developed and I think we spent our resources of prestige and our material resources more uncritically than we should have.

I had a feeling that we were doing it at the time and I only wish that the Congress had been a little more assiduous in keeping a watchful eye on the executive than they were. Actually there were many occasions where Congress, or the Senate particularly, with its responsibilities could have interrupted the process which brought us into deep involvement, which I think is a very unhappy one, if they'd made their views known earlier. We all went along down this road and to the extent that the role of Congress can be re-asserted and made much more forceful, I'm all for it. Rather than suggesting that I think the executive should have its head, I don't really believe it for a moment. In fact, if one looks back on almost the the most fruitful time in the modern period, where there has been an effective policy worked out between the Congress and the executive it was the period of Senator Vandenberg when he was chairman of the Senate Foreign Relations Committee. It is almost legendary now in our thinking of the kind of relationship which would produce the best results, and this was a period when many actions were taken by the United States that were with the full concurrence of the Senate and the House and they were expressions of a consensus.

What we have in this country, however, at the moment, is something that, as I suggested a little while ago, goes very far beyond any problems between the executive and the legislature. We have a situation right now where there is very deep uncertainty in the nation as a whole as to just what our foreign policy should be. The particular focus is on South Vietnam, but the issue goes very far beyond that, with the real question as to what the relationships of the United States should be with the rest of the world, whether it's necessary to think in the terms of maintaining a power balance, which has been the main theme of our policy ever since the war, or whether what we might do is to pull back drastically and take some chances and see if perhaps we could dissipate the fear that exists on both sides, if this would cure everything. I personally think the second formulation is a very dangerous one and I think it's quite wrong. But the fact that we have problems between the executive and legislature simply reflects more than anything else the fact that we have problems within the country as well as an inability to find exactly what our position should be.

So if Senator Javits suggests that it would be better if Congress were scrappy, I would say I'm all for it. I wish Congress would be scrappy. I wish that everything that the executive wants to do would be thoroughly challenged. But when I suggested that I thought many members of Congress held back because they thought the executive knew more, I wasn't necessarily suggesting that the executive did know more. There have been some areas, some expertise in the executive department that isn't available to Congress or easily available, but I simply don't put very much emphasis on this, and actually, as the Senator said, there are very few things that are really secret in this business. So the question that Mr. Frye asked me a moment ago, if I had any specific proposals, I really don't, and I think actually that to the extent that one tries to codify this relationship, which Senator Javits is proposing to do, that it's extremely difficult.

I think Senator Stennis, who has put forward a bill which is trying to achieve the same objective as Senator Javits' bill, suggests that this is a very important matter and perhaps it ought to be debated for the next two years. I don't think that's a bad suggestion. I don't think we're going to achieve anything by trying to work out a codification of the relative powers of the executive and the legislature with regard to the starting of wars, or even the stopping of wars, very quickly because this is a very subtle, complicated, difficult problem. Senator Javits' bill, I think, is very well drafted, a very thoughtful piece of proposed legislation. Having lived through the period of our involvement in Vietnam on a very intimate basis, I suggested to him not long ago that I thought that if his bill had been in effect that it wouldn't have made very much difference because everything that he put forward in the bill would have been rationalized in one way or another so that it would have come out just about the same way. I think this is right. I think it's very hard to codify these things and I'm not sure it's possible. I wouldn't be categorical about it. It's something that shouldn't be done quickly, this I'm quite clear about.

Mr. FRYE. Senator, do you think that, had your legislation been law at the time, it would have had a bearing on our Vietnam policy?

Senator JAVITS. Yes I do, and as a matter of fact, that is shared by Senator Stennis himself. Let me first start from one of the points that George Ball made. Just as he's accepted the fact that Congress has to be scrappy, I accept the fact that Congress has not asserted itself in the last twenty years, and I think that we can thoroughly agree upon those propositions. Indeed foreign policy became so complex, I can give some examples of that . . . for example, how do you reconcile an admitted need for national security in terms of the security of a whole continent to the south of us and protection even of so elementary a thing as the Sixth Fleet in the Mediterranean with any relations with Franco or the military dictatorships in Latin America? This has bedeviled the Congress very, very deeply in these intervening years and has resulted in the Congress kind of shrugging it off as long as the executive was willing to make the decisions.

Now I come to my main point which relates to your question. We feel, I feel and co-sponsors of my bill feel and Senator Stennis feels, though it's a very different ideological point of view from mine, that if we had a responsibility, if we were stuck with the responsibility, in that the President could not proceed with war in Vietnam unless we had affirmatively concurred, then our sense of responsibility would have brought about some committee hearing and some

profound consideration of the Gulf of Tonkin Resolution, and we wouldn't simply have whooped it through on the ground that well, you know, it wasn't our ballgame anyhow and the President commanded the Army, Navy and Air Force. He gave us certain information and this was his judgment and we went along with him, quote, unquote. This was pretty much the attitude. I was there when this was voted and I voted for it as did so many others. This was pretty much the attitude of the Congress without a recognition of the fact that we had an affirmative role to play and if an American boy was killed, then it was on our heads and our hands. It wasn't just the President we were going along with. He couldn't have done it unless we said yes. That's a very different feeling by men, and we're men and women just like all of the folks in the audience, than the idea that well, the President has done so and so and we're going along with him, we're backing him up, or whatever the colloquial words were that we used. And so I think that is a very grave and a very material difference and if we choose not to act, if we're irresolute, nothing will happen after thirty days.

Now you could say that you can't compel that on the President. He can still use the Army and Navy and Air Force which he commands. But I believe the American system is effective enough so that a President will not do that in the face of a clear mandate of law, any more than I think that we're going to refrain from appropriating the money to pay interest on the national debt, which we don't do of course, or anything like that in the face of a clear mandate of law, a clear obligation of the United States.

Now, one last word. I do think that there are a number of things we can do in the Congress, aside from this bill of mine, which I think will give a new vertebra to the relationship, in view of the fact that the relationship since Vandenberg's day has fallen apart so badly. I thoroughly agree with George that this was the halcyon day of accomplishment. It was the great day of executive-congressional cooperation. He had a very unique personality.

I think we have now had six closed door sessions of the Senate. Now I've been in every one of them and some of them have not been so hot in the sense that you wondered what we needed it for. But that's good, not bad. I'd rather overdo it than underdo it, because this is a way in which to share allegedly secret information, to deliberate without the glare of the Kleig lights, and to feel impressed upon us the solemn responsibility of life and death and war and peace and prosperity and depression. Another way which I think is extremely important is the possibility of interrogation. We may be able to find some way in which the excellent parliamentary system of questions directly to the Cabinet official responsible could be used. There could be some form of the committee as a whole or some other technique which could be employed in that way, and that I think would be another valuable asset. The techniques of consultation can be enormously fortified by a better codification which would be equally binding upon members of Congress as to what it means to breach national secrets. I see no reason why we, as members of Congress, should be free of the penalties of law where the security and future of our country are at stake, if we blab about it. Now these are some of the techniques which I believe are possible, and which could materially improve the American process which has been so very profoundly challenged.

Mr. FRYE. I doubt that many members of the audience realize that the issue of secrecy reached a ludicrous pinnacle in the last year when background briefings given by senior executive officials, background briefings for the press, which were available to the Tass correspondent in Washington, were denied the Senate Foreign Relations Committee. This is the kind of unfortunate conundrum that gets created when common sense is hard to find.

I wondered, Mr. Ball, in groping for the points of agreements that both of you stated, if there is one formulation that you might comment on. If you both agree that there's a role for Congress in critically assessing foreign policy alternatives, is it not possible that a revised Congressional role, a strengthened Congressional role, is the shortest route to providing confidence in the country, ending the very malaise which you say is the underlying circumstance? Don't you think that once the country was persuaded that Congress was overseeing the executive branch more rigorously, a new basis for popular confidence in American foreign policy would exist?

Mr. BALL. I'm not sure. I think that there may be something in that. I think that the country, that the people would like to have the feeling that the Congress was watching with a very diligent eye on what the executive department was doing here. I think what the Senator said earlier was quite true, that by and large when the Senate and the Congress have been put to the test, they behave very well. For example, take the action on the Mansfield Resolution. I didn't mean to suggest at all that this was Congressional irresponsibility. I thought that the 61 votes against the Mansfield Resolution was a very great demonstration of Senatorial responsibility. I think this is reassuring.

I am puzzled by the particular problem which is posed by Senator Javits' legislation. I don't feel strongly against it. I would like to think that there could be some drafting that would result in exactly what he wants to achieve. On the thirty day provision, I have some doubts about it. I can just imagine the difficulty that Congress would feel after American troops had been deployed in a particular area to compel the President to say "Whoops, I'm sorry. I didn't mean to do this, boys; come on home." I don't think that the Congress would be more inclined to do this than they would to get us out of Vietnam, where we've got major commitments and where, as I suggested, they could get us out if they wanted to take the extreme of exercising their powers over appropriations.

The difficulty is that this is a dilemma and it's not an easy one to resolve. When there has been a conspicuous action taken by the United States involving such things as the deployment of troops, then Congress is faced with a very difficult choice. If it repudiates the President, it weakens him in a whole area of policy to an extent that signals to the world that the President, whatever he may say, isn't a man who can speak with any authority because the legislative branch is not going to support him. I also find very, very great reluctance on the part of Congress—and this is quite understandable simply because they are highly responsible—to take this kind of action.

Therefore, all I am suggesting is that having looked at a number of different drafts of legislation that was designed to accomplish what the Senator is seeking to do, I doubt very much if it can be done. I think that on the one hand it may be more formal than real. It may suggest that there are limitations on the President which the President necessarily might feel, or it could go beyond that to put restraints on the President, which I think the Congress probably wouldn't like him to be subject to. But I don't want to be categorical about it. I'm only saying that this is a problem that has to be looked at very carefully from all points of view and that it's something we shouldn't do very hastily.

Senator JAVITS. Well, George, I would like to make you an offer. I think you're a brilliant lawyer and I would like very much to have your redraft of my bill. I don't think it's even necessary to defend the 30-day business, although I think I could do a pretty good job. But I am really serious. I'd like to see your draft very much and I think it would be very helpful to the Congress.

Mr. FRYE. The symbolism of a Javits-Ball collaboration is pretty tempting.

Ladies and gentlemen, we'd be happy to entertain questions from the floor. Either of the panelists would be happy to respond.

Mr. Ball, the lady's question is for you. "Is not our problem that we have had too much anti-communist consensus and that our elite leadership decided to take us into the Vietnam war because of its obsession with the alleged Soviet threat?"

Mr. BALL. Well, I'm fascinated by the suggestion that there was a decision by the elite leadership, whatever that may be. I'm always concerned by these particular phrases because they seem pretty stylized and not very precise. It was not an arbitrary decision that the Soviet Union was an enemy of the United States and therefore we had to resist the Soviet Union. I would suppose there have been plenty of demonstrations of the nature of the Soviet ambitions, and to say that this was what got us into Vietnam, I would rather modify that. I would suggest that the reason we got into Vietnam was because we had a kind of general framework of policy. The problem was how to apply that policy. There were some places where it was wise to intervene. There were other places where it was unwise to intervene.

I think that the tragedy of Vietnam was that we rather uncritically intervened in a situation where the expenditure of American lives and treasure was certainly incommensurate with the strategic interests that we had in that part of the world. To extend that, however, to say that this means that the whole policy in trying to maintain a balance with the Soviet Union is a mistake is nonsense. I think that anyone who has worked in the business becomes convinced very soon, particularly if they have had the problem of negotiating with the Soviet Union and trying to work out areas of common interest with the Soviet Union, that there is a very definite conflict of ambition here and that the Soviet Union by and large has very expansionist ambitions and if some restraints are not imposed, we will find ourselves in a world which none of us would find very attractive.

Mr. FRYE. Senator, are you once burned and twice shy and evermore opposed to consensus?

Senator JAVITS. No. I think the lady has served us all very well by expressing a point of view which is very often expressed, but it leaps from one point to another with nothing intervening. The fact is that the world has moved and developed since 1944 and that the American people have had a whole series of Presidential elections and have made their choice, as they chose, and that there is no elitest government, except the government they have installed. And the question pre-supposes a point which I very profoundly challenge, that is, it accepts the USSR on an equal basis. Who is the USSR that we talk about. It's a regime composed of a party of nine million, at the most, in a population of well over 200 million, which tyrannizes everything and everybody around it. Now is that an equal? Is that a commensurate voice of another people? We have to remember that and as George so very properly said, we forget the lessons of Czechoslovakia and of Hungary and of Poland, of anybody who has the foolhardiness to misbehave once that collar is around their neck. We're not talking about illusions here, or euphoria. These are very real things. Now that doesn't mean we have to make violent war upon it, but it also doesn't mean "better red than dead". These are the issues

which we have to face, so that I cannot accept these postulates that it's some elitest government. This is a government elected by the people and constantly re-elected.

Nor can I accept the fact that the American people are pursuing some ethic which is conflicting with that of the Russian people. We don't know what the Russian people want. For all we know, they want exactly what we do. And we are not going to run to get into Russia and try to change it. But at the same time, we're not going to let this particular point of view convince us on the theory that it represents some concordant opinion of many, many millions of people like we do.

Mr. FRYE. Another question from the floor for you, Mr. Ball. "How was it that after '65 and '66, when it appeared to the average man in the street, that the Vietnam Program was a mistake, such able people as Secretary McNamara and Secretary Rusk and yourself and other leaders at that time and the successors in the Nixon administration and the two presidents themselves, could perpetuate the Vietnam Program? And in particular, how did people of such high quality get involved in what appears now to have been an intentional hoodwinking of the Senate in the Gulf of Tonkin Resolution?"

Mr. BALL. What we had, so far as the Administration is concerned, was a process, a process in which one step was taken and then another and events intervened which required the steps be taken. It was always the hope on the part of some, I think, the conviction that a little increment of effort, a little addition of manpower, a few more tactical operations would bring about a changed situation. When great nations get into a situation of involvement of this kind, it's extremely difficult to change courses. I won't go into the personalities of my colleagues. I was involved in this and history is going to point this out and I don't think it's terribly important according to history just who was in favor of what. Let me tell you that as the situation appeared looking at it from the inside, the temptation to undertake some new initiative was always very, very great. What the military was proposing was usually initiatives very much larger than those that were undertaken. I have great sympathy for the position of the military because they felt that they were under great constraints, which they were; at the same time their obligation was to bring about a successful military conclusion. There was a decision made by the President on the basis of consultation with the top colleagues that if something was worth doing, there was always the tendency not to want to do it fully because of the implications that it might have for widening the war, and the process continued.

You ask about the Gulf of Tonkin Resolution. A certain mythology built up that this was an attempt to hoodwink the Congress. I don't think it was and I was there at the time. There were two attacks that were made or alleged to have been made, and I don't want to get into the argument as to whether they were attacks or whether people simply thought they were attacks. In any event I can assure you that as far at least as the first attack was concerned, there was a pretty general conviction that something had happened which did, in fact, jeopardize American lives on the destroyer and that this was an aggresive action. And so there was a decision made to go to the Congress and ask for some legislation which would authorize them to do what was necessary. Well, the Congress had a chance to look at this, and indeed they did look at it, not very carefully, I think, as most of them now feel. The Senate Foreign Relations Committee had a chance to look at it and Senator Fulbright himself finally managed the legislation on the floor of the Senate and carried all but two of his colleagues with him. I think that everyone has a lot of second thoughts about all of this, but it's rather easy to sit here now and look back on the events that occurred and be quite wise after the event.

When a country is involved in something, when the experts say look, there is a solution, all we need to do is work it out and things will improve greatly. There's a deep sense of anxiety to get on with it. There was the pattern of Korea which I think influenced a number of my colleagues who had been through the experience. We did come out not too badly in Korea. We came out with the result that we set out to achieve. There was a feeling that this was to some extent a replay of Korea. I think it wasn't but there was a feeling that it was. All of these things entered in and I would prefer to leave it to the more objective historians to chew over the responsibility that the individual personalities may have had.

Mr. FRYE. There is one point worth mentioning before we take the last question and that is: it's very easy to forget how gradually American opinion came to hold the view that we had made a mistake in Southeast Asia. For example, it was not until 1968 that a majority of American college students came to believe that Southeast Asia war policy was mistaken. Prior to that time, we had a majority of students from our campuses, the surveys show, actually in support of government policy. So the man in the street, I'm afraid, partly because of the obvious measure of confidence he wished to place in his government, the man in the street learned as belatedly as many of those in government.

The final question for both of you gentlemen: "Is not one of the basic errors to evaluate Vietnam and other problems in purely quantitative, computerized terms. Doesn't this permit the Defense Department to overwhelm the National Security Council meetings with expertise and to carry the day in ways which may be extremely harmful to the future of the United States?"

Mr. BALL. First of all, let me clear up one point. The National Security Council is surrounded by a great deal of mythology. I never knew, in my own experience under two Presidents, the National Security Council ever to make a serious decision on anything. It wasn't the body in which these things were discussed and I doubt that it is right now. There is a kind of assumption that the National Security Council is like a corporate board of directors can fire the President and the President can fire the National Security Council. Now, the fact was that most of the decisions that were made were made by the President after consultation with a relatively small handful of people because this was the habit of Presidents and I think it's the habit of any executive faced with these terrible responsibilities to talk to the people in whom he has most confidence. There was a tendency on the part of Secretary McNamara to think in quantitative terms which was his own background, his own discipline. On the other hand, there were those of us there who had quite different disciplines, quite different backgrounds and I would not suppose that these decisions were made merely on the basis of some kind of quantitative appraisal of the situation.

I may say, just as a minor footnote, that there was a time when I was practising law before my last experience in the government when I, as a lawyer, represented some of the agencies of the French Government and I lived with my French friends through some of their own experiences in Indo-China. One of the reasons I felt as I did about Indo-China was because they had exactly the same statistics. They look at the pure ratios and they looked at the body and they looked at all of exactly the same statistics and this is the convenient way you make these judgments in war.

I think all of us were quite aware of the fact that something like a body count was overstated by a factor of two or three. So there was a tendency to overstate these things. You know, I think what you say, there is an element of truth in it. I wouldn't be too concerned about it. I think that if there was a tendency to quantify things and make judgments on the basis of quantification, I think that the government rather largely got over that as time went on and it developed more experience. I don't know enough about the internal workings of the present government. For odd reasons I'm not privy to all their activities, but in any event, I would doubt that they're making decisions on this kind of a mechanistic basis.

Mr. FRYE. Senator, I'm not sure which aspect of the issue you'd like to comment on, but many members of the House and Senate have been concerned about the more extensive National Security Council mechanisms that have been created in the past few years and a tendency of this new mechanism to insulate certain key officials from Congressional oversight. Is that an issue you'd like to make a parting comment on?

Senator JAVITS. Well, I would first like to thank the Woodrow Wilson Center for Scholars for bringing us together today. It's always illuminating and helpful and I got myself a very high-priced lawyer.

I would like to comment on that. There's a lot of agitation in my committee about the invocation of executive privilege by White House assistants. Frankly I don't share this. I have a great measure of agreement with my chairman, but this is one thing that I don't particularly see eye to eye with him on. I think George is absolutely right. There is one man and that's the President and he's entitled to get all the help that he can whenever he wants it. But we're entitled to hold him responsible. We had a rather dramatic discussion on the floor of the Senate one day about who was really the Secretary of State, Dr. Kissinger or Bill Rogers. And I made the very serious point that it was none of our business and it shouldn't matter to us. We had one man to hold responsible, whether he got his advice from Kissinger or Rogers or anybody else, that was the President. And I think that's right.

But I do think that we, in turn, and I'd like to close on this note, have to insist on our authority and the right to exercise our responsibility. And we ought to profit from the existing experience, with the support of the people, using the very best brains that we have to establish a methodology in which we can give our input. Perhaps we're undercomputerized, but we certainly aren't computerized. And this touch is very essential when you're dealing with such life and death issues as we have. So I think the points made tonight bear out the urgent need not only for executive-Congressional collaboration but for a methodology and technique by which the responsibility can be so impressed upon the Congress that it will assume it equally with the President.

Mr. FRYE. Ladies and gentlemen, just one final note. Some years ago, and Senator Javits may know the story, there was a Russian visitor to the Congress and he was quite perplexed by the ways of the Senate debate. "It's all so confusing," he said, "a man gets up to speak, nobody listens—and then everybody disagrees." Fortunately, appearances are sometimes deceiving in that regard and while we can't guarantee agreement, it's clear that the kind of discussion we've had here this evening is prerequisite to the consensus to which we aspire. For helping us strive toward that goal, we are indebted to our distinguished guests. Senator Javits, and Mr. Ball, in behalf of the audience and the

Woodrow Wilson Center, thank you for being with us.

THE FARM CREDIT ACT OF 1971

Mr. NELSON. Mr. President, as a cosponsor of S. 1483, the Farm Credit Act of 1971, I was pleased that the Senate adopted this important legislation last week. In doing so, this body recognized the need to face up to the serious problems in the farm credit field that have been outlined by members of the independent, nationwide farm credit system.

The Senate Agriculture Committee was told by credit experts that by the end of this decade farmers will need twice as many loan dollars as are being used currently. This means that the $60 billion available for farm loans today must be increased to over $100 billion if the needs of agriculture are to be met.

Although the farm population has declined in recent decades, farm credit needs have risen sharply, because agriculture has shifted radically from a labor-intensive to a capital-intensive industry. With this shift have come tremendous demands for capital to cover costs of expensive machinery and services.

Despite a rising tide of rhetoric, farmers are coming to recognize the unfortunate reality that a serious disorder in our national priorities have left them far down on the list. The financial plight of the farmer, responsible for producing food and fiber for over 200 million people, continues to be critically serious.

It is clear that additional farm and farm-related loan funds must come from the private sector. The 1 million members of the cooperative farm credit system recognize this.

Two years ago the members of the system finished paying back, with interest, to the Treasury all Federal "seed money" which had been provided by the Congress to get the system standing on its own. Now the system's members have asked the Congress to provide for modernization of the 54-year-old farm credit system. With the requested improvements, the system's members believe they can provide their share of the sharp increases expected in farm credit needs in the coming years.

Unlike other bills that have come before the Congress, the Farm Credit Act approved by the Senate last week involves no Federal loan guarantees, no subsidies—no taxpayers' money. The act would permit farmers to obtain additional credit in the Nation's money markets where they will, of course, pay the going interest rate on borrowed money.

Even though interest rates have risen sharply in recent years, the farm credit system of raising funds has continued as an outstanding success. Farm credit securities are among the most respected by investors throughout the Nation and are included in many State government portfolios.

There are many features in the legislation adopted by the Senate that will benefit farmers in Wisconsin and elsewhere. The legislation would, for example, permit land bank mortgage loans to responsible—but credit-poor—young farmers. A young farmer who desires to acquire farmland today can obtain loans on only a little more than half of the normal farm value. Under the Farm Credit Act of 1971, young farmers could obtain loans on the basis of their ability in agriculture rather than solely on their ability to make an extremely high downpayment. At present, only about 5 percent of land bank loans are made available to young farmers. The Farm Credit Act of 1971 should help increase this percentage without any threat to the soundness of the land bank system.

And it should be noted that by removing restrictions on the system's land banks, we will be helping many established farmers who need additional land to create more efficient family farms but who do not have great sums available to tie up in large downpayments.

The Farm Credit Act of 1971 would boost rural development in Wisconsin and elsewhere by providing a limited amount of funds for nonfarm rural housing. The fact that two-thirds of all substandard housing is located in rural areas make it imperative that we confront this problem.

Another feature of the bill which is important to farmers is the provision for financially related services. This is based largely on the success of the Agrifax program.

Agrifax has 5,992 subscribers, of whom 4,592 are in the St. Paul farm credit district—Michigan, Wisconsin, Minnesota, and North Dakota—with 2,720 members in Wisconsin. Agrifax is the copyrighted term for the electronic farm record service developed in the St. Paul district.

There are more computer farm records subscribers in Wisconsin than in any other State. I am particularly pleased that the Farm Credit Act of 1971 would expand this service for those farmers, in Wisconsin and elsewhere, who request it.

Let me also comment on another feature of the act that would change the debt-to-net-worth ratio of the Banks for Cooperatives from 8 to 1 to 20 to 1.

As in farming itself, farmer cooperatives need and use a great deal of credit. It is not uncommon for a typical Wisconsin dairy-processing cooperative, for example, to have doubled its capital requirements during the past 5 years. The result is that the cooperatives cannot build ownership capital in their Bank for Cooperatives at the same rate as their need for borrowed capital. This means that the debt-to-net-worth ratio of the Banks for Cooperatives narrows.

A 20-to-1 ratio is entirely consistent with sound business principles. Adjusting the ratio for the Banks for Cooperatives would conform to ratios of the other banks of the farm credit system.

Another important feature of the Farm Credit Act of 1971 is the adjustment of the voting media requirement for eligible cooperative borrowers from 90 percent held by farmers to 66⅔ percent.

Many farmers who retire want to continue their membership in their cooperative to enable them to take advantage of the cooperative's services. But if a local farm supply cooperative is to retain very many retired farmers as members it may endanger its eligibility as a borrower of the Bank for Cooperatives. The cooperative's board of directors is faced with the difficult choice of dropping longtime members or losing a dependable credit source. It therefore seems reasonable to reduce the voting media requirement to 66⅔ percent.

By the end of 1970, over 30,000 Wisconsin farmers and 130 Wisconsin cooperatives had $467.3 million in outstanding loans from the farm credit system. Under the Farm Credit Act of 1971 it is anticipated that by 1980 Wisconsin farmers will be able to obtain around $1 billion in farm credit loans.

I am pleased, Mr. President, to speak on behalf of this important, forward-looking measure and I hope that the House will approve the Farm Credit Act of 1971 soon after the August recess.

IN MEMORIAM—DOROTHY ANDREWS KABIS

Mr. ROTH. Mr. President, recently we were all shocked and saddened to learn of the sudden passing of a dear friend and a great public servant, Mrs. Dorothy Andrews Kabis, the Treasurer of the United States.

On July 9, my predecessor, former Senator John J. Williams, of Delaware, delivered the eulogy at a special tribute for Mrs. Kabis at the National Presbyterian Church here in Washington. It was my privilege to read the message prepared by President Nixon at the ceremonies as well as to deliver a statement of my own in honor of Mrs. Kabis.

I ask unanimous consent that these three tributes—the eulogy of Senator Williams, the message of President Nixon, and my own statement—be printed in the RECORD.

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

STATEMENT OF SENATOR WILLIAM V. ROTH, JR.

To have known Dottie Kabis was to have loved her. Although petite in physical stature, her warm and vibrant personality and bright mind made her stand tall wherever she appeared. Like the popular song, she dared to dream the impossible dream—to right the unrightable wrong. But unlike Don Quixote, the Man of La Mancha, Dottie succeeded in reaching the unreachable stars.

She first became involved in politics when she dared to seek to eliminate vote fraud. To her mind, the vote was the single most important aspect of democracy. Without free elections, there could be no democracy. Consequently, her first year of political action was in helping bring about the use of the voting machine.

Once initiated into the realm of public affairs, Dottie followed that age-old American tradition of joining a political party. Her choice was the Republican Party and over the years she became a mainstay of Republicans in Delaware, as well as throughout our Nation. While Dottie was fiercely partisan, fighting with all her ability to elect Republicans, she was an excellent defender of our American heritage—the two-party system.

Dottie loved America and everything for which our great nation stands. To hear Dottie speak was like watching the stars and stripes march by. Dottie was religious, serving as a lay reader in her church. Dottie loved

Delaware, her farm in Odessa, and her friends and neighbors. She came to know the famous and the near famous, but wherever one met her—often than not—her conversation turned to Delaware.

Dottie loved her family, especially her mother who was by her side throughout these many years, and her great joy and happiness in her final months were in her husband, Walter Kabis, and his children.

Dottie meant so many things to so many people, but above all she symbolized the great American story: the young woman from an Odessa farm who went on to become the 33rd Treasurer of the United States. There was a lesson to be learned from the life of Dottie. By becoming involved, one can become influential in the affairs of our Nation. It is not easy, for it takes the dint of hard work, self sacrifice, and the will to succeed. All these traits were characteristics of Dottie.

We shall all miss Dottie not only for her leadership, but because of the warmth and vitality she brought into our lives. Dottie loved poetry and her favorite was one that personified her.

Why were the saints saints?
Because they were cheerful
When it was difficult to be cheerful,
Patient when it was difficult to be patient,
And because they pushed when they
Wanted to stand still, and kept silent
When they wanted to talk,
And were agreeable when they wanted to be disagreeable.
That was all.
It was quite simple and always will be.

MESSAGE PREPARED BY PRESIDENT NIXON

I have the honor this afternoon, on behalf of President Nixon's personal representatives, Mrs. Virginia Knauer and Mrs. Patricia Hitt, to read the following message from the White House:

"The untimely death of Dorothy Andrews Kabis is a blow not only to her friends and associates, but to the country in whose service she lived and died.

"Her dedication to good government was unwavering, her organizational talents unsurpassed, her sense of humor unfailing. The eloquence, perseverance and tireless devotion of 'Dottie' Kabis to the important causes she espoused gave her immeasurable influence in countless areas of national endeavor.

"She provided the modern American woman a stirring example around which to build her life, and proved to all of us the unlimited potential for achievement by women in our society.

"The Republican Party is proud to claim her. But we are even prouder that she shared her talents with the nation. As we who worked with her and knew her best now memorialize the enduring good she did, we also set the tone for what will be a nation's lasting tribute. In our hearts, as in the hearts of her friends across the country, there will always be a special place for Dorothy Andrews Kabis.

"RICHARD NIXON."

DOROTHY ANDREWS KABIS

(Speech by John J. Williams)

The life span of man or woman is but a flickering moment in the passing of time, and yet in each generation there arise a few who as the result of their unselfish dedication to the service of their fellowman can leave a record that will live long after they have departed from this life.

Such a person was Dorothy Kabis.

Dorothy Kabis—or "Dottie" as she was known to her host of friends—loved her family. She loved America. She loved people, and her happiest moments were when she was rendering some service to a friend, her church, her community, or her country.

Born in Wilkes-Barre, Pennsylvania, in March 1917, Dottie became a Delawarean early in life. She soon became active in business and public affairs—gaining widespread recognition in both fields. She was the recipient of many national awards and honors, her career being climaxed in March 1969 when she was appointed Treasurer of the United States by President Nixon. She was the fifth woman to hold that high office—a position she was holding with distinction at the time of her death.

Dottie never considered herself a teacher, and yet her whole life was patterned after the example of that greatest of all teachers—The Master. She taught by setting an example for others.

As a public official she will be remembered as a dedicated public servant of high integrity.

As a private citizen she will be remembered throughout her state and country as a lady with compassion for others.

As a wife and mother she will be remembered for her devotion to family and for her high principles of morality.

No task was ever too menial for Dottie if she thought it meant rendering some service to a member of her family, a friend, her church, or her community.

Her sudden departure from this life came as a shock to her family, the members of her staff, and her host of friends in Delaware and throughout America, and our sympathy goes out to her mother, husband, and the other members of the family.

With the departure of Dottie our country has lost one of its valuable servants. Our state has lost one of its most highly respected citizens, and those of us who had the privilege of knowing Dottie as a person have lost a good friend.

But knowing Dottie I wonder if this is not the way she would want it. She was active and busy to the end.

Dottie had an unselfish religious belief, and I am sure her last prayer was patterned after that classic prayer of Bobby Richardson, former Yankee second baseman, who at a meeting of the Fellowship of Christian Athletes said:

"Dear God, Your will—nothing more—nothing less—and nothing else. Amen."

CONVENTION ON BIOLOGICAL WEAPONS

Mr. FULBRIGHT. Mr. President, yesterday, at the conference of the Committee on Disarmament in Geneva, the United States and the Soviet Union jointly proposed a draft Convention on Biological Weapons. The draft would prohibit the development, stockpiling, and acquisition of biological weapons and would require the destruction of the existing stockpiles of such weapons.

I commend the administration for this limited initiative which hopefully will lead to the prompt conclusion of a definitive treaty. Such a treaty would be a useful supplement to the Geneva protocol of 1925 and would represent another step toward containing the arms race.

One provision of the draft convention would require each signatory to negotiate "in good faith on effective measures for prohibiting the development, production, and stockpiling of chemical weapons and for their destruction." This recalls our attention to the administration's restrictive interpretation of the Geneva protocol as it relates to chemical weapons, a view which presumably applies with equal force to its interpretation of the term chemical weapons in the draft convention submitted at Geneva. The administration has indicated that it does not regard the protocol as prohibiting the use of tear gas and herbicides. In view of the strong dissent from that view which was expressed at the hearings on the protocol held by the Foreign Relations Committee, I sent a letter to the President requesting reconsideration of this interpretation. To date the committee has not received a substantive reply to that letter.

I presently expect that the Foreign Relations Committee will hold hearings on the draft convention and related issues following the forthcoming recess. Since the proposed treaty is still in draft form, hearings at this stage will enable the committee to consider it before the final version is crystallized. The committee will accordingly be in a position to discharge its constitutional responsibility to advise the executive branch on these issues at a time of optimum effectiveness.

At the hearing on the draft convention it will also be appropriate to consider Senate Resolution 154, introduced by Senator HUMPHREY, and Senate Resolution 158, introduced by Senator BROOKE, relating to the administration's restrictive interpretation of the Geneva protocol and the use of tear gas and herbicides. I would hope that by that time the administration could inform the committee as to the current status of the studies undertaken on this question and whether it has reconsidered its prior interpretation. It will also be an appropriate time to review the current status of the herbicide program in Vietnam and whether the administration has reversed its prior assurances to the committee that the program was being phased out.

U.S. COMMITMENT IN SOUTHEAST ASIA

Mr. STENNIS. Mr. President, it is clear that we are in the process of ending our direct-combat involvement in Vietnam. I think the people, here and in Vietnam, support and applaud President Nixon's determination to withdraw U.S. forces, but I must say that I have some new concerns about the way in which our Government and the Government of South Vietnam are approaching that goal.

In the first place, Mr. President, I have, as is well known, supported President Nixon in his determination that a non-Communist government in South Vietnam be given a "reasonable chance" of survival. My first concern, of course, is that our troop withdrawal go forward in an orderly manner so that the safety of U.S. units will be assured. I have long believed, in that connection, that a residual U.S. garrison would be required, for a while, as a part of an orderly transition to "Vietnamization."

I hope that President Nixon, when he reviews his withdrawal program this fall—if not before—will, at minimum, tell the congressional leadership and the appropriate congressional committees just how he foresees the transition period and the final removal of all U.S. military units.

Even after the transition period is ended, Mr. President, the people of South Vietnam will, according to administration spokesmen, require very substantial aid from the United States. I think it is, therefore, quite clear that an expeditious withdrawal of military forces will not mean that the United States is abandoning South Vietnam or abdicating its role as a Pacific power.

Indeed, Mr. President, it is the continuing nature of the overall U.S. commitment in Southeast Asia which gives rise to the second of the concerns which I want to discuss today. I want to say, Mr. President, that I am simply appalled by the recurrent charges of corruption in the Government of South Vietnam—especially as those charges involve the contemptible traffic in narcotics which menaces the young men we have sent to help that long-beleaguered nation.

Mr. President, I do not want to unjustly malign individuals or give substance to unproven charges. I do not know whether high officials in Saigon are profiting, directly or indirectly, from the narcotics traffic. I do know, however, that the charges are widely believed in Vietnam and in the United States. I also know that, as elections draw closer in Vietnam, these charges will proliferate and that the popular concern will increase.

I want to suggest, Mr. President, that the Saigon government has in its hands, the clear solution to this problem, the final answer in this dilemma. That government can, if it will, cooperate in a narcotics crackdown so forceful and so complete that there can be no question about the government's good faith and integrity. I earnestly hope that the Government of South Vietnam will act in just that way to put these stories to rest.

I do not mean to be unfairly critical. I am advised that, since May, when U.S. authorities stressed the gravity of the narcotics problem in talks with President Thieu, a good start has been made toward restricting the availability of heroin and other hard drugs. The seizure last week of large quantities of heroin and opium, through the cooperative efforts of Thai, South Vietnamese, and United States authorities, was an encouraging development.

From on-the-scene reports, however, I conclude that heroin and other hard drugs are still freely available throughout Vietnam—if not so instantly procurable, everywhere, as they were a few months ago. I am told that much of the anti-drug campaign to date has been focused on the street "pusher" at the retail level and that the effect has been to drive the drug traffic slightly underground.

Mr. President, I believe that this situation poses something of a test case for the Government of South Vietnam. Many Americans—not to mention many Vietnamese—will be watching to see whether the Saigon government now moves to follow the flow of heroin up the distribution chain to apprehend the wholesalers and entrepreneurs, whoever they may be. That is the sort of crackdown which is required if the availability of narcotics is to be materially restricted as U.S. military authorities act to restrict their use. I think the extent to which the American people, through their Congress, are willing to extend their already extensive commitment to the people of South Vietnam will depend, in large measure, on whether the Saigon government acts forcefully in this matter.

I want to say, Mr. President, that I shall be watching—along with each Member of the Senate and House—along with the people, in Vietnam and in the United States—I shall certainly be watching developments in this area, and I shall be expecting positive steps to curb this despicable traffic in human misery and reduce the hazards for our men in Southeast Asia.

ANOTHER "MANHATTAN" PROJECT TO SOLVE NATION'S DRUG PROBLEM

Mr. JAVITS. Mr. President, twice in the past, when we as a Nation have been faced by a pressing problem of major proportions, we have established special agencies to pursue all aspects of those problems. The Manhattan project gave us the atomic bomb, and NASA took us to the moon within 10 years.

Today, we are faced with another problem of crisis proportions, namely drug abuse, one which may prove to be a greater threat to our way of life than any problem we have yet faced as a Nation.

On July 6, the New York Law Journal published a front-page editorial entitled "Needed: Another 'Manhattan' Project To Solve Nation's Drug Problem." I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks. The editorial calls for a massive response, along the lines of the Manhattan project, to conquer the epidemic of drug abuse before it grows to defy all imagination.

Such an approach makes sense. It would mobilize the best talent the Nation has to offer, regardless of specialty, and would insure adequate financial support to carry out a program on the scale required. The Office of Drug Abuse headed by Dr. Jaffee in the executive office may well prove to be the beginning of such an approach as now proposed by the President.

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

[From the New York Law Journal, July 6, 1971]

An Editorial

NEEDED: ANOTHER "MANHATTAN" PROJECT TO SOLVE NATION'S DRUG PROBLEM

(By Jerry Finkelstein, publisher of the New York Law Journal)

Attention: President Nixon, All Leaders of Government and the Bar.

During World War II a secret project whose code name was "Manhattan" tackled every conceivable angle so that the United States could produce the atom bomb. After the war, Congress established the Atomic Energy Commission whose sole function is to study and develop new uses for the atom—and these studies have been conducted on an all-encompassing basis by all academic disciplines.

Similarly, when the United States embarked upon its space program, the National Aeronautics and Space Administration was set up to oversee the program. It was charged with every aspect of the nation's program, using not only engineers, but astronomers and historians, manufacturers and others who could contribute to every minute area of study.

Drug abuse has long since become a scourge that threatens the national character and fabric. No segment of our society is immune from the impact of this deadly plague. Our children at all levels of school have been infected. It is the major cause of soaring crime rates that undermine security in our homes and streets and parks. It has corroded the morale and discipline of our armed forces in Vietnam. It takes a huge toll out of the business activity in terms of absenteeism and poor employee performance. It clogs our court calendars.

It is tragic that a crisis of such magnitude has not stimulated a national response on the level of the "Manhattan Project" or NASA. If we had recognized the need for this approach three years ago, or five years ago, or ten years ago, perhaps there might not be a drug problem today. If the best brains of the nation were used to study the drug abuse problem—not only chemists, but educators, physicians, psychologists and psychiatrists, sociologists, clergy, attorneys and judges, legal enforcement agents and any other conceivable group that could shed light on the subject, perhaps today we might know whether marijuana is safe to use or not, or if it leads to the "hard stuff." If the nation had undertaken the massive response to the drug problem as it did to the atom and space, perhaps today there would not be a debate as to whether or not marijuana should be legalized. Nothing less, in our judgment, but this massive undertaking will put an end to drug addiction.

This same observation can be applied to methadone and other aspects of the drug abuse problem. Programs for treatment and rehabilitation of addicts and education programs to prevent addiction are inadequately financed and uncoordinated. But more important we are full of half-truths and ignorance in our nimble approaches to solving the problem.

What is urgently needed is a strongly financed, well-coordinated mobilization of the nation's resources to develop a comprehensive program to put an end to this national disaster and disgrace. Such a program should accelerate our research, to telescope the work which has not been done in the past five or ten years, so we may save our people and our nation.

The United States has attacked so many difficult problems—from polio to the atom—and found solutions through massive injections of money and talent. Drug abuse is more of a problem and should be approached in the same manner—not through some piecemeal program with miniscule funding. It requires a broad scope—from legislation to treaties with other nations—so no stone is left unturned.

The drug problem is a challenge which must be faced by the members of the American Bar Association. Drug and drug-related cases jam the courts and impede the legal profession's work. As civic and community leaders, members of the Bar can play a decisive role in prodding into action the White House, Congress, Governors and Legislatures to provide the initiative and financing needed to put an end to this major threat to our nation.

It is true that the White House has recognized the problem, and called the nation's attention to the dimensions of the national tragedy, but it has not attacked drug abuse in depth.

It is equally surprising that no "Mr. Anti-

Narcotics" has emerged like a Nader in the consumer protection field.

The time is long since past for us to talk about drugs, and hope it will blow away. It won't! It could eventually lead to the destruction of the civilization we have built and come to know.

Leadership taken by the Bar in mobilizing our national resources in this effort would be in the noblest traditions of the profession.

NEW DEVELOPMENTS IN HIGH-SPEED URBAN CORRIDOR TRANSPORTATION

Mr. PELL. Mr. President, in the past few weeks there have been a number of important rail developments on the regional level, on the national level, and on the international level which I wish to bring to the attention of the Senate.

As a result of the systems analysis of the Northeast Corridor's transportation problems undertaken through the high-speed ground transportation program, in which I have much paternal pride, the Department of Transportation in 1969 developed a number of alternative plans for relieving transportation congestion in the Northeast Corridor.

According to newspaper reports the Department of Transportation has finally chosen a specific plan of transportation improvement for the Northeast Corridor. According to the Wall Street Journal the Department of Transportation has recommended that a minimum of $1.5 billion be expended for improvements. I would urge the President to give favorable consideration to this much needed proposal. This proposal could not only improve transportation services on the east coast, but it could provide a strong stimulus to a faltering economy. I ask unanimous consent that the Wall Street Journal article be inserted in the RECORD at this point.

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

[From the Wall Street Journal, July 15, 1971]

TRANSPORT AGENCY WEIGHS $1.5 BILLION PLAN TO UPGRADE BOSTON-TO-MIAMI RAIL SERVICE

WASHINGTON.—The Transportation Department is considering a plan to upgrade rail service from Boston to Miami, Fla., by offering financial encouragement to railroads to improve roadbeds and track.

Under the plan, which must survive a series of administration and congressional reviews, the rail trip from Boston to New York by 1976 would take three hours, down from four, and the trip from New York to Washington would be shortened to two hours, down from three, for passenger trains, according to a Transportation Department official.

Improvements in the track between Washington and Miami would allow trains to travel between the cities at about 70 miles an hour, compared with a current average speed of about 40 miles an hour, according to the official. A spur would serve Atlanta.

The cost of the plan tentatively is set at a minimum of $1.5 billion, which would be spent by the railroads under federal grants or a loan guarantee program.

The money would go primarily for straightening curves, improving roadbeds and track and eliminating grade crossings where rail lines intersect with highways. The improvements would speed both freight and passenger transportation.

A transportation task force is expected to complete its study of the plan by the end of the month and send a recommendation to Secretary John A. Volpe. Clearance from the Office of Management and Budget and President Nixon also would be necessary before it could be sent to Congress.

Mr. PELL. A second development which I would like to bring to the attention of the Senate is the progress being made by the British Railways Board in the development of an advanced passenger train. This past Tuesday Mr. Paul Cautley, director of research marketing for the British Railways Board, made a presentation at the British Embassy in which he described the $3 million passenger train which the railways board has developed to run at speeds 50 percent higher than existing passenger train speeds without any need for costly roadbed improvements. In other words, if existing roadbeds can handle trains at a speed of 100 miles per hour, the British advanced passenger train could travel at 150 miles per hour.

Mr. President, I ask unanimous consent that a one-page description of the British advanced passenger train be printed in the RECORD at this point.

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

ADVANCED PASSENGER TRAIN

Research and development on new forms of rolling stock has recently centred its efforts on the problems associated with operation at high speeds. These studies have led to the advanced passenger train project.

The Advanced Passenger Train (APT) is being developed as a high performance railway train capable of running at up to 155 mph on existing tracks. The capital cost will, therefore, be mainly that of the train, and no expensive modifications are necessary to the fixed installations of the railway system. The average speed between city centres can exceed 100 mph.

The APT embodies lightweight construction and refined aerodynamic shape and is powered by gas turbine driving the wheels through an electric transmission. The important technical feature is, however, the design of the suspension which allows smooth stable running at high speeds, particularly through curves. In the latter case use is made of a tilting system so that the body leans over in curves counteracting the centrifugal force.

Work on the project, which began just over two years ago, is on schedule and already the first power car and two passenger vehicles of a four-car experimental train—APT-E—are taking shape in the recently completed Advanced Projects Laboratory.

GOVERNOR OF MONTANA—FIRST ANNUAL ENVIRONMENTAL REPORT

Mr. MANSFIELD. Mr. President, Montana is a State which is deeply concerned about the protection of its environment. We have an abundance of natural resources, which singles it out as one of the most handsome States. The people of the Big Sky Country, are very protective of their forests, trees, prairies, and streams.

The State of Montana has acted quickly in cooperation with the Federal Government in the area of environmental control programs. Our Governor, Hon. Forrest H. Anderson, recently released his First Annual State of the Environment Report. This is a most comprehensive message, one that indicates what the people of Montana are doing to protect their resources. I ask unanimous consent that the Governor's report be printed in the RECORD.

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

FIRST ANNUAL STATE OF THE ENVIRONMENT REPORT, 1971

(By Gov. Forrest H. Anderson)

The environmental movement is one of the greatest demonstration of public concern in the history of this country.

It is a popular revolution which will profoundly change America.

It is a new consciousness of the real meaning of life in our society.

Life in America has been dedicated to consumption.

The natural environment has been destroyed by the rage to extract resources and produce goods to satisfy the enormous appetite of the consumer economy.

Success is measured by possessions.

Hopes are expressed in statistics.

Dreams are regulated by advertising.

And beauty is manufactured.

The litany of the consumer economy—more and bigger and faster—has become the principal theme of life in America.

More than 150 years of uncontrolled industrialization has nearly embalmed many areas of this country.

The great American rivers and lakes have been suffocated by filthy effluents.

The skies are hung with poisonous curtains of smog.

Natural landscapes have been replaced by sterile concrete horizons.

The congested and deteriorated cities are virtually uninhabitable.

And a proud history and heritage have been packaged and sold.

The environmental movement is a popular reaction to these and other excesses that have severely deteriorated the quality of life in this country.

Americans finally realized that our society had gone too far in the wrong direction.

The environmental movement is the beginning of the long road back to reason.

This expression of public concern and demonstration of popular action transcends political and economic identities.

It is not the philosophic property of any specific faction.

It is an American movement ranging from individual efforts to control litter to massive corporate and government pollution control and reclamation projects.

The people involved are not all wild-eyed romanticists, as some suggest. The majority are concerned citizens working constructively to protect the environment on which life itself depends.

In Montana, we have not experienced the serious environmental problems that have ravaged other parts of the nation. There are pockets of pollution, torn up lands and dirty streams. But the vast expanse of this state is open and natural and clear.

Montanans have not, however, lost perspective. We live close to the land. And we deeply appreciate the unique environment of our state. This is important in our history and heritage. And I am convinced Montanans will resist any and all efforts to sacrifice portions of this state to create industrial wastelands.

Montana is a state of great topographical variation and natural beauty.

It is also a treasure house of natural resource wealth.

The geological forces that resulted in the towering mountains, rolling prairies and sculptured promontories also created the mineral and petroleum deposits buried beneath the land.

The climatic forces that resulted in the vast forests and grasslands also created ideal lumbering and agricultural conditions.

To extract Montana's valuable resources, we must disturb the natural beauty of the land.

This is the critical dilemma we face.

And the environmental and economic future of this state depends upon an adequate solution.

A year ago, during the Earth Day observaance at the University of Montana I said, "Environmental protection and economic development are not mutually exclusive." I also said I believe a sound economy could exist in a quality environment.

The purpose of this report is to detail the progress we have made in Montana toward achieving this essential compromise.

A year ago, I proposed a ten-point program for the protection of the environment and the improvement of the quality of life in Montana.

The first point was an annual State of the Environment Report including areas of both problems and progress.

This is that report.

We have obtained information from all state agencies involved in environmental control. And this report is intended to be a comprehensive appraisal of what has been done and what more must be done to assure a decent quality of life in Montana.

The second point proposed environmental education programs to convince people that preservation of the natural landscape, clean air and clear water is essential.

In the budget message I delivered to the last Legislature, I recommended that a supervisor of conservation education be added to the Department of Public Instruction. Environmental programs in the schools will be a vital part of the public information required to develop ecological consciousness among the people of this state. Creation of the position is pending legislative appropriation.

The Fish and Game Department, Board of Health, Water Resources Board, Department of Lands and Investments, as well as other state agencies have engaged in environmental information programs in the past year.

I believe these activities have significantly increased public awareness of the need to preserve the environment.

The third point called for pesticide control, to include classification and labeling to eliminate the possibility of accidental contamination.

I am pleased to report the Legislature passed and I signed into law a Model Pesticide Control Act during the last session. Beginning January 1, 1972, all pesticides must be registered before they are sold in Montana. Commercial applicators of pesticides will be licensed.

The fourth point was to define industry's responsibility to the environment to promote increased dedication and reductions in current levels of pollution.

I believe significant progress was achieved in this area during the past year. Most of the corporations operating refining and processing facilities in this state engaged in concentrated efforts to reduce and control pollution.

Anaconda, Hoerner-Waldorf, Humble Oil, Great Western Sugar, Knife River Coal and many other Montana companies spent millions last year on environmental programs. This application of new technology to control the excesses of existing technology will result in significant reductions in industrial pollution. And the enormous cash outlay is irrefutable evidence that these companies are dedicated to preservation of the environment.

The industrial community in this state has responded to the environmental movement. It is moving toward a balance between economic and environmental responsibilities.

The fifth point was the establishment of better land management policies to provide the means to control land usage and reduce degradation of the landscape.

During the past session House Bill 79 was enacted. This legislation provides cities and counties with the authority to engage in a wide range of local planning activities.

The Department of Planning and Economic Development will assist in formulating comprehensive development plans for all interested Montana cities and counties.

The Department of Lands and Investments is initiating a Resource Inventory Management System. This inventory will identify use potential and provide for better management of all state lands.

The sixth point stressed the need for selectivity and consideration of long range effects in industrial development.

Local planning and the resource inventory will provide the information necessary to locate new industrial facilities in areas advantageous to both commercial and environmental interests.

The seventh point called for continuation of the roadside park and rest area construction program to help enhance the environment and control litter.

Seven rest areas will be built along highways in Montana during the next year. We are constructing more campgrounds and initiating a signing program to enable people to easily locate these facilities.

The eighth point was expanded environmental research programs at the various units of the University System.

We are consulting with the colleges and applying the available expertise to environmental problems. However, budgetary restrictions may require some reduction in this overall effort.

The ninth point proposed a legislative program to write new laws to correct existing environmental problems and to provide protection for future contingencies.

The 42nd Legislature conscientiously responded to this challenge. During the past session Montana's existing environmental laws were strengthened. And new laws were written to deal with additional problems.

The Water Pollution Control Law was strengthened by consolidating the authority for enforcement within the Board of Health.

I proposed, and the Legislature appropriated $4 million in state funds to assist Montana communities to construct much-needed secondary sewage treatment facilities.

The Montana Clean Air Act of 1967 is an effective law. The Board of Health has proceeded with the implementation of this law by adopting ambient air and emission control standards. Time tables have been established for the control of all known sources of air pollution. And the Board has conducted public hearings in regard to variances requested by companies unable to comply immediately with the law.

The City of Great Falls has initiated a local air pollution control program. Billings and Missoula presently have effective programs.

Because of significant progress in air pollution control, Montana will have no difficulty in complying with the Federal Air Quality Act.

The Board of Health will soon conduct public hearings on a proposal to regulate animal feed lots. The feeding industry presents an excellent opportunity to improve the economy of the state. The Board is concerned only that feedlots be designed, located and operated properly to prevent water pollution and other environmental problems.

For the first time in the history of the state, Montana has effective mined-land reclamation laws.

The Legislature passed, and I signed into law two bills to provide for reclamation of lands damaged by surface and hard-rock mining operations.

The record of the 42nd Legislature could be the beginning of a new history of environmental protection in this state.

The past session paid philosophical homage to the need to protect the environment.

But the anarchy of the "bare bones budget" may yet subvert environmental laws and negate their practical effect.

It is political hypocrisy to write good environmental laws and then refuse to appropriate funds for adequate administration and enforcement.

I urge the people of this state who are concerned about protection of the environment to contact their legislators and demand adequate funding of environmental laws.

The tenth point called for progressive governmental programs to strive for, among other things, improved opportunities in employment and education, highway safety, improved institutional care and regional and national cooperation to improve the quality of life in Montana.

These intentions are the profile of a progressive state administration. And despite limited fiscal resources, we are making significant advances in many of these areas.

I believe the environmental movement achieved substantial progress in Montana during the last year.

The people, industry and government came to realize the need to protect our unique environment and maintain and improve the quality of life in this state.

This has been a very important year.

But we are only just beginning.

There are serious environmental and economic problems that require immediate action.

The need for comprehensive state and local planning is of particular importance at this time.

The population of Montana increased only 2.9 percent during the last 10 years.

I believe we can expect a much more rapid rate of growth than predicted for the next 10 years.

The population centers in this country are congested, polluted and afflicted with vicious social problems. People in these areas are beginning to re-examine their existence. And increasing numbers are migrating to the sparsely populated inland regions of the country.

They are coming to Montana.

And they will come in increasing numbers.

We must begin now to plan for this influx. This includes zoning and land use regulations to prevent degradation of the land and pollution of the streams.

Without adequate planning and effective control regulations severe environmental problems will be attendant to any significant population increases in rural Montana.

We cannot keep people out.

And I believe good land use regulations and sound planning will allow Montana to accommodate the refugees from the decayed cities.

Presently in Montana, there is a recreational land boom. Organizations and individuals from other parts of the country are buying recreational acreage and closing it off to the public forever.

I am convinced the State of Montana must engage in an aggressive recreational land purchase program. We must keep the waterways, forests and game ranges open for Montanans.

Open land is our heritage.

And if we don't act now, Montanans will be locked out.

We will be aliens in our own land.

There are environmental totalitarians in Montana who rail against any progress, economic development or industrial activity.

Their position is incompatible with history.

Montana has always been one of the most progressive states in the West.

The people of this state have long and actively supported public education, quality custodial institutions and numerous social and rehabilitative services.

The last Legislature demonstrated that all of the good intentions in the world are no substitute for money when it comes to providing government services.

Education throughout the state is threatened by the dynamic increase in costs and the static growth of the tax base.

Employees at the custodial institutions receive abysmal wages for their dedicated services.

Social and rehabilitative services are jeopardized by lack of funds.

And good environmental laws will be crippled by a shortage of funds for adequate research, staff and enforcement.

We must have development in Montana.

We must reduce unemployment.

We must increase per capita income.

And we must develop a tax base capable of funding a progressive government.

This government, a concerned people and conscientious industry can generate this development and at the same time maintain a healthy environment and decent quality of life.

As long as the national government continues to squander the wealth of this nation on foreign adventures, gross military expenditures and a bureaucratic confusion of other misguided programs, the states will be in trouble.

The federal government takes the majority of tax revenues in this country.

The state and local governments get what is left.

And until national priorities are adjusted, the states must lead the way in protecting the environment, supporting education and providing social and rehabilitative services.

This is why Montana must have development and an expanded tax base capable of financing a sound environmental program and other essential government services.

The economies of many Montana communities, such as Columbia Falls, East Helena and Anaconda, depend exclusively on a single industrial facility.

Most of these plants are marginal operations within a large corporation.

The expense of installing pollution control equipment to meet air quality standards often cannot be justified in a marginal operation.

There are then two alternatives.

Continued pollution.

Or closure of the plant.

If the plant closes, the employees who lose their jobs pay the full price of protecting the environment.

This is a vicious syndrome.

It will cost men their jobs.

It will destroy Montana communities.

And it does not have to happen.

I propose that the federal government make available low-interest, long-term loans to allow marginal industrial plants to install pollution control equipment to meet all local, state and federal environmental standards.

If this assistance is made available.

The environment will not be damaged.

Jobs will not be lost.

And towns will not be destroyed.

Montana is an enormous state that was changed from a wilderness by proud people.

A real Montanan is not a drug store cowboy in a checkered shirt posturing for tourists.

He is a worker and a builder and a dreamer.

He is a Butte copper miner, an eastern Montana farmer or rancher, a Hi-line railroader, a Williston Basin wildcatter, a timberman, a school teacher, a country doctor, a lawyer, or a businessman.

And if we can do nothing else, we must assure these people and their children the opportunity to live in this state as they know it—open and free and clear.

FORREST H. ANDERSON,
Governor, State of Montana.

THE INDIAN BUREAU'S INDIANS

Mr. McGOVERN. Mr. President, I have long stressed my belief that the solution to the Indian problem is Indian self-determination in place of programs designed at the Washington level and then administered through a sometimes heavy-handed bureaucracy to the Indians on the reservations. The result of such a policy is to give the Indians little voice in their own destiny and the mistaken conception on the part of some that the Indians have little concern.

Such a view in the past has led to such ill-advised programs as the disastrous termination policy and the equally ill-conceived relocation program.

Native Americans and American Indians are the heirs of a special status with the Federal Government, a relationship which they wish to maintain, and I sincerely believe we must, both morally and legally. This relationship affects the Indian and other native Americans in many ways, but there is perhaps no agency which has a closer day to day contact with the Indian than the Bureau of Indian Affairs.

When the Bureau of Indian Affairs was reorganized in 1934, it was wisely provided that Indians be given preferential hiring treatment in the BIA. At the time it was believe this preferential status would apply to promotions as well. But that is not the case. Indians employed by the BIA generally fill the lowest rungs of the civil service. We cannot realistically hope to achieve full Indian self-determination and self-government until Indians and native Americans are given every opportunity to fill positions of trust in the Bureau of Indian Affairs.

William Greider, in an article in the July 27 Washington Post, describes with considerable success the problems of Indian employment in the Bureau of Indian Affairs. He also points out that BIA Commissioner Louis R. Bruce is aware of the scope of the problem and is taking steps to rectify it. It is something long overdue, and I commend Commissioner Bruce for his interest for giving Indians preferential treatment in promotions as well as hiring.

We must keep in mind, however, that Indians are entitled by law to preference in promotions as well as hiring. It is my hope the Bureau of Indian Affairs will make this a key item on its agenda. Only then will the best qualified Indians seek out employment in the BIA, Indians will start to feel it is their own agency and not an intermediary between the Indian people and Washington. On July 2, I requested Commissioner Bruce make a study of preferential employment. As soon as it is available, I will insert it in the RECORD.

Because Mr. Greider has explained the problem of Indian hiring in the Bureau of Indian Affairs with a keen reportorial eye, I ask unanimous consent that his article, entitled "The Indian Bureau's Indians," be printed in the RECORD.

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

THE INDIAN BUREAU'S INDIANS

(By William Greider)

After ducking the issue for years, the Bureau of Indian Affairs is prepared to admit that the critics have been right—that the Indian agency's employment practices do discriminate against Indians.

BIA Commissioner Louis R. Bruce, a Mohawk-Sioux himself is preparing a new directive which will overturn three and a half decades of policy and begin applying "Indian preference" standards to the agency's promotions system, not just initial hiring.

"We may not end up in 30 years with an all-Indian bureau," Bruce said in an interview, "but we'll make some progress. We can't go on the assumption that we will throw every non-Indian out of the bureau. But it isn't right that so many Indians should be only in the lowest ranks. It isn't right."

The same complaint has been voiced again and again in recent years by Indian militants attacking the agency which oversees federal programs for 477,000 Indians who live on reservations. Around the country, they have filed lawsuits charging the bureau with job discrimination and picketed or seized BIA installations to dramatize their argument that Indian employees fill the bottom jobs, but only a few find room at the top.

When the Republicans appointed Bruce, the new commissioner broke with the past by filling more than 15 of his top staff jobs with Indians. Even so, the overall statistics on BIA employment still reflect the old picture.

Slightly more than half of the BIA's 16,000 employees are Indians—but the bulk of them fill the lowest ranks, janitors or bus drivers for bureau schools, clerks and secretaries, day laborers on reservation, road crews. More than 80 per cent of the jobs from GS 7 and above are held by non-Indians.

This pattern has persisted despite the existence since 1934 of an "Indian preference" law which directs the agency to give job preference to qualified Indians, a measure passed when the New Deal re-organized Indian programs to stimulate self-government. For years, Indian leaders have argued that the law should apply to promotions as well as hiring, but the bureau has always insisted that "Indian preference" referred only to the initial process of hiring, not the later steps up toward management positions.

Bruce directed a young Indian lawyer, F. Browning Pipestem, to research the issue and Pipestem discovered that 25 years ago Interior Department lawyers agreed with the broader interpretation. But the matter was buried and no change was made.

In his search of the files, Pipestem said he could find nothing in the BIA personnel files to explain or justify how the agency arrived at its narrow interpretation of the law. "The BIA is adhering to a fortuitous, unsubstantiated interpretation . . . frequent assertion has become fact and from this assertion, the law," the lawyer concluded.

Curiously, Pipestem discovered that the same question was raised in 1946. The Interior Department's Solicitor's Office, which acts as legal counsel for BIA, was asked for a formal opinion on whether "Indian preference" applies to promotions. The Solicitor replied in the affirmative. "Such preference extends to the filling of all vacancies within the service," the opinion said.

But nothing happened. Pipestem found in the files a proposed draft of a few policy dated November, 1946, but he could find no explanation for why it never surfaced.

According to Pipestem, the central argument behind "Indian preference" is not simply to give more jobs to Indians, but to strengthen Indian self-determination. BIA programs have enormous impact on reservation life and, historically, the law has re-

garded the scores of tribes as special legal entities—domestic dependent nations with inherent rights to self-government.

A preliminary draft shows that Bruce's new directive will continue all of the procedures of the agency's merit promotion program, but with this proviso:

"When the list of best qualified candidates includes an Indian, the Indian employee shall be given preference in the promotion. In no case will a minimally qualified Indian candidate date."

Pipestem's report notes that the bureau has an annual turnover in employees of 12.5 per cent, so that the new interpretation would not mean "ousting" non-Indians from jobs.

Bruce's superiors in the Interior Department, he said, have given their tentative approval.

The commissioner intends to order new training programs to help Indian employees qualify for the higher positions.

GENOCIDE: POWER AND VENGEANCE

Mr. PROXMIRE. Mr. President, when one nation accuses another nation of genocide, it is not unreasonable to expect that a war may soon follow. Genocide may have been the original issue, but it is not unusual for instances of unwarranted brutality to take place on both sides.

Nevertheless, we should keep in mind that some of the worst effects of war take place not during the course of actual hostilities, but after the war is over and the peace treaties are signed. The "spoils of victory" can be just as horrible and inhuman as the atrocities perpetrated in the heat of combat. After a sustained effort such as that required in the prosecution of a war, it seems almost reasonable for the triumphant forces to gloat over their achievements and condemn the defeated party for moral crimes such as genocide.

It is obvious that a certain degree of self-righteousness is necessary for the successful prosecution of a war; before risking huge expenditures of lives, property, and money, a nation must be deeply convinced that its cause or motivation justifies the possibility of defeat or destruction.

But after the war is over, this self-righteousness may lead to some difficulties. A defeated nation must be rebuilt, perhaps on the condition that several major components of its pre-war national life must be discarded. However, it has been the case too often that abstract principles such as justice and decency have been distorted and trampled upon by the victorious nation; the concept of war crimes and criminals is turned into a travesty, as the victorious nation seizes upon the judicial apparatus of punishment as a means of wreaking vengeance and serving out its righteousness.

I do not believe that the United States is susceptible to these charges. In my opinion, our Government has contributed much to the amazing economic recovery of Germany and Japan after the conclusion of the Second World War. But I hope that we can appreciate the great opportunities for capriciousness and exploitation which were available to us as a victorious power. In terms of the future, I think the United States should do all it can to see that the enormous power—at present left arbitrarily to the victor's discretion—is turned over to the jurisdiction of a neutral institution which could investigate and prosecute charges of genocide without vindictiveness.

Mr. President, the Genocide Convention would establish objective procedures for trying and punishing any persons charged with involvement or complicity in attempts to destroy a national, racial, ethnic, or religious group. If such a treaty were effective today, the world would not have to worry about the spectre of genocide—in times of war or peace.

That, Mr. President, is why I urge the Senate to ratify the Genocide Convention soon.

BAN ON BIOLOGICAL WEAPONS

Mr. MUSKIE. Mr. President, yesterday the United States and the Soviet Union presented a draft treaty banning biological weapons to the 25-nation disarmament conference at Geneva. As chairman of the Arms Control Subcommittee, I would like to express my own satisfaction, which I am sure is shared by the great majority of Senators, that the United States and Soviet delegates at Geneva have achieved this successful result.

Mr. President, I hope that this treaty will come into force and will be a first step to the wider goal of the elimination of chemical weapons as well. In this connection, I would like to call attention to article 8 of the treaty which obligates each party to negotiate in good faith toward this end.

I ask unanimous consent that the text of the draft treaty be printed into the RECORD.

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

TEXT OF UNITED STATES-SOVIET DRAFT CONVENTION ON ELIMINATION OF BACTERIOLOGICAL ARMS

GENEVA, August 5.—Following is the text of a draft convention on biological arms submitted today by the United States and the Soviet Union to the 25-nation disarmament conference here:

The states parties to this convention.

Determined to act with a view to achieving effective progress towards general and complete disarmament including the prohibition and elimination of all types of weapons of mass destruction, and convinced that the prohibition of the development, production and stockpiling of bacteriological (biological) weapons and toxins intended for use as weapons and their elimination will facilitate the achievement of general and complete disarmament under strict and effective international control.

Desiring thereby, for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons.

Convinced of the immense importance and urgent necessity of eliminating from the arsenals of states such dangerous weapons of mass destruction as weapons using bacteriological (biological) agents and toxins.

Desiring to contribute to the strengthening of confidence between peoples and the improvement of the international atmosphere.

Believing that scientific discoveries in the field of bacteriology (biology) must in the interests of all mankind be used solely for peacefull purposes.

Recognizing nevertheless that in the absence of appropriate prohibitions the development of scientific knowledge throughout the world would increase the risk of the use of bacteriological (biological) methods of warfare.

Convinced that such use would be repugnant to the conscience of mankind and that no efforts should be spared to minimize this risk.

Recognizing the important significance of the Geneva Protocol of 17 June 1925 for the prohibition of the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare, and conscious also of the contribution which the said protocol has already made, and continues to make, to mitigating the horrors of war.

Reaffirming their adherence to the purposes and principles of that protocol and calling upon all states to comply strictly with them,

Recalling resolutions of the United Nations General Assembly, which has condemned all actions contrary to the principles and purposes of the Geneva Protocol of 17 June 1925,

Convinced that an agreement on the prohibition of bacteriological (biological) and toxic weapons will facilitate progress towards the achievement, of agreement on effective measures to prohibit the development, production and stockpiling of chemical weapons, on which negotiations will be continued,

Anxious to contribute to the realization of the purposes and principles of the Charter of the United Nations,

Have agreed as follows:

ARTICLE 1

Each state party to this convention undertakes not to develop, produce, stockpile or otherwise acquire or retain:

(1) microbial or other biological agents or toxins of types and in quantities that have no justification for prophylactic or other peaceful purposes.

(2) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

ARTICLE 2

Each state party to this convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than 2 months after the entry into force of the convention all agents, toxins, weapons, equipment and means of delivery specified in Article 1 of the convention, which are in its possession or under its jurisdiction or control. In implementing the provisions of this article all necessary safety precautions shall be observed to protect the population and the environment.

ARTICLE 3

Each state party to this convention undertakes not to transfer to any recipient whatsoever, directly, or indirectly, and not in any way to assist, encourage, or induce any state, group of states or international organizations to manufacture or otherwise acquire any agent, toxin, weapon, equipment or means of delivery specified in Article 1 of the convention.

ARTICLE 4

Each state party to this convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent development production, stockpiling, acquisition or retention of agents, toxins, weapons, equipment and means of delivery specified in Article 1 of the convention, within the territory of such state, under its jurisdiction or under its control anywhere.

ARTICLE 5

The states parties to the convention undertake to consult one another and to cooperate in solving any problems which may arise in the application of the provisions of this convention.

ARTICLE 6

(1) Each state party to the convention which finds that actions of any other state party constitute a breach of the obligations assumed under the provisions of this convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council. The Security Council shall inform the states parties to the convention of the result of the investigation.

(2) Each state party to the convention undertakes to cooperate in carrying out any investigations which the Security Council may undertake, in accordance with the provisions of the United Nations Charter, on the basis of the complaint received by the Council.

ARTICLE 7

Nothing in this convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any state under the Geneva Protocol of 17 June 1925 for the prohibition of the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare.

ARTICLE 8

Each state party to this convention undertakes to conduct negotiations in good faith on effective measures for prohibiting the development, production and stockpiling of chemical weapons and for their destruction and on appropriate measures concerning the equipment and means of delivery specifically designed for the production or use of chemical weapons for warfare.

ARTICLE 9

(1) The states parties to the convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes.

(2) This convention shall be implemented in a manner designed to avoid hampering the economic or technological development of states parties to the convention or international cooperation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) agents and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of this convention.

ARTICLE 10

Any state party may propose amendments to this convention. Amendments shall enter into force for each state party accepting the amendments upon their acceptance by a majority of the states parties to the convention and thereafter for each remaining state party on the date of acceptance by it.

ARTICLE 11

Five years after the entry into force of this convention, or earlier if it is requested by a majority of parties to the convention by submitting a proposal to this effect to the depositary governments, a conference of state parties to the convention shall be held at Geneva, Switzerland, to review the operation of this convention, with a view to assuring that the purposes of the preamble and the provisions of the convention, including the provisions concerning negotiations on chemical weapons, are being realized. Such review shall take into account any new scientific and technological developments relevant to this convention.

ARTICLE 12

(1) This convention shall be of unlimited duration.

(2) Each state party to this convention shall in exercising its national sovereignty have the right to withdraw from the convention if it decides that extraordinary events, related to the subject matter of this convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other states parties to the convention and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

ARTICLE 13

(1) This convention shall be open to all states for signature. Any state which does not sign the convention before its entry into force in accordance with Paragraph 3 of this article may accede to it at any time.

(2) This convention shall be subject to ratification by signatory states. Instruments of ratification and instruments of accession shall be deposited with the governments of ——— which are hereby designated the depositary governments.

(3) This convention shall enter into force after the deposit of the instruments of ratification ——— governments, including the governments designated as depositaries of the convention.

(4) For states whose instruments of ratification or accession are deposited subsequent to the entry into force of this convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

(5) The depositary governments shall promptly inform all signatory and acceding states of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this convention, and of other notices.

(6) This convention shall be registered by the depositary governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE 14

This convention, the Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited in the archives of the depositary governments. Duly certified copies of this convention shall be transmitted by the depositary governments to the governments of the signatory and acceding states.

In witness whereof the undersigned, duly authorized, have signed this convention.

THE LYNDON BAINES JOHNSON LIBRARY

Mr. BENTSEN. Mr. President, the Lyndon Baines Johnson Library at the University of Texas has proven a very popular attraction to scholars of the Presidency and to the layman who is interested in his Government. We are very proud of the library, and we are grateful to President Johnson for his many, many contributions that made this finest of Presidential libraries possible.

The man and the Presidency are one, and the Texan who served as the Nation's 36th President of the United States is a man who gave of his enormous energies, talents, and abilities in public service to this Nation almost his entire adult life. History will be kind to this man, this Texan who has had major influences on the lives of our citizens as a strong leader in the Senate and as a strong President. His legacy is the legislative program which serves as the foundation for most of the Nation's major domestic programs in the field of health, education, manpower training, welfare, and human rights.

Mr. President, recently President Johnson and his gracious lady announced that they would be present to meet visitors to the L.B.J. Library. It was a highly successful day, and Sam Wood, editor of the Austin Statesman, enthusiastic over the occasion, wrote a front-page editorial in its issue of August 2. 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:

THOUSANDS CONFIRM POPULARITY

On the second floor of the Lyndon B. Johnson library, with his back to the wall with its unusual half-tone etchings, and facing the broad stairway the former President of the United States scribbled his signature time after time Sunday, as fast as aides could place books, literature and pictures in front of him.

Grandparents, parents and children of all ages formed a line that for several hours seemed to be endless. It still looked that way after the first 7,500 persons had passed into the Library.

At the other end of the table Mrs. Johnson and their daughter, Luci Nugent, took turns adding their autographs to the papers that became treasured keepsakes and souvenirs of a memorable occasion. Several times the former President, to rest his hand, left the table to mix with the hundreds of visitors and play escort for his grandchildren.

Many of the Library visitors had come into Austin from the Central Texas area in response to the announcement that the Johnsons would be there to meet them. Johnson frequently drops in at the library and joins the tours for a few minutes, but Sunday's event was the first planned appearance since the opening in May.

Lyndon Johnson never looked better. He was happy and it showed.

He still is a very popular man, although there are vociferous LBJ haters (as there always have been) and even though a lot of political analysts are busy conducting postmortem examinations while their subject is still alive and kicking.

And why shouldn't he be happy? How many men can gather eight to ten thousand smiling people about them for a Sunday handshaking?

UNEMPLOYMENT RATE: THE PENALTY OF A DISASTROUS ECONOMIC POLICY

Mr. WILLIAMS. Mr. President, to say that the figure announced this morning for unemployment during the month of July is disappointing, would be a serious understatement. It is completely tragic. The fact that the national unemployment rate has climbed to 5.8 percent from 5.6 percent in June, reveals two extremely appalling situations facing our Nation. The most obvious, of course, is that there are now close to 6 million Americans, many with families and responsibilities, who are now desperately seeking work, and unable to find it, not to mention 1 or 2 million more who are so discouraged that they have dropped out of the labor force altogether and are not even included in these statistics. This unemployment rate also reveals the complete and utter bankruptcy of

the Nixon economic game plan. The administration's plan to combat inflation has already taken an intolerable toll in unemployed workers, and as if to emphasize the futility of this tactic, the price indexes continue to rise and it becomes clearer than ever that inflation has not been halted.

Last month, when the jobless rate—seasonally adjusted—dipped from 6.2 percent in May to 5.6 percent in June, the administration was exuberant in its announcement of the fact, even though officials in the Bureau of Labor Statistics warned that the figure may have been a statistical quirk because the survey was taken a week earlier than usual, before the bulk of the June graduates had entered the labor force. Labor Secretary Hodgson issued a statement proclaiming this figure to be a sign that the economy was turning around, and predicting that this trend was expected to continue. We now have an indication of exactly how desperate administration planners are. To seize upon a statistic which even a slight amount of additional inquiry—even within the administration's own department—would have shown to be spurious, strikes me as grasping at straws.

It certainly indicates how little the administration is interested in a true confrontation of the problem of unemployment and how very interested it is in promoting the appearance of a rosy economic picture. I can well recall the action of the administration in canceling the press briefings in February which accompanied the release of unemployment statistics, because Department spokesmen made the mistake of describing the economy as "mixed." This sort of an "ostrich" philosophy toward unemployment—of pretending that a problem does not exist, has characterized the entire "game plan" of the administration.

I can only add, as a postmortem on this short-lived 1-month trend toward fuller employment, that unless the present administration begins to put aside its attempts to create a cosmetic effect upon the economy, when it is clear that major surgery is needed, severe economic dislocations are increasingly probable.

I have been constantly discouraged by the wide gap between administration reassurances and the actual performance of the economy. Once again, we are being told about the light at the end of the tunnel, that a solution is right around the corner. Yet, for the several millions out of work, the emptiness of this optimism is apparent enough.

Mr. President, we have been told back in the beginning of 1969 by Mr. Paul W. McCracken, Chairman of the Council of Economic Advisers, that President Nixon's anti-inflationary program could be pursued without pushing unemployment "substantially above the zone within which it has moved in recent years"—at that time between 3 and 4 percent. A year later, in February 1970, however, McCracken said that the unemployment for the year would be in the zone of 4.3 percent. In July, he rejected a suggestion that unemployment might hit 6 percent. We all know now, of course, that in actual fact, the unemployment rate hit 6.2 percent in December 1970, a 9-year high, and it has remained in that vicinity ever since.

The administration's other predictions are worthy of note as well. In January 1970, the administration announced their goal of a $1.3 billion surplus for fiscal year 1971. The administration's revised estimate a year ago projected a deficit of $1.3. In January 1971, a deficit of $18.6 billion was forecast, and on July 29, 1971, the administration announced the actual figure—a $23.2 billion deficit, the second highest since World War II.

The administration has also announced a target figure of $1,065 billion for the fiscal year 1972 gross national product, and an $11.6 billion deficit, figures which are greeted with almost universal skepticism by private economists. I cannot say I place much confidence in such figures, or in economic game plans based on such apparently flimsy statistical preparation.

Mr. President, I note with despair not only the increasing unemployment rate announced this morning, but also the growing intransigence of the administration as reflected in its refusal to consider such remedies as a tax cut, a wage-price board, or the release of Federal money in areas designed to stimulate employment.

While the administration continues to insist, in increasingly strident tones, that the economic picture is a rosy one, and would improve more quickly if only the criticism would cease and public confidence thus restored, millions more Americans are dropping out of the work force each quarter. In some areas of the country, such as my home State of New Jersey, where the raw unemployment rate recently soared to 8.1 percent in June, the situation is particularly severe, and in some sectors of the population, such as among teenagers, the unemployment rate is as high as 17.5 percent. For the unemployed man desperately seeking work to provide for his family, or for the teenager, disappointed in his or her initial quest for an employment situation, these are very troubled times. I have become seriously troubled by what I consider to be a rather calloused attitude of indifference toward the plight of these Americans. It cannot be tolerated much longer.

THE SITUATION IN CYPRUS

Mr. McGOVERN. Mr. President, from time to time our interest has focused on the nation of Cyprus where Greek and Turkish communities have been struggling to achieve a satisfactory and peaceful way of life. While we wish this nation well in the development of its own identity, it has been the proper course for the United States to avoid becoming involved in the internal situation of Cyprus.

Both Greece and Turkey have had an understandable interest in the development of Cyprus. Recently, we have seen reports that the Greek military regime was increasing its involvement in Cypriot affairs. This involvement was apparently not undertaken at the request of Greek Cypriots but as an extension of the Greek regime's own policies. Some Cypriots are reported to believe that the actions of the Greek regime are taken at the prompting of the United States.

The Athens regime remains one which does not merit the support of the United States. While we should maintain diplomatic relations with the Greek regime, we can only appear unwise when we continue to provide it with military and other aid. This is a repressive and undemocratic government. It repeatedly delays free elections. Just this week it tightened its control over the press, threatening its freedom.

Naturally, it is difficult from this vantage point to be fully and accurately informed of the activities of the Greek regime in Cyprus. But it would be entirely appropriate for the American Government to urge the Greek regime to refrain from any and all involvement in the internal affairs of Cyprus. We should make it clear that we disapprove any effort by the Greek regime to export its repressive policies to other countries. And our Government should make it clear that the United States adheres to its policy of noninvolvement in the affairs of Cyprus and it does not support action by other countries to intervene in that country's life.

Mr. President, I hope that the administration will undertake this action immediately.

"MOOD" DRUGS—THE NEWEST COP-OUT PILLS OFFER "CURE" TO ALL PROBLEMS

Mr. McINTYRE. Mr. President, for the past several years I have been very concerned about the increasing use of drugs in this country, and most recently in the alarming rise in the use of the so-called mood drugs.

Mr. President, at his time I ask unanimous consent to insert in the RECORD material from the text of my latest newsletter to the people of New Hampshire which takes up the problem with the abuse of these drugs.

Until recently I was under the impression that drug pushing is an illegal activity, punishable in every one of the 50 States. After recent testimony before a subcommittee of mine here in Washington, I have discovered that the more sophisticated forms of drug pushing are not only legal but flourishing in this country.

I am not talking about people who push drugs to support their own drug habit, but about people who push pills to boost corporate profits. I am talking about drug companies engaged in extensive advertising in medical journals, newspapers, and television in order to increase consumption of pills.

There are two parts to this problem. On the one hand, the advertising is directed at the Nation's doctors, urging them to write out more prescriptions. On the other hand, the ads are directed at each of us, trying to get us to buy more and more over-the-counter drugs—to relieve tension, wake up, or get to sleep.

PRESSURE ON DOCTORS

A quick glance at a medical journal while you are in your doctor's office, will give you a pretty good idea of how much pressure is put on doctors to prescribe a pill for every patient's problem.

"School, the dark, separation, dental visits, monsters," reads the headline over a picture of a small child with a tear running down her cheek. "The everyday anxieties of childhood sometimes get out of hand," continues the ad, which goes on to recommend Vistaril, "a more effective way to treat pediatric anxiety."

Ads like this are commonplace in medical journals.

One defines "Cyberneticide" as the "guilt, frustration and loss of self-esteem" which results from losing a job to a computer. The solution? The ad recommends the doctor prescribe a pill, Tofranil.

"What makes a woman cry?" asks another ad. "A man, another woman, three kids, no kids at all, wrinkles?" The solution? Petrofane, a pill.

WORRIED ABOUT AGING

"Am I old?" reads another ad, picturing an elderly woman staring gloomily at herself in the mirror. The solution to aging? Triavil, another pill.

Another ad invents a disease called "environmental depression," which is nothing more than anxiety over air and water pollution, noise and the frustrations of commuting to work. To relieve the "disease," the ad recommends Ritalin.

PILLS WITHOUT PRESCRIPTION

A few weeks back I received a letter from a friend in Dunbarton, N.H., which included an advertisement she cut out of her Sunday newspaper. It urged us all to use a "nonhabit-forming stimulant tablet that gives a quick life." It went on to tell the story of a middle-aged woman who said, "I was boring my husband to death" until she began taking stimulants, after which her life and marriage picked up.

I think this advertisement brought home to me clearly that it is not only prescription drugs we must worry about. The big guns of the drug industry, through advertising, are zeroing in on the general public as well.

I am sure the television, radio and newspaper ads are as familiar to you as they are to me.

ORDINARY PROBLEMS

Having trouble getting to sleep in 15 minutes? The television ad makes you feel abnormal and recommends a pill. Perhaps Sominex, Nytol, Mr. Sleep, Sleep-Eze or Excedrin PM.

Feel a little nervous tension? Try Cope, Compoz, or Control.

You see the advertisements every day. They suggest that for these pills you do not even have to bother seeing your doctor—just take a trip to the neighborhood drugstore.

What is ironic about many of these over-the-counter drugs is that in most cases they are completely ineffective. Recent testimony before a subcommittee of mine made it clear that some of the non-prescription drugs I have mentioned would help you no more than a sugar pill. In some instances, they might have dangerous side effects.

Even without possible side effects these commonly used pills are dangerous. They still give people the idea that one pill or another is the solution to any problem, and I cannot help feeling this kind of thinking is spreading rapidly.

The effect of such drug advertising on young people is especially frightening, for, as a man in North Sandwich, N.H., wrote me recently:

> When so many millions have been spent annually to sell the instant, painless, chemical solution to life's problems, can we wonder that the young find the "chemical feast" so appealing?

The development of drugs is turning out to be a mixed blessing. It has done much that is good, giving us a new tool to deal with true mental illness and relieve severe pain.

On the other hand, we cannot let the ordinary problems of life become an excuse for drug use. We all grow older. All of us feel tired sometimes. Our forefathers did not need pills to face these facts. If the environment bothers us, we should clean it up, not take pills to forget it. In the current jargon, turning to pills is merely "copping out."

FACING FACTS

Right away, Congress must look at stricter regulation of drug industry advertising—and this is happening. More importantly, all of us must face the fact that except in a few cases, these so-called mood drugs are no solution at all. They only take our attention away from the problems each of us has to face in life.

RECONFIRMATION OF FEDERAL JUDGES

Mr. BYRD of Virginia. Mr. President, the American Legion, Women's Post No. 118, of Norfolk, Va., has endorsed legislation—Senate Joint Resolution 106—that would require the reconfirmation of Federal judges every 8 years.

I deeply appreciate the support of my proposed amendment to the U.S. Constitution by the American Legion, Women's Post No. 118, of Norfolk, Va.

I ask unanimous consent that the text of the letter, signed by Mrs. Ava Fernald, post adjutant, be printed in the RECORD.

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

THE AMERICAN LEGION,
WOMEN'S POST NO. 118,
Norfolk, Va., August 2, 1971.

Hon. Senator HARRY F. BYRD, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: On behalf of Women's Post 118 of the American Legion, I would like to express the unanimous support of the Post to your proposed amendment to the Constitution of the United States (S.J. Res. 106), with respect to reconfirmation of Federal judges after a term of eight years.

Sincerely,

Mrs. AVA FERNALD,
Post Adjutant.

THE FEDERAL BUDGET AND THE STATE OF THE ECONOMY

Mr. FULBRIGHT. Mr. President, much has been said lately about the Federal budget and the state of the economy. Some of what has been said should rank as classic examples of confused, misleading, and unjustified optimism.

There have been two major news items recently about the economy. First was the announcement that in June, for the third straight month, the United States had a deficit in its international balance of trade. The Commerce Department reported imports exceeded exports by $363 million in June, giving the Nation a deficit from April through June of $803 million, the worst since we began recording seasonally adjusted trade figures in 1946.

Second was the disclosure of the $23.2 billion deficit in the Federal budget for fiscal 1971—the second largest deficit since World War II—and that the deficit for fiscal 1972 is currently estimated at $25 billion.

However, if one listened only to the statements made by the administration spokesmen and did not read the statistics, you would have thought we had reached the economic millennium.

The White House Press Secretary asserted that the mammoth budget deficit was a "healthy thing." The chairman of the Republican National Committee said:

> President Nixon is making impressive progress in fulfilling his goal to make 1971 a good year for the economy, and 1972 a very good year.

He said there was—

> Strong evidence that the economy is now moving steadily toward full employment without inflation.

Using the so-called full-employment budget, the administration actually claims a budget surplus. The administration seems to have a special penchant for the use of the word "surplus." Only 18 months ago the President was telling us there would be a $1.3-billion surplus in the fiscal 1971 budget—which now shows a $23.2-billion deficit, and that is figured under the so-called "unified" budget, which counts the surplus from trust funds against the deficit.

I am also reminded of the recent appearance of Dr. Paul W. McCracken, Chairman of the Council of Economic Advisers, before the Joint Economic Committee. In his statement Dr. McCracken referred to something called a "net merchandise import surplus."

I would like to quote briefly from the transcript of that July 8 hearing:

> Senator PROXMIRE. Senator Fulbright?
>
> Senator FULBRIGHT. Thank you Mr. Chairman.
>
> Mr. McCracken, on your statement on page 16 you say April and May the United States had "net merchandise import surplus." Is this the same thing as a deficit in our balance of trade?
>
> Dr. MCCRACKEN. Yes, sir; that it is. That could have been worded the other way, the net merchandise export deficit. In other words we have a net merchandise export deficit. In other words we have a net excess

of imports over exports of roughly 200 million dollars in each month.

Senator FULBRIGHT. The word surplus has a more euphonious sound. Is that the reason why?

(General laughter.)

Senator FULBRIGHT. It reminds me of the "protective reaction" strikes. That sounds better than a bombing raid. Do the same people rephrase these statements whether they are made in the Pentagon or CEA?

Dr. MCCRACKEN. No; the CEA will take full responsibility for this line here.

Dr. McCracken is the same man who nearly every month for 2 years has solemnly announced that prosperity is just around the corner.

Mr. President, the simple truth is that the economy is not in good shape. Taxes are high, inflation continues, unemployment remains serious. We have an enormous budget deficit. Our international trade balance is floundering and the position of the dollar has been seriously weakened.

All the semantics about surpluses and full employment do not alter the ominous picture. Indeed, there is considerable irony in the administration's reliance on the "full employment budget," which shows the balance between what expenditures and revenues would be if the unemployment rate was only 4 percent instead of the actual 6 percent. Just last month Treasury Secretary Connally referred to talk of a 4-percent unemployment rate as "a myth."

Mr. President, I do not think many people have been deceived by this double talk. Most people are only too familiar with economic realities.

Certainly the editors of the Arkansas Gazette in Little Rock have not been fooled. As a Gazette editorial on July 31 stated:

We trust that no one is left confused except, possibly, those represented in the six per cent unemployment group who are always complaining, unfeelingly, that it is easier to see a statistic than to be one.

Leland DuVall, the Gazette's perceptive business analyst, concludes that the rationale on the "surplus" in the full-employment budget is "an economic absurdity."

He writes:

The rationalized justification for the full employment budget is the assumption that government spending—regardless of how it compares with tax collections in a given year—is not inflationary, so long as it totals no more than would have been collected if only 4 per cent of the work force were unemployed. Consequently, increased unemployment permits the government to slip deeper into the red without contributing to inflation. In the case of fiscal 1971, unemployment at 2 per cent more than the ideal figure is assumed to have given the government a free hand to go $23.2 billion into debt and left it with a $2.5 billion pad or "surplus" in the full employment budget.

Consider how well off we would have been if unemployment had climbed to 8 percent: A $25 billion surplus.

The conclusion, of course, is an economic absurdity.

Mr. DuVall also sets the record straight on some of the other Nixon claims. He recalls President Nixon's long-forgotten pledge of a balanced budget and contrasts that with today's huge deficits. He also notes that the "unitary" budget presents a rather distorted view of the actual Federal financial ledger. Mr. DuVall writes:

It should be understood that the government juggles several concepts of the federal budget. Until a few years ago, the standard approach for the published budget was to consider the taxes collected from the regular sources against the oulays. The separate funds—such as Social Security—were divorced from the regular budget, despite the fact that the surplus money in these trust funds was invested in government bonds. President Johnson, who encountered difficulties of his own in the matter of managing the budget, decided to combine the funds with the regularly appropriated money and collected taxes to produce a unified budget. Since the Trust funds regularly took in more than they spent, the maneuver improved the budget picture considerably. Mr. Nixon's "balanced" budget for fiscal 1971, which was submitted in February 1970, was unified after the Johnson fashion. It would have been far out of balance if it had been on the blueprint followed by President Kennedy and his predecessors.

Mr. President, I ask unanimous consent to have printed in the RECORD Mr. DuVall's column of August 1, editorials from the Arkansas Gazette of July 31 and August 1, along with a column by Hobart Rowen, published in the Washington Post of July 11, and a column by Dennis Duggan, of Newsday, published in the Arkansas Democrat of July 30.

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

[From the Arkansas Gazette, July 31, 1971]

ECONOMICS LESSON

In mastering the new economics it is absolutely essential to keep up with the very latest definitions, or one cannot grasp the very latest applications of Keynes or Friedman or whatever school may be represented in current government policy.

Previously we have noted that the Council of Economic Advisers now describes an unfavorable trade balance as a "net merchandise import surplus." This sounds much more euphonious than a trade deficit, as Senator J. W. Fulbright of Arkansas has observed. Similarly, the Nixon administration has just announced that a $23.2 billion deficit in the federal budget for the fiscal year recently ended was, really, a surplus if you look at it realistically under the "full employment budget" concept, which is now in fashion.

The full employment budget is not really hard to understand, and once you understand it you can follow the government to its conclusion that a $23.2 billion deficit is a $2.5 billion surplus. Such a budget is measured not in terms of what is actually received and spent but rather in what the income *would be* if the level of national unemployment were at 4 percent rather than at six percent-plus, which latter figure happens to be what the country is experiencing.

That is enough for one day's lesson in the new economics. We trust that no one is left confused except, possibly, those represented in the six per cent unemployment group who are always complaining, unfeelingly, that it is easier to see a statistic than to be one.

The administration is missing a bet, however, in its application of the full employment budget principle: think what a handsome surplus the treasury would have if the F.E.B. benchmark were placed at the *three* per cent level!

[From the Arkansas Gazette, Aug. 1, 1971]

NO NEW DIRECTION IN ECONOMIC POLICY

The New York stock market lost 10 points Thursday in a drop that may not have meant much in itself but which symbolized perfectly the general public disenchantment with the administration's thesis that we are coming up out of the recession. As it happened the government's "leading economic indicators" had just turned down. Nothing much is turning up but the cost of living, which has reverted to the old half-a-percent a month pattern of increase.

In these circumstances many of the Republican leaders in Congress and elsewhere are growing restive over the administration's continued policy of "wait-and-see" before applying new remedies—notably tax reductions—to the economy. The administration is still confident, or seems to be confident, that a recovery is beginning or that, if it is not, the economy can be blasted into action on fairly short notice. This is an increasingly dangerous game, in the political context as in others, that the President and his "economic spokesman," Treasury's John Connally, are playing. The national elections are now only about 15 months away.

The Nixon-Connally assumptions are increasingly tenuous as the time shortens. The basic economic forces are themselves unpredictable enough and ponderous in their movement, but there are other short-term factors—strikes especially—that can throw a timetable off by months. A major strike, as in steel or the automotive industry, can be critically important if a government goal has been set for a time certain or a time approximate.

If one wanted to be cold-bloodedly philosophical about the issue, he could reflect that the continuation of recession for another year or 18 months would not be too high a price to pay for getting Richard Nixon and his administration out of power. In the long run for the republic, it might be a great bargain. Nevertheless, it would be Machiavellian and cynical not to contest Nixon's economic policies when they have brought so much disadvantage to the country and so much hardship to the unemployed.

What seems to be indicated (as Chairman Wilbur Mills of Ways and Means, among others, has recommended) is a new direction in policy, with tax stimulation to get business moving faster and an "income policy"—which covers a wide range of measures for wage and price control—to counteract inflation. There is no indication that the administration plans to set out in any such new direction, even though its existing policy appears to be sinking deeper into trouble all the while.

[From the Arkansas Gazette, Aug. 1, 1971]

NIXON'S CONCEPT BALANCES BUDGET DESPITE DEFICIT

(By Leland DuVall)

President Nixon may go into the history books as a "prophet without honor" in his own party, a status he already has achieved with the Democrats. The fate would be something of a tragedy for a man who, by all rights, should be credited with implementing a major economic discovery: How to balance the federal budget without increasing taxes or cutting spending.

Other presidents, at least back to Calvin Coolidge, have been struggling with the task of balancing the budget by any means available but they all lacked imagination. Hemmed in by traditional economic concepts, they believed the collection and spending sheets could be brought together only by increasing one or decreasing the other. Collect more or spend less.

Mr. Nixon has implemented a new method for balancing the federal budget. (For the record, he cannot be credited with inventing

the concept. It dates back at least to the time when he was a freshman in the House but there is a good chance he never heard of it in those days. If he had, he probably would have written it off as an example of tricky Democratic bookkeeping, probably borrowed from the Russians.)

The new budget-balancing device is quite simple: Increase unemployment.

The full-employment concept of the budget is a matter of faith rather than logic and there is really no need to fool around with mathematics. All the true believer needs to do is accept the bald and unsupported statement (estimate) that the national income would have been at a certain level if only 4 per cent of the workers had been unemployed. Since unemployment has been running around 6 per cent, the two-point difference between the "actual" and the "ideal" is supposed to cancel out the $23.2 billion deficit in the not-so-old-fashioned budget and give the country a theoretical surplus of about $2.5 billion. In other words, a difference of 2 per cent in the unemployment rate can absorb the effects of a deficit of more than $25 billion.

Despite the unimportance of figures and the true significance of faith in the Mr. Nixon's concept, here is the budget picture of the recently-ended fiscal year:

When Mr. Nixon submitted the budget—in February 1970—he predicted that revenues would be $202.1 billion, compared with $194.2 billion the previous fiscal year. Spending was estimated at about $200.8 billion, which would have produced a surplus of $1.3 billion in the collecting-spending budget. At the time, he noted that he had pledged to the people that he would submit a balanced budget in 1971 and that he was living up to the promise. A few months later, after his recession-creating policies began to work, he revised the estimate and said there would be a $1.3 billion deficit but he apparently was still talking about the more traditional mathematical approach rather than the faith approach.

When the figures filtered through the computers, the experts found that revenues actually totaled only $183.3 billion, down $13.8 billion from the original estimate and even $5.4 billion below the previous year. Spending, meanwhile, had climbed to $211.6 billion or about $10.8 billion more than the original estimate.

With spending up, revenues down and the originally-projected surplus of $1.3 billion replaced with a deficit of more than $23.2 billion, there was an obvious need for an explanation. Somebody in the administration apparently remembered that there had been talk among theoretical economists some years earlier about a "full-employment" concept of the budget and a little investigation must have revealed that it would be handy. All the other concepts showed staggering imbalances. If the public could be induced to take this one on faith—meaning that if voters were willing to accept the administration's estimated figures on how much taxes would have been collected if unemployment had been 4 per cent instead of 6 per cent off the work force—Mr. Nixon still could show a balanced budget.

(It should be understood that the government juggles several concepts of the federal budget. Until a few years ago, the standard approach for the published budget was to consider the taxes collected from the regular sources against the outlays. The separate funds—such as Social Security—were divorced from the regular budget, despite the fact that the surplus money in these trust funds were invested in government bonds. President Johnson, who encountered difficulties of his own in the matter of managing the budget, decided to combine the funds with the regularly-appropriated money and collected taxes to produce a unified budget. Since the funds regularly took in more than they spent, the maneuver improved the budget picture considerably. Mr. Nixon's "balanced" budget for fiscal 1971, which was submitted in February 1970, was unified after the Johnson fashion. It would have been far out of balance if it had been on the blueprint followed by Kennedy and his predecessors.)

The rationalized justification for the full employment budget is the assumption that government spending—regardless of how it compares with tax collections in a given year—is not inflationary, so long as it totals no more than would have been collected if only 4 per cent of the work force were unemployed. Consequently, increased unemployment permits the government to slip deeper into the red without contributing to inflation. In the case of fiscal 1971, unemployment at 2 per cent more than the ideal figure is assumed to have given the government a free hand to go $23.2 billion into debt and left it with a $2.5 billion pad or "surplus" in the full-employment budget.

Consider how well off we would have been if unemployment had climbed to 8 per cent: A $25 billion surplus.

The conclusion, of course, is an economic absurdity.

In a $1 trillion economy, the demand for goods and services generated by a slight increase in government spending places no strain on the productive capacity of industry—particularly if factories are operating at three-quarter speed, as they have been during the recession. On the other hand, a deficit of $23 billion in the federal budget must be financed by the sale of government securities.

If the bonds and bills are sold to the public and to financial institutions, the transaction mops up money that might otherwise be spent for goods, services or capital improvements.

If the bonds are sold to the Federal Reserve, the result is an increase in the money supply, since payment is by checks that go into the banking system as deposits.

The absurdity of the argument that the transactions, one way or another, exert no influence on inflation should be apparent to everyone.

[From the Arkansas Democrat]

NEMESIS: IT WAS LBJ'S WAR, NOW NIXON'S ECONOMY

(By Dennis Duggan)

"This economy is to Richard Nixon what the Vietnam War was to Lyndon Johnson." That's how economist Pierre Rinfret, a one-time adviser to Nixon, views what now seems to be the present administration's most vexing problem.

Despite the administration's attempts to put a good face on gloomy economic figures—rising inflation, high unemployment, nationwide strikes, a whopping budget deficit and a dismal balance of payments deficit—there are clear signs of sharp disagreement in the White House.

Even an old Nixon friend and confidant, Arthur F. Burns, chairman of the Federal Reserve Board, is kept waiting in the White House anteroom. Burns reportedly infuriated the President by testifying July 23 before the Joint Economic Committee that there had been no "substantial progress against inflation."

Burns and many other economists, including John Kenneth Galbraith, want the administration to impose controls on wages and prices, something that Nixon repeatedly has said he would never do.

The President may find that such sensational moves as a trip to the People's Republic of China may have little political effect on an electorate beset by unemployment, high taxes and inflation. In fact, it now appears that a new domestic cold war is in the making—one that involves the administration, agencies such as the Federal Reserve Board, presidential aspirants and high-ranking economists.

Even Wall Streeters are disappointed by the administration's efforts to help the economy. "Over the next few months," says the vice president and economist of the brokerage house of Halsey, Stuart Co., Arnold Schumacher, "Mr. Nixon may be forced to look at the 'game plan' once more. A game plan," he adds bitterly, "is not especially helpful after you have lost the game."

This disenchantment with Nixon's economic policies has been aggravated by comments of his aides—for example, White House Press Secretary Ronald Ziegler's assertion that the fiscal 1971 budget deficit of more than $23 billion is a "healthy thing," and the attacks on White House critics by the chairman of the Council of Economic Advisers, Paul McCracken.

Furthermore, Nixon's own men seem to be turning on him. Burns is a Nixon appointee, but his growing disenchantment with the President's economic policies has virtually isolated him. A war of nerves between the White House and the relatively independent Federal Reserve Board has begun amid indications that Nixon wants to double the seven-man board, an action reminiscent of Franklin D. Roosevelt's unsuccessful attempt to pack the Supreme Court in the 1930s.

In Washington Thursday, the only black on the Federal Reserve Board, Andrew F. Brimmer, flatly declined to comment on the report that Nixon wants to double the board's membership. "I won't even acknowledge this phone call," he said, adding "Just as it's wise for a court to exercise judicial restraint, it is wise for members of this board to refrain from comments on such actions."

Galbraith saw the matter differently: "Andrew Brimmer is a close friend of mine, but I totally disagree with him. He is not a judge, and he should refrain from making judgments on these affairs. This is a good board, and we should be able to hear from it more often."

[From the Washington Post, July 11, 1971]

UNEMPLOYMENT DILEMMA STIRS CONNALLY TO MARXIAN RHETORIC

(By Hobart Rowen)

Who would have thought that John B. Connally, a Democrat and member of the Texas Establishment, would fall prey to Marxian economics? Until now, only the Communists have equated war and prosperity, insistent that the decadent democracies depend on the munitions makers to keep their economies going full blast.

But Connally last week bought this Communist shibboleth, in announcing that the President would do nothing further to stimulate the economy:

"We talk in terms of a norm of unemployed being 4 per cent," Connally said at a White House briefing. "This is a myth, it has never happened, it has never been on an annual basis (at that rate) . . . save in a wartime, not in the last quarter of a century.

"I don't think the American people are willing at this point to continue the war . . . in order to try to achieve a 4 per cent rate of unemployment."

The surface facts would seem to support Connally: low unemployment periods of the past 25 years or so have been associated with World War II, the Korean War, and then the Vietnam war; moreover, the 1970 recession can be traced directly to the decline of 16.5 per cent in defense output between July, 1969, and February, 1971 (while all other production was off only 3.2 per cent).

So is it three cheers for Marx, Engels, and Lenin? Connally's easy acceptance of the inevitability of high unemployment without war is a copout. It is an absolute contradiction of President Nixon's own statement Feb. 1, 1971, in his Economic Message to Congress:

"With the cooperation of the private sector, an expansionary public economic policy will achieve a goal we have not seen in the American economy in many years: full prosperity without war, full prosperity without inflation."

That high resolve now seems to be junked. The administration has thrown in the towel, and Economic Council Chairman Paul W. McCracken, who was over-ruled in his private recommendation for further fiscal stimulus, dutifully proceeded to Capitol Hill to announce that the economy is so far beneath the administration's projection of a $1,065 billion Gross National Product that it would now be "irresponsible" to try to achieve it.

The real fact, of course, is that the Nixon administration lays bare its inability to solve the pressing dilemma of our times—how to achieve full employment and relative price stability. What it should have learned from wartime experience is that it *is* possible to utilize fully the resources of the nation. The trick is to find out how to mobilize those resources for peaceful purposes—without excessive inflation—and the Republicans are proving no better at this job than were the Democrats, who failed on the same issue.

The most revealing confession of the current inadequacy of policy may be seen in Connally's plaintive argument that unemployment would be six-tenths of 1 per cent lower if Vietnam demobilization were not a factor. That's just another way of saying that the administration never made (and still has not made) the plans necessary to put those veterans to work. What was the Nixon economic advisory team doing while the President reduced troop commitments in Vietnam?

History of the post-World War II period shows conclusively that an acceptable combination of high employment and price stability is elusive. The old notion that by boosting aggregate economic activity, unemployment could be held to 4 per cent or less, while inflation could be limited to 2 or 2.5 per cent has proved wrong.

Walter Heller once said that economic growth "is both an end in itself and an instrumentality, both the pot of gold and the rainbow." But recent academic studies, notably those published by the Brookings Institution, shows that the task has become exceedingly difficult with more untrained teen-agers and women regularly in the labor force.

There appear to be three possible approaches to this knotty unemployment-inflation dilemma, and the Nixon administration has opted for the worst. The three routes are:

Fight inflation, while the country learns to live with high unemployment. (That's the option Nixon has taken; but even with the 6 per cent unemployment rate the administration now proposes to tolerate, inflation persists.)

Fight unemployment, while the country learns to live with inflation. (Some academics suggest this, with regular compensation to those on pensions, etc.)

Take a new approach, conceding that the above alternatives are not acceptable. This would require, in an effort to reduce the inflation-unemployment "trade-off": a wage-price control, or incomes policy; real attention to equal job opportunity for blacks; and effective manpower training programs.

Federal Reserve Chairman Arthur Burns and a host of conservative business and banking people have urged the latter approach, to no avail, on the administration.

One can only hope that on reflection, the administration will conclude that the abandonment of a long-range 4 per cent unemployment goal was too hasty. For one thing, the administration appears to have forgotten what that does to the "full employment budget" concept, which it has been trying to sell to Congress and the public since mid-1970.

So-called "full employment revenues," which Mr. Nixon takes as the upper permissible limit for real expenditures, are calculated by defining full employment as 4 per cent unemployment.

If Connally is raising the acceptable unemployment level to, say, 5 per cent, full employment revenues would be reduced from $6 to $10 billion (depending on the actual composition of the unemployed group).

Thus, to claim a "full employment balance," if the 4 per cent jobless goal is scrapped, the administration would have to slash actual spending by $6 to $10 billion. Manifestly, unless they plan to close the country down, that can't be done.

That's a problem that policy-maker George Shultz ought to take up with Connally before Attorney General Mitchell starts his investigation of the Treasury Secretary.

SYMPOSIUM ON PRODUCT QUALITY

Mr. NELSON. Mr. President, the speech by Gordon A. Christenson to the National Academy of Engineering Symposium on Product Quality, Performance, and Costs puts forth some excellent ideas for unifying Government policy on consumerism, both nationally and internationally. Christenson outlines eight particular areas of reform, which have as a central theme "more effective sharing of decision."

Mr. Christenson is a former Assistant General Counsel for Science and Technology, U.S. Department of Commerce, 1962–67; and former dean for educational development, State University of New York. He became dean of the American University Law School, Washington, D.C., on July 1, 1971.

His proposals are thought-provoking to anyone interested in improving the position of the consumer.

I ask unanimous consent that Mr. Christenson's speech be printed in the RECORD.

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

THE FUNCTION OF GOVERNMENTS IN THE CONSUMER PRODUCT AREA—A NEW APPROACH TO NATIONAL AND INTERNATIONAL DECISION MAKING

(By Gordon A. Christenson)

After four years away from an active role in the consumer products arena, I find it strange to return expecting new dimensions of insight but finding many of the same issues before the Congress. There are other, stronger forces at work, however. We feel them invading the old ties between people and things. We see them questioning the Keynesian revelations in praise of an expanding economy. We note how they do not distinguish between man's technological assaults on the environment and the war in Vietnam. We observe them seeking to exorcise the devil, scientism, and his twin brother, technology. We see them challenging the sanctity of knowledge organized around the disciplines tenured to departments in institutions called universities. We can find them stirring young and old alike in new perceptions of injustice which turn not only against the inequities of war, but also against other inexpiable types of aggression and deprivation. We see much of this energy also taking the form of "consumerism", to reorder our priorities in production and consumption. But what is most significant of all is the inevitable counterreaction which is now occurring in many subtle ways.

The questions of product quality, performance and cost are extraordinarily important because they can easily confuse expanding consumption of higher quality products with "quality of life." The first order of business befitting this Academy must be to put the question properly: How do we set a proper balance between quality of life and increasing the consumption needed to generate wealth to sustain that quality?

President Nixon says he is now a Keynesian, seeking to increase the propensity to consume through reallocating public money and deficit spending. But the unorganized poor, the disadvantaged, the radical extremes and the general publics are finding themselves in agreement in rejecting the inflationary, expanding economy which demands constantly increasing consumption. Each does so for different reasons. The poor are hit hardest of all by rising prices and unemployment. The general public is upset by tax increases to support increasing demands for the dollar for essential services and welfare. The disadvantaged are either unorganized or have no effective power to compete with the demands of others through strikes or job actions. The young reject the system that forces us to consume and create an intolerable environment in order to survive for the wrong values. As economists have recently pointed out, businessmen are now turning to Keynesian notions for the obvious reason that profits depend on increasing consumption.

As I see it, the role of governments in the consumer product area is to safeguard an adequate national and international process by which decisions on product standards of performance, quality and cost can be made openly, fairly and in the public interest with participation from among those who are affected and for clear purposes. The public should control its choices concerning quality of life and the consumption of products. These choices depend on a national policy where the public interest intrudes in the mythical free market between consumers who buy and the sellers of the products of industrial technology. Let me hasten to distinguish between government's safeguarding an adequate process for deciding the public interest and government's deciding what particular standards for a product should be. In some cases, mainly health and safety, government may have an obligation to prescribe standards. In others, private parties would decide. In still others, some combination may be desirable. Standards always shape the basis of exchange.[1] The process of decision regarding standards would clarify who makes particular decisions, by what criteria, for what purpose and with whom participating. To be effective it must also answer the question of who represents "consumers" and by what means.

Standards-making processes, therefore, should be used as instruments of conscious policy, concerned with the balance between production and quality of our material environment. Through greater decentralization in decisions, we must seek harmony among production, distribution and consumption. The values that such processes should reflect are; [2]

Informing the public more fully about a product so that choice is made freer and less the result of manipulation.

Enhancing the sharing of wealth through reducing private, state, national and international trade barriers or deprivations in the production and distribution of products and services.

Encouraging desirable innovations.

Evaluating the second and third level effects of technology as reflected in end products or services and reporting them or providing for their solution in the cost of the product.

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Our national effort to develop a national policy for consumer products has been disastrous. We have all suffered from the excesses of consumption and the undue proliferation of products and information about products. We have all become victims of products or by-products that adversely affect our health, safety or welfare. We have all been confused about how standards of quality, performance and information have been established. There are at present at least 486 American organizations which consider standardization to be an important part of their work.[3] They are uncoordinated. They do not reflect a common process for developing standards. They have produced tens of thousands of standards varying in purpose and content. Many of these are obsolete. Most of them do not reflect performance criteria. The material aspects of our lives are very much in the hands of these "little laws" and the interests they reflect, which govern the goods and services that are produced and distributed.

At present, most standards work is done by industrial-technical professionals in major private corporations trade associations, professional associations, private testing laboratories and private standards organizations. Government experts also control standards. The proliferation of all these standards is so great and the responsibility for them so diffuse that we as a nation have virtually lost control over our ability to set conscious limits of quality and performance on the products of our industrial and technological age. Nor is there much incentive for individual companies to do so when they are competing with each other.

We have made some noble efforts in controlling the standards process for product quality and performance. The last successful effort was begun when Herbert Hoover was Secretary of Commerce in 1921. He then introduced a program of product simplification for the purpose of aiding industry in eliminating waste resulting from excessive varieties of manufactured products. In 1927, the program was expanded to develop quality requirements for products and "provide standards for sound manufacturing, distributing and buying practices as well as a means of giving reliable information concerning the products." [4] The National Bureau of Standards ran the program.

The need for controlling the excesses of the 20's was supplanted in the 30's by the need during the depression to encourage production and consumption. This shift in public need brought changes. Beginning in 1933, attempts were made to transfer the function of developing product standards to the private sector under control of the American Standards Association. Some trade organizations, using the National Bureau of Standards as a preferred means for arriving at standards voluntarily, resisted. In 1945, again the question of industrial control was raised and a Policy Committee on Standards of fifty high-level executives was set up under the chairmanship of Charles E. Wilson to study the matter. It recommended a compromise transfer of Hoover's program to an industry-oriented, promotional office of the Department of Commerce. The transfer was completed in 1950. The Wilson Committee further recommended the strengthening of the American Standards Association, a voluntary, privately funded body, as the predominant national organization concerned with product standards, including safety and engineering, and consumers' interests. From a top staff of sixty at its peak, the government office shrank in size and influence to fourteen in 1960. But the American Standards Association was scarcely more influential.

In 1960, a report of a special advisory committee of the National Academy of Sciences paradoxically found that while the recommendations of the Wilson Policy Committee on Standards were still sound, the national standards position had been further weakened. Reaffirming the role of the private American Standards Association, the report urged reconsideration and implementation of the 1945 proposals. It correctly stated that the National Bureau of Standards' product standards program of the 20's was designed for a different era. The report's exposure of gross confusion in the national standards process led to its forceful conclusion that the United States in reality had no national standards program.[5] So another attempt was made in 1963 to develop policy by the appointment of a Panel on Engineering and Commodity Standards of the Commerce Technical Advisory Board. Chaired by Francis LaQue and assembled by Assistant Secretary of Commerce J. Herbert Hollomon, the panel took its assumptions from the National Academy of Science's conclusions (and those of the Wilson Committee) and urged the transfer of control over national voluntary standards to a new "Institute" in which both public and private members would participate and pay dues to finance the operation. The Institute would seek a Federal charter and be authorized to represent United States' interests in international standards organizations. It would increase consumer participation. It would also coordinate all United States national standards and publish them as United States of America standards if they satisfied procedural requirements.[6]

The old American Standards Association sought to become that "Institute." It reconstituted itself without Federal charter as the United States of America Standards Institute and provided an elaborate membership structure and procedure purporting to treat consumers and small business fairly and include government experts. Legal analysis, however, as well as political response demonstrated that the same private control was there and that the procedure for standards-making did not meet either the requirements of the LaQue report or adequate public standards of procedural fairness or objectivity.[7] Legislation was introduced to give a Federal charter to the United States of America Standards Institute. The bill became suspect since it designated the Institute as *the* representative of the United States in international standards organizations and sought a Federal blessing on both its authority and Federal agency membership and support.[8] Certain trade organization opposition again arose—even more vigorously than before. Consumer opposition also developed. The Institute responded by reforming itself into the American National Standards Institute.

In the interim, it was clear that stronger public forces were at work especially to protect consumers. Beginning with its opposition to safety standards legislation in brake fluids and seat belts, the Commerce Department not only changed policy to support tire safety legislation, but initiated the Traffic Safety Act and in rapid succession sponsored consumer legislation in flammable fabrics, fire safety and international standards. The Commerce Department also took leadership in truth in packaging legislation, revised its own product standards procedures, favored the resolution establishing the National Commission on Product Safety and introduced the beginnings of a process for product standards review. Similar pressures arose from Health, Education and Welfare, the Labor Department and other agencies. And the public found a spokesman for consumer grievances not in government but in Ralph Nader.

I can now see, a few years later, that the postwar policies represented by the 1945 Wilson Committee and those of Herbert Hoover in an earlier age are inadequate for our present age. The disaster in national standards stems from our inability to define the role of governments in dealing fairly with private enterprise and the consuming public in the uncoordinated proliferation of standards for products. The National Commission on Product Safety was established in response to the safety aspects of this problem. It conducted extensive hearings. Although the Commission did not have within its jurisdiction a total process for all standards-making activities, it provided a healthy airing of grievances.[9]

The hearings by the Commission recorded the views of most of the major figures in product safety and standards-making. The private testing laboratories and standards organizations appeared. Francis LaQue and Ralph Nader appeared. Hundreds of complainants were heard. The National Bureau of Standards testified. The Commission's report issued last June following many published volumes of hearings included a draft Consumer Product Safety Act.[10] The exposure brought to light the fact that safety standards cannot be considered in isolation. There is a continuum in all standards, both national and international, for technology transcends national boundaries and interests. We cannot solve the safety problem without a complete national and international standards process that considers cost, anti-trust questions, quality and performance, as well as economic impact. Safety affects economies and cost. Cost is not measurable simply in terms of dollars. Social cost is also relevant. Standards on adequate information and performance criteria are related to both. Voluntary agreement on a desirable standard may, if cost is an element, result in anti-trust problems.

President Nixon's consumer message seems to support the conclusions of the National Commission on Product Safety. Both provide ways for reliance on private standards-setting organizations. However, the two differ in approach. The President's message obviously accepts the assumptions of the Wilson Committee's 1945 recommendation for industry control. The proposal would permit "recognized" private standards-making bodies to undertake the development of safety standards which would be relied upon for subsequent rule-making. The legislation proposed by the National Commission on Product Safety would allow any competent person or group to develop a proposed safety standard but only under prescribed procedures. I take it that all 486 organizations listed by the National Bureau of Standards as engaged in standardization could claim special status under either proposal. However, "recognition" under the President's proposal is not as obvious as it seems, for the American Standards Association and its successors have claimed that it should be the only "recognized" national standards coordinating body in the United States. As the Commission proposes, the proper tests should be on competence and due process.

No proposal to date has succeeded in taking the emerging national policy to its full development. In 1967 Acting Undersecretary of Commerce Hollomon outlined a national policy for standards. In supporting but going beyond the LaQue report, he urged each private standards-making activity to strengthen its role in protecting the public interest through fair and open procedures with objective competence and impartial review.[11] In the meantime, the necessity for increasing consumption to aid the economy took a collision course with "consumerism" which sought to reorder our priorities and broaden the process for deciding the conditions of that expanding consumption.

The action within Congress and by the President reflects this demand for the people to have a voice better than the marketplace for the quality of our material lives. The political response to the excesses of production and consumption seems to reflect quite accurately the depth of the problem. Yet the dilemma of how to increase production while

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slowing the intrusions on the environment, on public health and safety and on consumer manipulation remains unsettling.

The President's Consumer Message proposed what some have called a bureaucratic solution to "consumerism" through a "Buyers' Bill of Rights." This solution seeks to pacify the major political responses to consumer protection while protecting the productive capacity of free enterprise. The President's message is based on the assumption that the government's role in consumer products largely responds to the value of production and consumption. Thus, it proposes:

Banning products that do not meet minimum safety standards

Allowing damages for consumer frauds

Encouraging better procedures to resolve disputes arising from consumer transactions

Preventing deceptive warranties

Increasing the accuracy of information about complex consumer products

Improving consumer education

The "free marketplace" would still decide the kind and quality of consumer products until banned for safety. The consumer's choice is to buy or not to buy what is available. The economy needs him to buy. The bureaucratic solution thus patronizes the consumer. Especially under the consumer fraud proposal, consumers are wards of the government and have no standing of their own except for damage from consumer fraud after the Attorney General has completed his own action. This procedure is as ancient as Roman law where women and children were given rights only through the male head of the family. Even Rome, however, had the *tribuni plebis* who defended the common people against the patricians and the state. The President's proposal encourages something else. It would allow the government to deal with companies on behalf of consumers and presumably settle claims without any consumer participation.

The primary value underlying these proposals is purely economic. So long as the consumer consumes, the government and private enterprise can afford to agree to pay the consumer for any damages resulting from the need to speed up consumption. Deprivations are paid out of increasing productivity, but there is no way for the consumer to have much influence in shaping the standards governing the quality and performance of products as they are designed. And the role of the professional engineer in all of this is to design products which serve only the interests of his employer. Even the testing function serves the economic purpose of an expanding economy by the promotional aspects of the use of compliance certificates in advertising.

Newer perceptions of the problem, however, rest on notions which reject expanding consumption as a desirable end in itself. Skeptical of both business and government, these newer perceptions reject bureaucratic and piecemeal solutions—either public or private—and demand more effective representation in a decentralized process for deciding standards of performance and quality of consumer products. The acceptable role of governments, I think, is to give legitimacy to and safeguard this process.

The pieces of a coherent national policy are now lying about. Ranging from voluntary standards decisions to government protection of public health and safety and product liability laws, these pieces cross many public and private bureaucracies. There are many competing interests and collisions of values which will be brought to light. Yet, I think it is possible to provide a process that will maximize the sharing of the fruits of productivity without denying other equally important values. It will require, however, a thoroughgoing revamping of how prescriptions governing the performance, quality and cost of consumer products are decided. Let me propose such a reform.

My proposal consists of eight interrelated recommendations. The organizing theme running throughout stresses a wider, more effective sharing of decision. This theme is expressed best through strengthening various public, private and consumer groups and clarifying their functions.

1. An independent national consumer products agency should be established to prescribe and safeguard the process by which standards for consumer products are developed. Among its main duties would be to recognize organizations engaged in standards-making activities and prescribe the privileges and consequences as well as responsibilities associated with such recognition.[12]

The past fifty years of struggle for control of the national policy for consumer products standards between the government and industry have treated consumers interests as either wards of the government or as serfs in the marketplace.

The consumer is a fictional person not unlike the reasonable and prudent man of the common law. However, it is dangerous to think that he speaks with a single ideology. There are many different consumer's voices. This being desirable, the national interest requires a way in which private professional competence can more effectively advocate this variety of consumer interests. The proposed agency would create this opportunity through overseeing due process in standards-making which stands between production and consumption. Patterns of control and patterns of authority would be brought more closely together. Neither private industry nor the government bureaucracy would be dominant. Such a process is what the LaQue Panel of the Commerce Technical Advisory Board report groped for and what other political reactions in the form of legislative proposals in the Congress have stressed.

The country distrusts the stifling effects of government control over all consumer products but at the same time it equally distrusts the claims for dominance in standards of large business organizations which can best afford to sustain the private standards-making operation. The Congress should authorize the agency to recognize and legitimatize all standards-making functions wherever conducted affecting the interstate and foreign commerce of the United States. Not unlike the Securities and Exchange Commission, it would oversee these private activities but allow them to remain private.

2. Attached to the agency but independent from it should be a public advocate responsible for ensuring, through grants and contracts, adequate support for consumer and other public-interest advocates or firms throughout the standards-making process. This proposal would convert the proposed Office of Consumer Advocate from one of speaking with a single voice for consumers to one which would ensure many different points of view in the decentralized proceedings through licensed public interest firms or professional engineers. The agency would ensure an adequate process for reconciling these diverse interests.

3. The National Academy of Engineering should strengthen the role of the professional engineer wherever he is practicing through insisting on national standards for the exchange of engineering information and overseeing an effective system of professional ethics in relation to product development and standards-making.

4. Independent professional engineers should be supported by public funding through licensed interprofessional firms, by independent testing and certifying laboratories and by aiding small businesses. The role of the professional engineer in developing a better ethic of independent professional judgment and less servitude to interests of large organizations is obvious. Presently unemployed engineers could provide the main resources to independent research and testing laboratories if properly funded. These engineers would become public engineers highly skilled in developing quality and performance criteria for products. They would help the profession develop its own ethical standards which could free the engineer from superior orders which are against the public interest. A decision of this sort would use human resources now wasted by the SST and aerospace layoffs to ensure as much concern for humans on earth as for those in space.

5. The National Bureau of Standards should continue to preserve its integrity as a resource of highest national technical and scientific competence in relation to all standards. Its role in standards, however, should be clarified. It should safeguard the scientific and technical competence and independence of testing laboratories, government laboratories and product standards agencies. It should advise the regulatory agencies regarding such competence and establish criteria for performance testing and for evaluation of professional competence.

6. The agency should have authority to license interprofessional firms consisting of qualified engineers, lawyers, economists, or others to serve in privileged relationships in representing the consumer, small business and public interests before all national and international standards bodies or in appropriate product development.

7. Based on advice from the National Bureau of Standards, the agency would authorize independent testing laboratories to certify product quality and performance according to standards developed by recognized standardswriting agencies by prescribed procedures.

8. The agency should prescribe procedures for private standards-making bodies whether they are recognized or not.[13] These procedures should prescribe the minimum balance of interests including producers, consumers, distributors and testing laboratories to participate. Appropriate sanctions should be provided for failure to comply with the procedures. Procedures should also reflect the following criteria:

A. No standard should be developed without a clear determination of its purpose and the need for it by the participants, subject to review.

B. Standards should be based upon performance criteria unless there is sound justification otherwise and a determination to that effect is made with adequate participation of interests concerned.

C. The consensus principle should be broadened in effect to encourage collective negotiations and settlement. A process of appeal from a finding of consensus should always be open.

D. All standards should be subject to review ultimately by the Commission both for process and to ensure consistency with the public interest.

E. The agency should be authorized to prescribe its own standards not in conflict with other Federal regulatory agencies whenever it determines that a product presents an unreasonable risk of harm.[14] These standards would be prescribed only after adequate notice and hearing with the opportunity for all interested parties to participate.

F. Every standard should be updated or withdrawn periodically.

These eight recommendations would serve the national interest in establishing a national policy for consumer products. These principles should be incorporated in a national consumer products act with adequate appropriations authorized. In addition, I recommend that our government take steps to call for an international convention to

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establish a comparable international standards organization. This organization would be a treaty organization comparable to the International Civil Aviation Organization, the World Health Organization or the World Meteorological Organization. It would differ from the present International Standards Organization which is nongovernmental in that it would have its own technical competence and would, as the International Labor Organization does for the labor movement, represent the arm of governments in reducing barriers to exchanging goods and services while protecting the international community from unsafe products.[15] It would, therefore, complement the General Agreement on Trade and Tariff. The international organization would seek to harmonize national standards, prescribe fair procedures for international standards and recommend enforcement procedures to national governments in areas affecting the health or safety of the international community. As in the ILO, the participation would not be solely by governments.[16]

Standards of quality, performance and cost control the entry or exclusion in the marketplace of the products of our technology. These standards now exist but they are in confusion and are not understood. They are seldom made relevant to people but they always affect people. They are justified on economic or other grounds. Yet often they tacitly serve other purposes among which are market dominance, creating barriers to competing products, preferring low cost to safety, excluding foreign products and proliferating the market with too many goods and services of the wrong kinds. While the national policy I have proposed would not of itself ensure a better quality of life. I think it would allow new voices to be heard for those who will live in our future world.

FOOTNOTES

[1] Hartman, Directory of United States Standardization Activities, NBS Misc. Publ. 288 (1967) at p. 1. "Every branch of industry and commerce recognizes that standards promote fair trade by providing a common language between buyer and seller and a basis for evaluating competitive vendors."

[2] See testimony of Christenson before National Commission on Product Safety, Feb. 18, 1969, 3A Hearings 355; Hollomon, before Subcommittee on Regulatory and Enforcement Agencies, Select Committee on Small Business, House of Rep., June 1, 1967.

[3] Op. cit., supra, n. 1.

[4] Report of the National Academy of Sciences, Special Advisory Committee on The Role of the Department of Commerce in Science and Technology, Mervin J. Kelly, Chairman, March 1, 1960, at 108.

[5] Id at 116.

[6] Report of the Panel on Engineering and Commodity Standards, Commerce Technical Advisory Board, Francis L. LaQue, Chairman, Feb. 18, 1965.

[7] A comprehensive critical analysis is found in Opala, The Anatomy of Private Standards-Making Process: The Operating Procedures of the USA Standards Institute, 22 Okla. L. Rev. 45 (1969).

[8] Opala summarizes the private attitude: "In short, the marketplace desires all the advantages 'officiality' can bring, but wants none of the consequences—be they immediate or quite remote." Id. at 52.

[9] See Hearings, National Commission on Product Safety (10 vols., 1970). The speaker's testimony before the Commission stressed the need for a national policy in safety standards based on the notion that only through standards can we introduce qualitative values into the products of technology.

[10] See Hearing before Committee on Commerce, United States Senate, 91st Cong., 2nd Sess. on National Commission on Product Safety, June 24, 1970, at 56.

[11] Hollomon, Standards and the Public Interest, Keynote Address before 17th National Conference of Standards, United States of America Standards Institute, Feb. 13, 1967.

[12] A similar suggestion was urged in relation to product safety. Also, the President is presently considering a recommendation of his Advisory Council on Executive Organization to create a new Federal Trade Practices Agency dealing exclusively with matters of consumer protection. Either proposal could be broadened to serve the function of my proposed agency, which differs substantially from them both.

[13] The proposed National Product Safety Act provides incentives for due process in private standards making but does not require them. A competent private person or group operating under adequate procedures, however, can offer to develop a safety standard within 30 days of notice of a Commission proceeding, and such proceeding will be suspended for 180 days for private development (Sec. 8 of the proposed Act). The broader procedures I propose would have similar incentives (and also sanctions), but for all kinds of standards development affecting foreign or interstate commerce.

[14] This provision is meant to incorporate into the total standards process the provisions of the recommendations of the National Commission on Product Safety.

[15] See, for example, Jenks, Social Justice in the Law of Nations: The ILO Impact after Fifty Years (1970); Lador-Lederer, International Group Protection: Aims and Methods in Human Rights (1968).

[16] A recommendation of the National Commission on Product Safety urged development of institutional framework. The current process generally functions through nongovernmental international organizations. See proceedings, Symposium on Technology and World Trade (afternoon session, Nov. 16, 1966: The Impact of International Measurement Conventions, Norms, and Standards on World Trade) pp. 37–63, for a comprehensive statement of the role of international standards. See also Hearings before ad hoc Subcommittee on Science and Astronautics, US House of Rep., 89th Cong., 2d Sess. on H.R. 17424 & H.R. 17598, to support International Commercial Standards Activities (1966).

HILL-BURTON COMMENDATION

Mr. DOMINICK. Mr. President, as the Hill-Burton Hospital Construction program approaches its 25th anniversary, let us pause to give recognition to a program which has a proud past. Over the years, it has been universally regarded as a prime example of Federal and State governments working in partnership with voluntary groups to achieve a common goal. As the result of this program, health services have been delivered to communities which heretofore never had a hospital. Thousands of communities throughout the land which have experienced health facility shortages have benefited from construction assistance as well as good sound advice on how to make their hospitals more up-to-date, covering a wide range of services.

I wish to congratulate the Department of Health, Education, and Welfare and the Health Services and Mental Health Administration for their excellent administration of the program on the Federal level and the State agencies for their fine work at the grassroots level.

ADDRESS BY JOSEPH BLATCHFORD

Mr. HUMPHREY. Mr. President, on June 12, 1971, Joseph P. Blatchford, director of the newly established Action agency for coordinating volunteer activities of the Federal Government, delivered an important commencement address at Bowling Green State University, Bowling Green, Ohio.

In this speech, Mr. Blatchford voiced some highly constructive criticisms of higher education. His basic thesis was that a truly higher education must be an education that brings the individual into an informed, useful relationship with his fellow man. He expressed a deep concern about the continuing frequent evidence that colleges—despite the recent youth revolution—and their students appear to be moving in opposite directions: The colleges reaffirming the status quo and insulating themselves from the community, while their students have reached out beyond the campus to extend a helping hand.

Mr. Blatchford proposed three new directions in higher education policies and programs to reverse this separatist trend. First, where the 4-year cycle of education is maintained, let there be ample provision for getting the student out of the campus sanctuary on a part-time basis to give of himself for service. He noted the extensive program of student part-time service at Michigan State University, in health centers, ghetto schools, neighborhood legal aid offices, YMCA's, juvenile court, and elsewhere.

Second, he called for programs to train young people for postgraduate human service. Noting the parallel with ROTC programs, he asked, "Why can't we do that same thing for peace, as we do for war?" He cited the great need for trained people in the vitally important fields of correctional rehabilitation and extensive projects to clean up the environment and build parks. And he suggested a model for meeting such needs in a Peace Corps college intern project, with academic credit, where students receive language training, a firsthand assignment orientation, and field experience practice for eventual work in agriculture or secondary education in a Latin American country.

Finally, Mr. Blatchford called for a full year of student education, away from the campus, in direct community service, and he noted that Action is currently negotiating such an experimental program with some 10 universities.

I firmly believe we must make education in America truly relevant to the actual needs of America's youth and their aspirations to serve in bringing about a better world for all people. But this requires planning and programs that are concrete and forward thinking. We must, therefore, adopt Alfred North Whitehead's maxim, quoted by Joseph Blatchford in his commencement address:

> The task of the university is to weld together imagination and experience.

It is precisely to this end that I have introduced two legislative proposals that I regard as having solid utility and simultaneously offering the vision of a new horizon of opportunity. One proposal, recently adopted by the Senate, would establish a student internship program to offer college students practical political involvement with elected offi-

cials on the local, State, and Federal levels of government. Operated by the U.S. Commissioner of Education through arrangements with appropriate nonprofit agencies, institutions of higher education, and State and local governments as well as offices of Members of Congress, the interns for political leadership program would offer qualified and motivated students the opportunity, with academic credit, to learn how the political system works at first hand, and at the same time to evaluate and develop their leadership potential through direct involvement in the policymaking process.

My second proposal, currently embodied in legislation to extend Economic Opportunity Act programs, and now awaiting Senate action, would greatly expand the Neighborhood Youth Corps program. I believe we must go further, establishing an NYC program for disadvantaged youth that would provide jobs of great importance to our communities—for example, projects to provide a more livable environment and decent parks and playgrounds—and that would include a strong but flexible education program for those who have dropped out of school.

Mr. President, I find myself in complete agreement with the constructive and imaginative proposals made by Joseph Blatchford in his commencement address. I ask unanimous consent that Mr. Blatchford's address be printed in the RECORD.

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

ADDRESS BY JOSEPH H. BLATCHFORD

You are an impressive group of candidates—nearly 2,000, the largest number for a Bowling Green Commencement. That's impressive. I'm delighted to share this day with you and with President Moore, for whom this will be the first of many, many June commencements here at Bowling Green.

President Moore, I understand you have, in the course of the year thus far, given degrees to an equal number of candidates at earlier, smaller commencements. And I am impressed by that.

As I look out over this group of degree candidates, young men and women who will leave the campus today with their baccalaureates, their masters, their doctorates, something else also impresses me. I think you all have been here too long.

You've put in the time and you've picked up the credits—passed the exams—written the papers—taken the orals—done all the things you've been asked to do, so it's not completely your fault. But I come to you today, as your commencement speaker, with an urge to be honest with you and with your university. And I have to ask the graduates, "What took you so long?"

Now at this point, everyone becomes very defensive. The faculty is grumbling that most of you have only been awake half the time you've been here anyway, so what is all this nonsense about being in college too long? And the administration is upset because, after all, they have provided exactly the kind of education that the alumni, the state, and the Federal Government have prescribed.

And the parents. How could I attack them—attack their scrimping and saving, attack their value system, attack their desires only that their children "get the best" and really "make it" in this world? How could I?

I guess the main reason I have to offer—and it is not an apology—is simply this: These are unconventional times and the conventional wisdom doesn't really work. Erick Erikson has observed that "more than any young generation before, and with less reliance on a meaningful choice of traditional world images, the youth of today is forced to ask what is *universally relevant* in human life—in this technological age—at this junction of history."

The demands upon our nation, as well as upon each of us individually, are such that we can't blindly accept yesterday's pattern as today's answer to growing up in America.

"Business as usual" is the worst business of all. I contend that our colleges and universities, despite several years of trauma and turmoil on campus after campus, have barely moved beyond the "business as usual" boundaries of action.

Do you remember Sputnik? What an outcry from the people of this country against the failure of our educational systems. That over-reaction by the public was unjustified, but what a record was laid out in the open: hearings in the Congress, television debates, letters to the editor, a Niagara of alarmed rhetoric. Our institutions of higher education admitted that change was necessary and they stoutly promised to do something about it.

Almost four years later, John F. Kennedy, sensing the untapped potential of young people, spoke directly to them from his inaugural platform: "Ask not what your country can do for you, but what you can do for your country." He established the Peace Corps—to help meet the manpower needs of the developing countries but also a significant experience for most volunteers that surpassed in depth and meaning so much of their time spent in formal education.

Three years later, the nation declared a "War on Poverty," and once again young people were asked to give of themselves. They became VISTA volunteers.

It is seven years later, and we see hundreds of thousands of young people walk together to Washington for an idea; we see their planned, deliberate investment of self in something larger than self. Washington has been trying to make a worthy, creative response. The newest, I would add, is the organization of ACTION, which I am privileged to direct. Just one week old, ACTION does bring together a number of volunteer programs of government. We hope to give that great American urge to serve a new, bright focus within government; we would build on what young people themselves have already begun—graduating class by graduating class—for these past 14 or so years.

But during that period, we have seen no comparable effort on the part of education to seize new initiatives. Despite the National Defense Education Act of 1958 . . . despite the hundreds of millions of dollars that have gone into the programs we find that nearly seven million children are passed along from grade to grade each year, even though they cannot read.

Even in the name of National Defense, there is no real reform in American education. The institutions—the "system," as it is called—remains intact.

And during this exceptional decade, when young adults of colleges age have applied by the tens of thousands for a few hundred volunteer jobs here and a few hundred there, *higher* education has maintained its intellectual lockstep.

The pressures of the College Boards are as intense as ever, the tensions among high schoolers over which college will accept them have not subsided, and the endless round of exams during the standard four-year course of study has been barely interrupted.

Although young people in recent years have shown more spirit and independence than at any other time in our history, they remain nearly as "programmed" as ever. They follow an egg-crate curriculum presented in egg-crate schools. Margaret Mead scolds us for imposing what she calls "planned adolescence" upon Americans aged 14 through 22. And well she might, for each generation is raised according to the expectations of the generation before—not for what it can offer by itself, uniquely of itself.

Let me read to you from the Department of Health, Education and Welfare's 1971 Task Force "Report on Higher Education":

"We see disturbing trends toward uniformity in our institutions, growing bureaucracy, overemphasis on academic credentials, isolation of students and faculty from the world—a growing rigidity and uniformity of structure that makes higher education reflect less and less the interests of society."

After Sputnik and the Peace Corps, after VISTA and the War on Poverty, after the peace marches and the sit-ins, after the civil rights battles and the draft resistance, I am astounded that tough minded Americans can so charge our citadels of learning.

We know that it is true. We know the pressures for uniformity, the institutional rigidity, the isolation, the bureaucracy that has become American higher education. And we also know this has happened, paradoxically, in the period of the greatest renaissance of youth-centered culture since the London of Elizabeth the First.

If I have been hard on the leadership of higher education, it is certainly not to draw attention away from government. Even though government has asserted some real leadership in many areas, it has failed miserably in developing a rational policy toward youth.

Basically, government has provided young people with only two alternatives: stay in school or join the military. If either of these are rejected, the youth—and I am speaking now particularly of males—the youth ends up in a juvenile home or a jail. If he is fortunate and somehow escapes the long arm of law enforcement, he is relegated nevertheless to the trash heap of society. He has dropped out. He has no credentials, no "contacts," no fraternity pin, no service ribbons or unit patch—he has no connection to the world of "business as usual," as defined by an older generation.

For young women the situation is even harsher. Society has figured out only one choice of them—the simplest of all: stay in school or get married. The choice becomes permanent as well; for the wife and mother who did leave school and later wishes to return is faced by the rigidity and bureaucracy of the academic system.

One way or another, society chooses to "institutionalize" its young people from adolescence well into the twenties. You have done well, done your lessons, earned your degrees—all of you. But here at Bowling Green, as at colleges and universities throughout the country, young energy, hopes, imagination, zeal, fellow-feeling, instinct, these have been held within the walls of ivy for too long.

It's all very well to stand here at the rostrum and carp and criticize my friends in higher education. And I wouldn't doubt but that much of what I have said has already been discussed a number of times among faculty and the administration at this school as at others. I know that is true because it has been my privilege during the past year or so to be invited to some shirt-sleeve sessions with college presidents and deans and with student leader and alumni to talk about the disjunction between higher education and American life. We've talked about the isolation of the campus and the danger this represents to our institutions of learning. We are not a society that believes in the isolation of any group; we are a people who like to do things together and who feel a sense of personal responsibility for breaking the bonds of another's isolation. Yet, we have

built a wall around our citadels of learning. The wall must come down.

While the institutions have strengthened their insulation from the community, their students have reached out beyond the campus to extend a helping hand. It hasn't always worked; the community has responded many times with suspicion. But even in the most negative of circumstances, a gesture nevertheless was made—made *first*—by our students.

Higher education has to loosen its embrace on the student body, it has to tear down the walls that keep the students in and the greater world out. I firmly believe that a truly "higher" education should be intellectually based, but not limited to papers and exams; it must also be an education that brings the individual into an informed, useful relationship with his fellow man. He knows he is a human being, knows where he comes from, makes his peace with where he is going, and is pleased to share the journey, brief as it is, with many others along the way.

In this age of color television, satellites, Teflon, and digital clocks, it may be difficult to accept the strong idealism of young people who also seem so comfortable in our material world. But this is genuine. And the challenge to higher education is to nourish and encourage it, not stifle it. Mahatma Ghandi once said his greatest concern was "the hardness of heart of the educated." That should remain as the university's concern today.

I would propose today that higher education make a better, more appropriate response to youth than it has exhibited thus far. I would suggest, for a beginning, that faculty, administrators, alumni, and students examine three kinds of programs to tear down the walls now isolating the campus from the "higher" learning in the outer world.

First, if we have to maintain the four-year—or its equivalent—cycle of higher education, let there be ample provision for getting the student out of the campus sanctuary on a part-time basis throughout the four-year period. The student should be offered the chance to go out into the community, work among children and the aged, in business, in government, or in some private but non-profit enterprise, to give of himself for service.

Only recently have some halting first steps been taken by a few universities to place working students into useful public service: as aides in juvenile court, as census-takers for community planning agencies, in social work and child care. The opportunities are not offered to those students who may have the time: Provision for such service is given to every student. The premise is not "Who needs the money?" but rather "How can everyone serve?"

The part-time student volunteer has been afforded a place of recognition in such places as Vermont and Michigan, Massachusetts, and California. In Michigan State University, for example, some 10,000 students have given time and energy on a routine but part-time basis to help out in health centers, ghetto schools, neighborhood legal aid offices, YMCA's, juvenile court, and elsewhere. It works. But the attempts to exploit part-time energy have been few and far between in higher education. That should change.

Second, we ought to start now to expand the character of your colleges and universities so that we begin to train young people for postgraduate human service. At first, that may sound rather strange; but stop and consider for a moment the ROTC. We have trained young men in military science, assembled faculty, buildings, and uniforms, arranged for field exercises and all the rest, so that this nation would have a complement of trained officer personnel for two years after graduation and to be always at the ready for years after that.

Why can't we do that same thing for peace, as we do for war? Why can't we find the time, the space, the people, and the field opportunities to train young people for national peacetime service after graduation? I think we can.

The range of society's need is vast—a portrait in reverse of the great sweep of our scientific and industrial achievements. For example, we are sorely in need of men and women to help extend health services to all our citizens. Nearly a half million more pairs of gentle, sure hands are needed—now—in health services, and much of the work requires at most a modern high school education.

We are short about 100,000 persons in parole and probation work, prison counseling, panel reform, prisoner rehabilitation and community after-care.

Another half-million individuals, full- or part-timers, are needed right now to build parks, to monitor our air and water, to plant trees, even to get the trash off the street.

These are just a few of the many fields in which the need for help is sharply evident. Planners, legislators, professionals in all fields are beginning to generate the hard data, to actually quantify the social needs of America. They are enormous. Even if they were in error by half—the size of our need for national service is still overwhelming.

Inevitably we must look to the Universities to help—for there reside the abilities and the energies to meet these needs. But can the universities be induced to start another ROTC—a peaceful one—to train a student to fulfill such a commitment?

At the Peace Corps we have a program which may serve as a model. During this past academic year, we have had 150 interns enrolled in programs on ten university campuses. The project will have 470 interns next academic year.

Let me cite the example of the State University College at Brockport, New York. Sophomores or juniors from all over the country apply. If accepted, they are given language training and culture orientation, plus academic training. Intensive summer training and simulated field experience also earn college credits. Interns and faculty fly to their Latin American country of assignment for a brief two-week orientation in the spring.

After graduation, the Brockport Peace Corps interns will go to their host country and serve in the planned project: agriculture or secondary education. Even then, the Peace Corps volunteers can earn up to 12 semester hours of credit toward a masters degree doing work supervised by the Brockport Graduate Faculty, either through the mail or at the time of the spring visits.

The Brockport plan and the others were designed to get at the problems of Peru and the Peace Corps. It isn't the whole answer to an ROTC-type program for our domestic problems. I would hope that the leadership of higher education would step in and show us how it can be done better.

The *third* and last variation I would offer today is a return to my opening comment. I said you've been around here too long. You've spent an extra year here that you probably could have spent more profitably somewhere else.

Let's take a closer look at today's college population. They are rovers and ramblers. Ft. Lauderdale, Woodstock, San Francisco, Rome, London, Acapulco. Whether flying the Atlantic or driving the Alcan Highway, young people today have great freedom of movement. Through television and the transistor radio, they have experienced vicariously a multitude of situations that would otherwise be beyond their years and their understanding.

By the time they reach college, in their nineteenth year, they are quite worldly—much more so than even their own college-educated parents may be. Then does it make any sense to enclose them in a youth environment for four unbroken years? Hardly. We see them sitting around talking to each other and after a while even turned off by each other's similar joys, doubts and hang-ups.

I think it is possible for higher education to re-think the four-year lockstep program and make room for a year away—not in Europe absorbing culture, not work-study but giving service. Getting academic credit. Catching onto the lives of other people—while they and you are still around to do it. We have broached this idea to a number of universities. I can tell you today that we are currently negotiating with no fewer than ten such institutions who will release some of their students for a full year of service with ACTION in a program designed to enrich their lives, broaden their own personal horizons, and to help their fellow man. That, to me, is aspiration . . . reaching up . . . that is truly "higher" education in the contemporary sense.

In many ways, you the youth of America are "older" than your parents and teachers: You don't have to live through a sham to recognize it as sham. Hence, preaching about learning more to earn more, the custodial attitude toward pupils and students, the unredeemable promises written across diplomas and degrees—they lack the depth, the substance, the credibility that youth expects of us.

Alfred North Whitehead, in "The Aims of Education," reminded the universities of the challenge they face in dealing with youth and youthful imagination about what the world ought to be like. Whitehead observed that:

'The tragedy of the world is that those who are imaginative have but slight experience, and those who are experienced have feeble imaginations. Fools act on imagination without knowledge; pedants act on knowledge without imagination. The task of the university is to weld together imagination and experience."

What better, more appropriate way can we choose than to interpret "experience" in the broad context of service . . . working with our aged, helping the children of our ghettos enter the world of learning with strength and hope, attacking the problem of drug abuse by being in the streets and the neighborhoods where the problem really exists, reviving libraries and other cultural services where they have been under-manned and under-funded. These are the experiences that temper knowledge and sharpen the imagination, that translate the term "society" from a concept to a reality.

So we must find new ways to tap the service ethic of our youth. Some of these ways can come by bending time—in small increments, in special studies, or in a whole year. But our ways are not the only ways. The leadership of the universities—the academician, the administrators and, now you, the alumni—can, and must, find many others. I hope you do. I believe you will, and in so doing, will find the rest of the country deeply in your debt.

HIGH SPEED PLAN FOR NEW ENGLAND

Mr. PELL. Mr. President, one of the key elements to any plan to revise the economy of New England is an improvement in the balance of transportation services.

New England highways are backed up with traffic. New England airways are overcrowded with commercial transportation. Community groups are resisting the construction of new roads and

new jet ports. There is a real need for a dramatic plan for restructuring transportation services in New England.

Under the guidance of Mr. Robert Charles, The Geo-Transport Foundation of New England has developed exactly the plan which I believe is the key to the economic resurgence of the region.

Geo-Transport's proposal, which was recently presented to the New England Governors, would provide for 1 hour and 55-minute train service over a new roadbed between Boston and New York. Geo-Transport's proposal would require $691,000 for the construction of a new roadbed between Providence and New Haven.

I believe the implementation of the Geo-Transport plan should be approved by the New England Governors and be given a priority consideration for funding by the Federal Government under the northeast corridor proposal now being considered in the Office of Management and Budget as new legislation.

Mr. President, I commend Mr. Charles, and his able assistant, Mr. William Harsch, for their outstanding effort in developing a high speed plan for the consideration of the Governors of New England. I ask unanimous consent that Mr. Charles' presentation to the New England Governors be printed in the RECORD.

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

STATEMENT BY THE GEO-TRANSPORT FOUNDATION

Last December, at your meeting in Boston, I presented some findings and recommendations of Geo-Transport Foundation concerning inter-city passenger transportation in New England.

The findings were obvious: our over-reliance on highways and airlanes has created a serious imbalance in our transportation network, and has led to a long catalogue of disasters: clogged highways, congested airports, inner-city strangulation, air pollution, noise pollution, the preemption of large quantities of land where it is most scarce and also most needed for other purposes, travel delays, and increased costs. And yet the demand for inter-city travel continues to rise—a demand which, if met solely by more airports and highways, will only compound the problem. Significant increases in airway and highway capacity, particularly in the Boston-New York corridor, will bring more noise and pollution, will take more land, will be less efficient in handling masses of people, and will be extremely costly.

The recommended solution was high-speed rail. Such service would provide relief from congestion, delay, pollution and inordinate land use, could be provided at far less cost than equivalent airway or highway capacity, could take advantage of existing facilities, would be far more effective in handling large numbers of passengers, and would be safer and more dependable. But to attract sufficient patronage to be economically self-sufficient, such service must be time-competitive with air travel, city center to city center. This means, not four hours, not three hours, but two hours between downtown Boston and downtown New York.

Since then, Geo-Transport Foundation has completed a more thorough study of improved rail passenger service in this corridor. Concurrently, a special Task Force in Massachusetts has completed a study which concentrated on the problems of Boston, particularly of Logan Airport. And on July 8 Governor Sargent, in discussing inter-city travel to and from Boston, rejected "massive reliance on jet aircraft", and indicated that "high speed rail is the likeliest answer". I agree. He also said:

"We need hard data on cost-effectiveness, on realistic construction time required, and on environmental considerations.

"The men who say two-hour rail service between Boston and New York is practical are either hopeless dreamers or hard-nosed realists. It is time to *know* which they are."

I am here today to try to give you at least a preliminary answer to that very pertinent question.

But first, a word of caution. Our conclusions concerning the two-hour schedule, its capital cost, its operationally-ready date, its patronage, and its economic viability, are not guaranteed. They are based on what we believe to be reliable estimates. At the end of this presentation I will suggest ways to make them more reliable.

Our study confirms that rail has inherent advantages in such densely populated and congested corridors as Boston to New York. Its efficiency is dramatically illustrated by the fact that a single line of railway track can bring more than twice the number of passengers into a terminal like Penn Station, New York, than can be brought into an airport like La Guardia by all the airlines which serve it, even assuming each airliner carries 150 passengers, i.e., a new wide-bodied 250-passenger jet 60% full. The train creates far less atmospheric pollution and noise. Compared to other modes of transport, it is safer, more dependable, and less expensive. Much of the rail network which could beneficially be used in the corridor, and elsewhere in New England, is already in existence. This greatly reduces or eliminates the need for urban land condemnation and its associated social problems. Finally, the technology is available. To make the run in two hours requires an average speed about the same as Japan's "Hikari" express, and considerably slower than France's planned train between Paris or Lyon.

Let me now discuss the four elements which will determine the feasibility of a 2-hour train, namely: its implementation, its capital cost, its economic viability, and its timetable.

ITS IMPLEMENTATION

The Boston-New York corridor is composed essentially of three links: Boston-Providence, Providence-New Haven, and New Haven-New York. A program is already under way by New York and the State of Connecticut to upgrade the New Haven-New York link to 110 m.p.h. capability; and an estimated $300 million for improvements between Boston and Providence can bring that link to a capability of 150 m.p.h. for much of its length. With these upgradings, the aggregate time for the two end segments on a nonstop basis is about one hour and 18 minutes. This means that the middle segment—Providence to New Haven—must be covered in not more than 42 minutes in order to meet an overall schedule of two hours.

With respect to that middle segment—Providence to New Haven—the present Shore Line route is 112 miles long—half the entire Boston-New York distance. In the Foundation's judgment, the route cannot, except at prohibitively high cost, be upgraded to meet a running time of 42 minutes, which would require an average speed of 160 m.p.h. It contains numerous curves and bridges, and passes through established communities. The economic and social costs of acquiring land, destroying existing structures, and of new construction, would be far out of proportion to the resulting benefits.

In light of the above, the Foundation has concluded that a new direct high-speed line between Providence and New Haven is required, and is economically and socially justified. It would reduce the present distance by at least 20 miles. It would require the taking, in large part, of sparsely settled land—much of it not even being farmed—and it would permit the run to be made in 37 minutes, thereby producing a total nonstop running time of one hour and 55 minutes from Boston to New York. With five intermediate stops, for example Back Bay in Boston, Route 128, Providence, New Haven, and a New York suburban station, the time would be two hours and four minutes.

ITS CAPITAL COST

The total capital cost of providing such two-hour service, excluding the New York-New Haven link, is estimated to be just under $700 million in 1971 dollars, broken down as follows:

	Millions
Route improvements between Boston and Providence	$30
New line between Providence and New Haven	466
Interest during construction	113
Financing expenses	14
Seventeen 302-passenger trains	63
	691

Although $700,000,000 is a very substantial sum, it is far less than the capital cost of the alternate solution of additional airports and highways. For example, even if acceptable close-in sites could be found, two airports, one at each end of the Boston-New York corridor, are estimated to cost at least $2 billion.

ITS ECONOMIC VIABILITY

The financial success of a two-hour train depends, obviously, on three interacting variables: demand, fare structure, and cost. To estimate the demand, actual passenger travel figures between Boston and New York, by bus, rail, air and private automobile, for 1960, 1965, and 1968, were obtained from the Northeast Corridor Transportation Project Report of April 1970, and then extrapolated at a growth rate of 3% per year. The split between modes was then predicted by comparing the proposed travel time, schedule frequency, and fares for high-speed rail service with those of other modes. It assumed that, for two-hour service, the fare between Boston and New York would be $20 in coach and $30 in parlor car. This is 1/16th below coach, and slightly below first class, air fares, and yet is time-competitive. Under these circumstances we concluded, and we think conservatively, that dependable two-hour rail service would capture about 60% of the traffic that would otherwise go by air. There is another element of conservatism in these projections: we have assumed no inroads into the $10.45-fare bus market by virtue of the $20 rail coach fare. There is no reason, however, why some trains could not make more intermediate stops, use alternate routes to service communities on the present Shore Line and Inland routes, take a little more time like 3 hours, and charge $10.45 or less, and thereby capture a large share of the 4-hour bus market.

Based on the above projections of demand; and excluding any share of the bus market, we believe that the project's revenue-generating capacity will be sufficient to support long-term debt equal to the total capital cost of $700 million, that the project can break even in its first full year of service in terms of meeting all operating costs and interest on the debt, and that the debt can be amortized in less than 25 years thereafter. However, in view of current transportation problems, particularly among the railroads, and also in view of the novelty of this project, government guarantees will be required.

ITS TIMETABLE

The objective of two-hour train service can be realized in incremental stages. A four-hour running time by 1972 can be achieved with minor improvements in rolling stock, signal systems and track. Following this, a

three-hour schedule by 1976 can be achieved by improvement of the Boston-Providence and New York-New Haven segments, plus further upgrading of the trains. Finally, the new link between Providence and New Haven can come into operation by 1979, and with it the two-hour schedule.

The proposed program, involving as it does a new track between Providence and New Haven, may create the fear that the present Shore Line and Inland routes will be abandoned. That fear is not, in my opinion, justified. On the contrary, I suspect that the surest way to guarantee the abandonment of those routes is *not* to build the 2-hour system; in which case the entire rail passenger system in New England will continue its present dreary downhill course. The only remedy is a healthy, economically-viable central spine, to which otherwise non-viable spurs and alternate routes can beneficially be attached. Thus a run from Springfield and Hartford could feed into the central spine at New Haven. Similarly, from New London, Westerly and Kingston, and for that matter from Portland, Concord and other northern communities. The key to good service to and from almost anywhere in New England is not a fragmented network of obsolete facilities which is doomed to wither and die, but a high speed central spine on as direct a route as possible from Boston to New York, which would nourish the entire region.

RECOMMENDED ACTION

We believe that there is no longer much question concerning the non-quantifiable benefits of high-speed inter-city rail, such as its relatively low environmental and social impact, its more sensible use of land, its ability to handle masses of people in safety, comfort, and with dependability, and its relief of overburdened airways and highways. We also believe that we are "hard-nosed realists" when we say a two-hour train is feasible, practical and economical. But we agree with Governor Sargent that it is time to be sure, and we recommend that steps be taken promptly to verify and refine our conclusions. We need much more accurate estimates concerning capital costs, demand, revenues, and other factors. For example, the earthwork for the proposed new Providence-New Haven link is estimated to cost, including contingencies, $270,000,000, or nearly 60% of the total estimated costs of $466,000,000 for that link. There are at least two weaknesses in this $270,000,000 estimate. First, it assumes maximum gradients of 1%. But the French are planning on maximum gradients of 3% on the proposed new high-speed line between Paris and Lyon. If such high gradients do not result in more-than-offsetting operating costs over the long term, then these earthwork costs can be substantially lower. Second, we do not yet know the exact location of the new route; and the location could increase or decrease the estimated cost.

Other areas which need refining are: How great is the demand? Will a two-hour schedule capture 60% of the airline market at slightly lower fares? How much of the bus market will be captured with slower schedules, alternate and spur routes, and much lower fares, thereby relieving our highways of some of that traffic and at the same time increasing the economic viability of the train? We must also tackle, which we have not yet done, the inner-city problems which are bound to arise when masses of passengers start using urban railroad stations again. How will parking near those stations be handled? Although the environmental impact would appear to be much less serious than would be created by other modes, we must consider the ecological effect of a new rail link between Providence and New Haven.

In conclusion, we believe that in New England there is now a unique opportunity, at one stroke, to reverse the imbalance in the region's passenger transportation system at low relative cost and with great social gains.

THE VICE PRESIDENT OF THE UNITED STATES

Mr. DOLE. Mr. President, it is time for Republicans to stop being defensive about the Vice President of the United States, about his trip around the world, about his standing as a great American and about his value to our party. Mr. President, SPIRO T. AGNEW is a plus as an American, a plus as a Republican and his trip was a plus for the cause of world peace and understanding.

EASY CRITICISM

It is all too easy for an unknowing press to criticize and it is even easier for those who read the press to echo—in complete ignorance—that criticism.

I do not recall that the press was called in to observe the meetings between the Vice President and the heads of state with whom he met on his journey. I do not even recall that they were at the golf games.

Surely, a press that did not know Henry Kissinger had gone to China is not necessarily aware either of what messages the Vice President carried or what assurances he gave or what ruffled feathers he soothed. And there was no Daniel Ellsberg along to betray a confidence or leak a story.

Mr. President, I have said before that I did not know the purpose of the Vice President's trip. I was not privy to the President's instructions. I do know, however, because it is public knowledge, that the Vice President talked to the leaders of many friendly and allied nations at a crucial and historic time—at a time when the most delicate of negotiations were being carried out—and announced between our Nation and Red China.

I believe it is fortunate and not altogether happenstance that the Vice President was abroad at that time to explain, to assure and to show a calm American presence in an excited world. Where could he have served better at that critical time?

STANDARD SPECULATION

Now, it is easy to join the press speculation that the Vice President will be replaced on the Republican ticket in 1972. Of course, it is a change from 4 years ago when there was open speculation that the President would be replaced on the Democrat ticket. But, Mr. President, let me say that I do not know what is in the mind of the Vice President or the President regarding 1972. Like my friend, HUBERT HUMPHREY, I am not a prophet. Nor am I a soothsayer.

But I do know from past experience that the press and politicians love to speculate, love to play a guessing game, delight in posing a hypothetical question and then answering as if that hypothetical question were real. "What if?" in our business and in the media too often is assumed to be fact.

We all recall the speculations of the middle 1950's that led to Harold Stassen's abortive effort to dump Mr. Nixon in 1956. We remember the speculation about Lyndon Johnson before the assassination of President Kennedy. Our colleague, the former Vice President, Mr. HUMPHREY, did not go unscathed in the perennial Capital guessing game. So, there is no reason to expect that SPIRO AGNEW could escape this kind of speculation. Least of all in fact would we expect SPIRO AGNEW to escape.

He is the most controversial Vice President of our times, largely because he has spoken his mind without regard for the tender feelings or political beliefs of those who write and speak the news. As a matter of fact, he has on occasion even dared to voice criticism of the news media.

Because of this it has been easy, in some news media quarters, for the wish to be the father of the thought, and this in turn has helped to spread the rumor and talk of a dump AGNEW movement throughout the Capital.

A WASHINGTON PASTIME

Mr. President, what passes for fact in Washington, D.C., is often less than that in Topeka, or Omaha, or Dallas or Seattle or Bangor, Maine.

Which is why we hear much about "dump AGNEW" in Washington and almost nothing about "dump AGNEW" in the rest of the country.

In the last 7 months I have traveled through most of the Nation. There is a little talk about getting rid of the Vice President; there is a lot of talk about getting him to speak at party functions. Out there, where the people are, SPIRO AGNEW is admired as a straight talker, a straight shooter, and a man of principle.

And I need not point out that out there where the people are is where the votes are, too.

Mr. President, it is not necessary for the Senator from Kansas to stand up here in long defense of the Vice President. He is capable of defending himself and, if necessary, of attacking.

UNCALLED-FOR CRITICISM

But it seems that the criticism of recent days, even from the opposition press, have been unduly snide, unfairly harsh and in more than one case, unbelievingly inaccurate.

This is the right and the privilege of a free press.

But those of who know and respect the Vice President have the right and the privilege to respond. I have attempted to do so today.

A GREAT AMERICAN

Mr. President, I am proud to call the Vice President a friend. In my opinion he is a great American, and as an American and as a Republican I am proud to support him now or at any time in the future.

As for his recent trip, let me close by pointing out that the President has said that the Vice President did a "fine job" in a substantive area of foreign affairs.

I have no reason to doubt the President's assessment and have seen from the critics no evidence to contradict it.

REVOLVING CREDIT ACCOUNTS

Mr. TAFT. Mr. President, during the last 2 days I have made two statements urging Congress to support the basic re-

search program that we instigated when, as part of the truth in lending bill, we established the National Commission on Consumer Finance. My purpose in speaking in behalf of this new research effort sponsored by Congress is not to oppose the credit bills that have been introduced in both Houses but, rather, to caution against legislation that precedes information. The simple fact, as I have demonstrated in my two prior statements, is that we do not know enough to legislate wisely at this point. Another example of the paucity of our knowledge is now at hand.

It has been widely assumed that the 18-percent annual rate charged on so-called revolving credit accounts has produced a bonanza for retailers. In consequence, bills that have been introduced seek to regulate these allegedly exorbitant credit rates by one device or another. Now, however, we have some new and authoritative testimony from retailers themselves. This is what it shows.

Buffum's a multiunit California department store chain with an annual volume of $35.8 million, recently released these figures:

In the 1970 fiscal year Buffum's collected $1.09 million in service charge income.

They paid $675,432 to finance these receivables.

Their reserves for bad debts were $532,177.

The cost of administering the credit program was $440,736.

Buffum's net loss on credit operations was $557,114 or 2.4 percent of credit sales.

Even allowing for the fact that Buffum's operates primarily in an area where aerospace cutbacks have severely depressed the economy, their loss on credit operations—and particularly the size of that loss—is startling.

Buffum's is not alone. The Nation's largest retailer, Sears-Roebuck, says in its annual report that net installment account balances averaged $3.4 billion in 1970. Then they make this comment:

> If it were necessary to finance installment accounts entirely through borrowing, costs would have exceeded finance charge revenue. For 1970 our net revenue of $26 million (excluding any cost for equity used to finance receivables) amounted to less than one per cent on average assets employed in credit accounts compared with more than 10% earned on other assets.
>
> Installment credit is a competitive necessity in modern day retailing. It is this factor, rather than profit in the credit operation, which prompts the Company to provide credit services.

The Dayton-Hudson Corp., one of the Nation's major department store retailers—in a report certified by the nationally-known accounting firm, Ernst & Ernst—states that their service charge revenue in the year ended January 30, 1971 was $2,459,294. On this revenue they show a pre-tax loss of $734,302.

The J. C. Penney Co.—second in size only to Sears—has recently produced a full report on its 1970 credit operations. Two figures from this admirable and detailed disclosure make the same point. Penney's 1970 loss on credit sales was $20.5 million.

Still another major retailer—Montgomery Ward—recently said that its credit earnings in 1970 were "only one-half of one percent" on credit sales of more than a billion dollars. Significantly, in issuing the figures, Gordon R. Worley, Ward's financial vice president, made this comment on credit charges:

> In those states where retailers have been forced to reduce service charges, both credit and cash customers have been adversely affected. If retailers are to continue to offer credit, reduced revenues must be offset by increasing merchandise prices and reducing services provided to customers. Higher prices mean that cash customers must pay a substantial share of the cost of extending credit. In addition, credit will become less available, particularly to marginal and low-income customers.

The Worley statement summarizes my concerns in the whole area of credit legislation. At this point we simply do not comprehend the anatomy of credit. Thus, there is danger that, in pursuing the laudable course of consumer protection, we may really be legislating higher prices and lower credit availability. In short, we could well throw the baby out with the bath water.

That is why I again urge Congress to sit tight until the National Commission on Consumer Finance makes its report in July 1972. With the facts in hand we will then be in a much better position to see what, if anything, needs to be done about this important and sensitive issue.

SPEEDY TRIAL

Mr. ERVIN. Mr. President, of all the rights guaranteed to our citizens by the Constitution, few have been so neglected and ignored as the right to a speedy trial. I would hope that no Member of Congress need be reminded of the crowded jails, clogged court calendars, and chronic injustice that is bred by the denial of this basic constitutional right. These problems have become so serious that our entire system of criminal justice has itself been placed on trial.

Whether or not we are able to deal effectively with these problems will determine to a significant degree whether Americans can long remain a truly free people. For a constitution is worthless if it can be maligned or ignored at will; the laws are meaningless if those who violate them go unpunished; a so-called system of justice which is powerless to insure that justice is done is not worthy of respect. It breeds contempt for law, and contempt for law is a fatal illness for a democracy.

We are perilously close to seeing those very circumstances come to pass. Persons guilty of heinous crimes remain free while others presumed innocent languish indefinitely behind bars awaiting trial. Heavier caseloads plus 19th-century management techniques have overburdened many of our courts to the point of collapse.

Obviously, Congress cannot remain idle in the face of such a crisis. Moreover, our actions must be deliberate, prudent and wise. Our goal cannot be merely to halt the spread of crime in America; it must be to stem that tide while reaffirming our commitment to constitutional principles of government and our Nation's fundamental and traditional respect for the rights and freedoms of all its citizens.

Mr. President, just as the problem of crime is tremendously complex, so we should not expect its solution to be a simple matter. In dealing with criminals and criminal acts, neither the mailed fist nor the velvet glove is a satisfactory response. We must be especially wary of so-called panaceas which are often thrust before us as happened with no-knock searches and preventive detention in last year's District of Columbia crime bill. Such schemes cannot perform miracles in controlling crime. They contribute nothing but disappointment, frustration, and injustice. More seriously, while touted as an effort to sever the Hydra's head of crime from American society, such panaceas trample upon cherished constitutional guarantees and serve only to compound and multiply our problems.

To combat crime effectively in this country our sword must be double-edged. On the one hand, American society must be protected from the violence and depravity of its criminal element. No one believes this any more strongly than I do, having served 14 years as a judge in my home State of North Carolina. And, on the other hand, we must be meticulous in our efforts to insure that no citizen of the United States shall ever wrongly be deprived of the blessings of his freedom. If we are to have true justice in this land, we must commit ourselves equally to these two principles.

Mr. President, the ultimate objective of all criminal proceedings must always be equal justice under law. To assure that result we must address ourselves to each of the many complex and specific problems confronting the Federal judiciary and seek solutions for each of them Only in this manner may we truly reform our system of Federal criminal justice and provide society with an effective, viable apparatus for administering justice.

One such problem is the lack of speedy trials in Federal criminal cases. In response to this problem I, along with 48 cosponsors of both parties who represent the entire spectrum of views on the problem of crime, have introduced S. 895, a bill which would make speedy trials a reality. This bill does not force us to make that false choice we hear so much about—"the rights of criminals or the rights of society." Instead, the speedy trials the bill requires would fulfill the sixth amendment's guarantee to accused persons, and it would also protect the interests of the larger community by providing for the prompt disposition of criminal cases and greater supervision of defendants on bail while awaiting trial.

Despite its widespread support, S. 895 is no panacea, and it has never been touted as such. Speedy trial alone will not end crime in this country. But it is a necessary, reasonable, and long overdue step in the right direction. And while the principles embodied in S. 895 are eminently sound, the bill itself may need

some refinement. S. 895 is intended to be a blueprint—a working document to be subjected to the scrutiny of judges, attorneys, and other legal experts for their comments and suggestions.

To further the process of revision, the Constitutional Rights Subcommittee held an initial 3 days of hearings on S. 895 in mid-July. Several of my colleagues in the Senate who share my vital concern about this matter appeared before the subcommittee or submitted statements for the record. In addition, several other distinguished and knowledgeable persons shared their ideas with the subcommittee. One such witness was Judge Albert Lee Stephens, Jr., chief judge of the U.S. District Court for the Central District of California, who testified that in the past year his district was able to dispose of criminal cases in an average of 56 days from the date of indictment. This commendable record clearly shows that speedy trial is not an impossible dream even in the busiest of our Federal districts.

Judge Stephens' testimony, plus that of other witnesses, demonstrates that while speedy trial is not going to be easy to achieve, neither is it an unreachable objective. It is, I am convinced, a goal we can and should start working toward now. It is far better to make the sixth amendment a reality now than to succumb to the lure of unconstitutional experiments with our liberties and vague promises of "reforms" that are even more obscure.

What the testimony demonstrates vividly is that where the will to achieve speedy trial exists, it can be achieved. With the same will to move constructively on this speedy trial legislation, we can give the courts the necessary encouragement and machinery to accomplish our goal. So far, all those who have appeared have made constructive contributions. It is my earnest hope and expectation that all concerned will continue in this same fine spirit.

The subcommittee will soon hold additional hearings on S. 895 so that a revised version of the bill may be brought to the Senate floor at the earliest possible date. A schedule for the further hearings will be announced in the near future. At that time we expect the Justice Department to have formulated its views on the problem of speedy trial and to present its recommendations for improving the bill, or its alternative draft bills.

In my statement opening the hearings on S. 895 on July 13, 1971, I outlined the background of the bill, the issues it raises, and my hopes for it in this Congress. I ask unanimous consent that those remarks be printed in the RECORD.

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

STATEMENT OF SENATOR SAM J. ERVIN, JR.

Today the Subcommittee on Constitutional Rights opens the initial phase of hearings on S. 895, a bill designed to improve the quality of criminal justice in America. More precisely, S. 895 is a bill to give effect to the Sixth Amendment right to a speedy trial for persons charged with offenses against the United States and to reduce the danger of recidivism by strengthening the supervision over persons released pending their appearance to answer charges of pending appear.

These will be the first Senate hearings on any specific legislative proposal to bring about speedy trials for all Federal criminal suspects. Our primary objective is to eliminate the long and unnecessary delay between arrests and trials which has been exacting an unduly high price both from individuals accused of crime and from a society deprived of a swift, sure and fair system of criminal justice.

Title I of S. 895 seeks to achieve that goal by requiring each Federal District Court to establish a plan for holding trials within 60 days of an indictment or information. Departures from the 60-day requirements would be allowed but only on limited grounds such as a defendant's unavailability or a judicial finding that the ends of justice cannot otherwise be met.

The speedy trial provisions of this part of the bill apply in four stages: first, to those persons accused of serious felonies and not released prior to trial; second, to those accused of serious felonies and released prior to trial; third, to those accused of other felonies and not released; and finally, to all other persons accused of nonpetty offenses.

Title I requires each district court to establish plans for the implementation of the speedy trial requirements of the legislation and the Sixth Amendment. It also provides for the report to Congress of the funds and personnel needed to implement the speedy trial requirements.

The requirement of a plan and of a detailed report on the requirements needed to achieve speedy trial is possibly the most important part of the bill. It will for the first time require the executive and judicial branches to make a comprehensive assessment of their resources and their requirements for an efficiently functioning criminal justice system. They will then present to Congress their evaluation of the resources which they find lacking. Congress then will make its own comprehensive assessment of the resources necessary to assure speedy and fair administration of the criminal law. The choice then will be clear. If we desire a modern, efficient, and well-run judicial system—one which will truly and effectively perform its function of punishing and rehabilitating lawbreakers and deterring crime—we will know what it will cost and how much of an effort is required. If the Nation truly wants law and order, and not merely a panacea, it will pay that cost.

One certain result of providing speedy trials for all criminal suspects will be a reduction in pretrial crime. To reduce the danger of pretrial offenses even further, S. 895 contains a second title which would ensure closer and more effective supervision of persons released on bail.

The provisions of Title II are expressly designed to enhance operation of the Bail Reform Act of 1966. Title II would establish demonstration "Pretrial Services Agencies" in five districts, including the District of Columbia. The agencies would be responsible for making bail recommendations, for supervising and controlling persons released on bail, for assisting in the providing of medical, employment, and other services to these persons, and for performing other functions designed to ensure the reduction of pretrial crime, nonappearance for trial, and unnecessary pretrial detention.

Title II would implement important recommendations of the many committees which have examined the operation of the Bail Reform Act and would minimize the temptations to crime and future delinquency in the pretrial period. With its recently increased responsibilities and added personnel and resources, the D.C. Bail Agency might well be expanded into one such model pretrial services agency. I believe the provisions of this title, together with the speedy trial provisions of Title I, will substantially eliminate the problem of crime on bail.

S. 895 is virtually identical to a bill, S. 3936, which Senators Hart, Bayh, Hughes and former Senator Young and I introduced on June 9, 1970. The only difference is that the new bill does not provide for specific additional penalties for crimes committed while a defendant was released awaiting trial. That provision, Title II of S. 3936, received sufficient unfavorable comment last year from some of my colleagues in the Senate and from the experts whose comments we solicited to warrant its removal for separate study by the Constitutional Rights Subcommittee. In all other respects the bill remains unchanged.

The lesson we should have learned long before now on the need for speedy justice was stated many centuries ago by Ecclesiastes, the preacher, when he said:

"Because sentence against an evil deed is not excuted speedily, the heart of the sons of men is fully set to do evil."

Clearly, we ought to try those accused of evil deeds speedily and then punish with dispatch those who are actually found to have committed the evil deeds. I am confident that we can achieve this objective if we are willing to devote but a small measure of our energy, ingenuity, and resources to the job.

S. 895 is unique in that it offers us a concrete and workable proposal for breathing life into the Sixth Amendment speedy trial guarantee. It is not just another echo of a tired, empty slogan about that long-neglected constitutional right.

Many of the 25 Senators who ultimately joined in sponsoring S. 3936 last year and many of the 49 Senators who have already joined in sponsoring its successor, S. 895, believe that these legislative proposals offer a viable and clearly constitutional alternative to the unwise and unconstitutional scheme of preventive detention pushed so vigorously by the Justice Department last session. However, a number of other cosponsors of the speedy trial bills supported both the Justice Department's preventive detention experiment for the District of Columbia and speedy trial. Thus, there is no need to consider this bill in the emotionally charged context of preventive detention. No matter what one's views on preventive detention happen to be, we all recognize that achieving speedy trial is vital.

Rather than dwell on our differences, I think it is much more important to remember that within the Senate, both ardent opponents and staunch advocates of preventive detention are numbered among the cosponsors of S. 895. Irrespective of our views on preventive detention, we have found a common ground on which we can stand in the effort to achieve more effective criminal justice. I believe this united stand is possible because all of us share the basic conviction that the road to the solution to the problem of crime on bail and, indeed, to the general crime problem, lies in the speedy trial of all those accused and the swift and sure punishment of the guilty.

There are a number of encouraging signs on the horizon which lead me to believe that the time for speedy trial hearings has arrived. These signals also have convinced me that the time is at hand when we shall overcome the obstacles of trial delay which have been exacting an unduly high price from accused and society alike.

In the short space of time since S. 895 was introduced on February 22 of this year, a total of 48 Senators have joined in this significant effort to minister to the needs of our troubled criminal justice system. This indicates to me that the Senate and the people of this Nation sincerely want to solve one of the most urgent problems of our day. The Senate and the people want legislative

action to enforce the Constitution and not just an empty slogan which perverts it.

Another encouraging sign is the tremendous unsolicited response from private individuals, groups, and newspapers across the land to the introduction of S. 3936 last session and S. 895 this session. That response shows that the people of our country have long been counting the cost to society of unreasonable delay. It demonstrates that they recognize the need for a major overhaul of our judicial machinery and that they are looking to us for the imaginative leadership necessary to achieve the task. Perhaps most important of all, it shows that they share our commitment to attain the goal of speedy trial. A selection of these letters, editorials and statements will be inserted in the hearing record.

Another encouraging signal lies in the overwhelmingly favorable response the Constitutional Rights Subcommittee received to its solicitation of views from a wide variety of experienced people in the criminal justice field. Endorsement of the objectives and principles embodied in the bill has often been accompanied by constructive suggestions for its improvement. For example, we have had recommendations for extension of the 60-day limit to 90 days, for a speedy indictment provision, for elimination of unnecessary delay in criminal appeals and for imposition of sanctions against unreasonably dilatory defense counsel. The Subcommittee has welcomed such comments and suggestions and will give all of them close and careful attention during the course of these hearings. A representative group of the many letters we have received will be included in the hearing record.

Fewer than three weeks after S. 895 was introduced, the President made plain his own commitment to speedy trial at the National Conference on the Judiciary, an assemblage of prominent judges, lawyers, and educators. On that occasion he said:

"The founders of this Nation wrote these words into the Bill of Rights: 'the accused shall enjoy the right to a speedy and public trial.' The word 'speedy' was nowhere modified or watered down. We have to assume they meant exactly what they said—a speedy trial.

"It is not an impossible goal. In criminal cases in Great Britain today, most accused persons are brought to trial within 60 days after arrest. Most appeals are decided within three months after they are filed."

He also said :

"Justice delayed is not only justice denied—it is also justice circumvented, justice mocked, and the system of justice undermined."

I am delighted to know that the President is firmly dedicated to both the principle and practice of speedy trial. His dedication will enhance our efforts to achieve a viable legislative solution to the problem.

In addition to the strong backing for speedy trial already displayed by the Senate and by the President of the United States, it is heartening to know that we also have the Chief Justice of the United States Supreme Court with us in the effort. In his address to the American Bar Association on the state of the Federal judiciary in August of last year, Chief Justice Burger said:

"If ever the law is to have genuine deterrent effect on the criminal conduct giving us immediate concern, we must make some drastic changes. The most simple and obvious remedy is to give the courts the manpower and tools—including the prosecutors and defense lawyers—to try criminal cases within 60 days after indictment and let us see what happens. I predict it would sharply reduce the crime rate.

"Efficiency must never be the controlling test of criminal justice but the work of the courts can be efficient without jeopardizing basic safeguards. Indeed the delays in trials are often one of the gravest threats to individual rights. Both the accused and the public are entitled to a prompt trial."

In declaring that criminal trials within 60 days would sharply reduce the crime rate and that both the accused and the public have a fundamental right to speedy trial, the Chief Justice plainly enunciated two consummate truths which neither the legislature, nor the judiciary, nor the executive can ignore any longer.

Recently, we have seen some encouraging signs emerge from within the judiciary both at Federal and State levels. On January 6, 1971, the Judicial Council of the Second Circuit Court of Appeals promulgated a series of new speedy trial rules for the Federal courts of the Second Circuit. This action assumes great significance when we consider the fact that the Second Circuit contains the Southern District of New York which is one of the busiest Federal district courts in the land.

The new rules require that the U.S. attorney must be ready for trial of an unconvicted, detained defendant within 90 days of detention. If not, the defendant is to be released, unless exceptional circumstances appear. The rules also require the Government to be ready for trial in all cases within 6 months from the date of arrest, service of summons, detention, or filing of a complaint or a formal charge, whichever is earliest. Otherwise, the case shall be dismissed upon motion of the defendant or the district court. The rules also give a clear priority generally to criminal cases and particularly to detained defendants and detained defendants believed to present unusual risks. In announcing the rules, the Circuit Judicial Council stated:

"The deterrence of crime by prompt prosecution of charges is frustrated whenever there is a delay in the disposition of a case which is not required for some good reason. The general observance of law rests largely upon a respect for the process of law enforcement. When the process is slowed down by repeated delays in the disposition of charges for which there is no good reason, public confidence is seriously eroded."

A copy of the Second Circuit rules and the statement of the Circuit Council will appear in the appendix of the hearing record.

In another development within the Federal judiciary, the Advisory Committee on Rules, appointed by the Chief Justice of the United States, has recommended two alternative proposals on speedy trial to the Judicial Conference Standing Committee on Rules of Practice and Procedure. On March 31, 1971 Judge Albert Maris, Chairman of the Standing Committee, circulated the two proposals to members of the bench and bar for comment and requested responses not later than July 1, 1971 because "the serious delay in the disposition of criminal . . . in many districts is rightly a matter of immediate concern to the Congress and the country at large. . . ." A final report is soon to be submitted to the Judicial Conference for its consideration.

I am delighted to see this manifestation of serious, if somewhat belated, concern about finding a practical solution to the sluggish operation of our criminal justice system.

Both of the recommended proposals would seek speedier trials by amending Rule 45 of the Federal Rules on Criminal Procedure. They follow the general pattern set forth in S. 895. The first one would require each district to conduct a study and prepare a plan for speedy disposition of criminal cases. While this version of the rules sets no time limits, it would require each district plan to include "rules relating to time limits." S. 895 would require each district to establish a claim suited to its own needs but goes beyond the proposed rule by setting an actual time limit and by providing a sanction in the event of non-compliance with the time limit.

The second alternative adopts the specific time limit approach of S. 895, although the periods are different and may be modified by each district. But again the proposed rule lacks firmness because it does not have the sanctions which would be imposed by S. 895 for non-compliance with the time limits.

While both proposals are lacking in an essential ingredient—sanctions for non-compliance—they nevertheless constitute an encouraging sign on the judicial horizon. A copy of the proposed changes in Rule 45 will be included in the hearing record.

At the State level, the New York Court of Appeals, the highest court in that State, has sought to set its own house in order by boldly following the pattern set by the Judicial Council of the Second Circuit Court of Appeals. It announced new rules in May which will require release on bail of nearly all defendants whose trials have not begun within 90 days of their arrest and the outright dismissal of defendants who have not been brought to trial, through no fault of their own, within 6 months of their arrest. In recognition of the immediate administrative and financial burden the rules would impose, the effective date for the new court rules is May of 1972. The New York rules will be inserted in the appendix.

Another development at the state level was reported in *The Washington Post* of Tuesday, July 6, 1971. The *Post* article related the beginning of a 90-day experiment for King County, Washington, which sets an outside time limit of 41 days from arrest to trial.

The experiment for King County, which includes the city of Seattle, has been pushed by Superior Court Judge David W. Soukup who has indicated that the new rules are sufficiently flexible to allow exceptions for complicated cases. The rules set forth a timetable for filing charges, arraignment, and preliminary hearing with trial occurring not later than the 41st day following arrest.

The stated objective of the new rules is to eliminate the problems which emanate from long delay, such as imprisonment of defendants not yet convicted, on the one hand, and crime by those released prior to trial, on the other. The *Post* article about the King County plan will be included in the record.

Concern about speedy trial here in the District of Columbia was brought sharply into focus within the past few months by a court judge's order for release on recognizance of a defendant formerly incarcerated without trial in the District of Columbia jail for two months. The judge said that "simple justice" demanded release even though he had some misgivings about the defendant's inclination to return for trial. He made it clear that the accused should not pay for the sins of others. The judge pointed an accusing finger for dilatory tactics in the direction of Government prosecutors, the Bureau of Narcotics and Dangerous Drugs and the court-appointed defense counsel. This action should serve as fair notice to all that the District of Columbia Superior Court intends to speed up the wheels of justice. With the increased number of judges provided by the recent District of Columbia court reorganization, the public and the Congress should tolerate nothing short of trials within 60 days.

In the U.S. District Court for the District of Columbia, we are fortunate to have as Chief Judge, Edward M. Curran, a staunch believer in the need for speedy trials. As a witness at Constitutional Rights Subcommittee hearings in February of 1969 and again in a letter to me on October 7, 1970, he said:

"There is no more effective deterrent to crime than a speedy trial and swift punishment for the guilty."

In his letter, he also advised me that he fully expected the Federal district courts here to meet a 60-day limit, without additional manpower, upon completion of local court reorganization.

In addition, many of our courts already have exemplary records in this field. For

them, neither legislation nor court rules need be imposed. In a recent letter from Chief Judge Albert Stephens, Jr., of the U.S. District Court for the Central District of California, which includes the city of Los Angeles, I learned that for the first 7 months of fiscal year 1970–71, the average number of days elapsing from the date of arraignment to disposition was only 34.8 days. That commendable record shows that speedy trial can be a reality even in the busiest of districts. I shall include in the hearing record the information which Judge Stephens forwarded to me.

Concern on the part of the nation's judiciary is vital, for it is to the courts that we must look for ultimate enforcement of the constitutional guarantee as well as for strict application of the rules which may be laid down by Congress and state legislatures. The kind of initiative displayed by the Second Circuit Court of Appeals and by the New York Court of Appeals, the King County Court, some of our federal district courts, and others, will serve as a useful adjunct to the legislative efforts of the Congress and of State legislatures throughout the country who tackle the problem of trial delay.

But it is clear that Congress must also act, for there is a limit to what the judiciary can do on its own. Congress has been working to provide the leadership necessary to make speedy trial a reality. This leadership is being demonstrated in the House as well as in the Senate.

During the past four months, five bills have been introduced in the House: H.R. 6054 by Mr. Matsunaga; H.R. 7107 by Mr. Mikva with 16 other cosponsors; H.R. 7108, also by Mr. Mikva with 20 other cosponsors; H.R. 7524 by Mr. Charles Wilson; and H.R. 7789 by Mr. Mikva with 4 other cosponsors. I understand that hearings are planned by the House Judiciary Committee in the not too distant future.

I believe that all of these encouraging signs which I have just mentioned show that the time for action is at hand. The public confidence must be restored. We in the Congress can do much to restore it by setting the legislative machinery in motion with the objective of enacting a bill like S. 895. In so doing we can not only provide speedy trials for all Federal criminal suspects but also establish a model worthy of emulation by States experiencing similar problems.

To many people, and I include myself among them, it is a strange paradox that the untried, unconvicted suspects, presumed innocent, often seem to have the most difficult time of all those enmeshed in our criminal justice system. Life Magazine recently told the story of a defendant who had been in jail for ten months while awaiting trial. In a conversation with his lawyer, he was told that if he entered a guilty plea, the likely sentence was one year. With credit for his good behavior, the defendant could plead guilty, and, having already served his sentence, could walk out a free man. If, on the other hand, he maintained his innocence and insisted on trial, he would spend more time in jail prior to trial and would probably get a stiffer sentence if he should be found guilty. The baffled defendant could not believe his predicament. Life quoted him as saying:

"You mean if I'm guilty, I get out, but if I'm innocent I stay in jail?"

This is the strange paradox that often arises when a defendant is not given a speedy trial and is not allowed or cannot afford bail. It is like the discussion between two characters in a scene from "The Dutchess of Padua" by Oscar Wilde:

"FIRST CITIZEN. They will try him first, and sentence him afterwards, will they not, neighbor Anthony?

"SECOND CITIZEN. Nay, for he might 'scape his punishment then; but they will condemn him first so that he gets his desserts, and give him trial afterwards so that no injustice is done."

The great Learned Hand once said:

"If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice."

I fear that we have come perilously close to rationing justice in this country. Unless we bring quick and effective improvements to our criminal justice system, I am certain that we shall soon see that commandment tragically broken.

I am convinced that we absolutely must find a way to accord the vast number of inmates who have been imprisoned without conviction their constitutional right to a speedy trial. In doing so we can effectively begin the difficult and urgent lack of correctional reform confronting the country.

I fear that there is more truth than fiction in the observation that tall prison walls better serve to keep outsiders from seeing the injustice within than to prevent the individuals within from fleeing or harming society. I believe that society itself commits a disgraceful crime when it stands idly by as a mute witness while the Sixth Amendment speedy trial guarantee is rendered meaningless for thousands languishing without trial in overcrowded prisons.

When Oscar Wilde poetically depicted prison life in "The Ballad of Reading Gaol," he was recording existing conditions in Berkshire some 75 years ago. In retrospect we can see that he not only gave us a poetic and historically interesting description of an English jail but also enunciated what has become a universal truth about American prisons when he said:

"The vilest deeds like poison weeds
Bloom well in prison air;
It is only what is good in man
That wastes and withers there.
Pale Anguish keeps the heavy gate,
And the warden is Despair."

Those of us who are sponsoring S. 895 propose to reduce the number of persons awaiting trial in that foul atmosphere by giving them their constitutional right to a speedy trial. It is indeed a pathetic commentary on the criminal justice system in our country that more than half of the inmates in city and county jails across the Nation are imprisoned without having been convicted of a crime. That startling fact was released just a few months ago after a study done for the Law Enforcement Assistant Administration to determine the present jail population of our country.

I am convinced that there is one effective path immediately available which provides the opportunity for Congress to combat crime and at the same time to display our fundamental concern for the individual rights guaranteed to all by the Constitution. Our unique opportunity lies in a return to the course set for us by the Founding Fathers who wrote the speedy trial guarantee into the Sixth Amendment.

Forty-eight of us in this body are now backing S. 895 because we believe that speedy trials and active pretrial services agencies offer a realistic, effective and constitutional approach to the problems before us. We are no longer willing to stand idly by while the critics say it cannot be done, for we know that it must be done. The bill provides the way for each Federal district to chart its own course for speedy trials and to communicate with Congress if it requires special assistance to carry out the bill's provisions. It is a vehicle through which we can bring the long overdue improvements into our system of criminal justice.

Those of us who have cosponsored S. 895 realize that it is not totally free of problems, but we are convinced that those problems can be successfully overcome. Indeed, they must be overcome if we are to have a speedy, fair and effective system of criminal justice in this country. We all share the firm conviction that S. 895 or similar legislation can make our criminal justice system more responsive to the needs of society in general and criminal suspects in particular.

At the hearings we begin today, S. 895 will serve as a focal point for our discussion of the problem posed by the lack of speedy trials. Initially, the problem will likely receive more attention than the specific solutions proposed in S. 895. We are more concerned with finding an appropriate solution to the problem than enacting S. 895 in its present form. Our minds are open and we shall closely examine the vital issues at hand and all constructive suggestions for changes in the bill. I fully expect that these initial hearings will demonstrate the need for additional hearings in the weeks ahead.

We look forward to hearings from the expert witnesses who have agreed to assist us in this important task. I am disappointed that the Justice Department will be unable to appear at this first round of hearings. I regret that I am unable even to reveal the Department's general feeling toward the problem of speedy trial because to date my letters to solocit its views and suggestion hase gone unanswered.

On September 17, 1970, I first wrote to the Attorney General to solicit the Department's views on S. 3936 and to invite suggestions for any changes it thought advisable. I requested a response by December 1, 1970, if possible.

On October 8, 170, I received a reply from Deputy Attorney General Kleindienst which informed me that the Department was then making a careful study and evaluation of the bill and that it would make every effort to send comments to me by December 1, 1970.

Having received no reply by January 25, 1971, I wrote to Mr. Kleindienst to tell him of my intention to reintroduce S. 3936 this session and to ask again for the Department's comments. To date I have had no response from Mr. Kleindienst.

Members of the Subcommittee staff have been advised by the Justice Department that the Attorney General and his representatives who are knowledgable in this area will all be abroad during this opening round of our hearing and will thus be unable to testify. We shall look forward to having them with us at our subsequent hearings. Perhaps the Attorney General and those of his assistants who are attending the American Bar Association meeting in London will learn how the English try virtually all of their criminal cases within 60 days.

Copies of my correspondence with the Justice Department about S. 3936, S. 895 and these hearings will be included in the Appendix of the record.

Despite the overwhelming support developing for this bill, the Subcommittee will give thorough and deliberate consideration to the entire problem. As I have said on other occasions in the past, in the critical area of criminal justice and constitutional law the temptation to gain quick political triumphs must be subordinated to the requirement of responsible legislative procedure.

In my judgment, the people whom we represent all across the country are looking to us for deeds instead of mere words. We must act now to insure the Sixth Amendment right to speedy trial for accused and society alike. I believe that all of us can unite with force and common purpose behind a carefully drawn proposal to give renewed vitality to that right. I hope these hearings will be the first of several major and prompt steps toward enactment of speedy trial legislation. Together, we can change a laudable but unattained ideal into a living, practical reality.

While I hope that these hearings will focus primarily on speedy trial and not become

mired in the controversy over preventive detention, I believe it is necessary to bring the history of preventive detention up to date. I realize I take some risks in this, but while I would like to avoid transforming this into a preventive detention hearing, that does not mean we must ignore the context, or at least, part of the context of the overall problem.

On many prior occasions I have made clear my belief that speedy trial represents a plainly constitutional alternative to preventive detention. I have repeatedly voiced my objections to the Justice Department's efforts to have a preventive detention law enacted, and I have been particularly critical of the legislative chicanery in which its representatives engaged in securing passage of such a law for the District of Columbia.

While I do not wish to reopen wounds from prior battles, several facts should be noted about the operation of the preventive detention law in the District of Columbia. When the Department was seeking passage of its bill, the Congress was led to believe that such a law would virtually solve the District's crime problem and that there were neither constitutional nor practical problems for Congress to worry about. The facts during the past five and one-half months tell a somewhat different story.

Preventive detention became available to prosecutors and courts in the District of Columbia when the infamous District of Columbia crime bill took effect on February 1, 1971. Out of the first nine defendants against whom the Justice Department sought to use preventive detention only one was being preventively detained as of April 2, 1971. In all other cases some intervening factor precluded preventive detention notwithstanding the Justice Department's most determined efforts to use that provision.

Initially, the preventive detention hearings were open proceedings. It was then possible to begin an indispensable and thorough study of the Department's efforts to implement preventive detention. It has become progressively more difficult to conduct any such study, however, because of the tightened cloak of secrecy being imposed on preventive detention proceedings.

From the open public proceeding which prevailed at the first, and which very likely is required under the Sixth Amendment, the procedure has shifted to a secret hearing with information available only about the alleged crime and the result of the hearings. Thereafter, a Superior Court judge drew the curtain even tighter when he forbade the Government prosecutors, defense attorneys and court personnel from revealing any aspect of the hearing including the alleged crimes, name of defendants or the results of the hearing.

It was reprehensible, indeed, ever to begin this experiment with the civil liberties of District of Columbia citizens. It is unpardonable to carry out the experimentation in secret.

Notwithstanding the apparent decision of the District of Columbia Superior Court, the secrecy issue seems far from settled. In the only case thus far to get from the U.S. magistrate level or the District of Columbia Superior Court level up to the U.S. District Court for the District of Columbia, the judge there expressed some views showing considerable disagreement with the clandestine approach being used.

In that case a defendant had been ordered into preventive detention at a secret hearing. Two weeks later when the grand jury got the case it did not even find sufficient evidence to return an indictment. The defendant's counsel then sought release for his client by bringing a petition for a writ of habeas corpus to the Federal District Court.

At the hearing on that petition, the judge spoke out against the secret preventive detention hearings and said he feared they would grow and spread like a cancer. The judge doubted that a secret preventive detention hearing would comport with the Sixth Amendment guarantee of a public trial.

His criticism also reached several other practices apparently fostered by the U.S. Attorney's office and sanctioned by the lower courts. In addition to the cloak of secrecy, he specifically objected to the citation of prior criminal records without proof or documentation in the court; the reliance on hearsay evidence by the Government in trying to show prior conduct for detention; and the failure to give a defendant explicit instructions on whether any testimony he gives at the detention hearing may later be used against him.

A newspaper article in *The Washington Post* for Sunday, June 6, 1971, stated that the U.S. Attorney's office had sought to use the law a total of "about 15 times" since its effective date. It further indicated that D.C. Superior Court judges had approved preventive detention on only six occasions and that three of those were subsequently reversed. Of the three held the *Post* reported that one had escaped. I have also been informed that one of those detained was without counsel for more than two weeks because the Clerk's office mislaid papers appointing counsel for him.

What a shame it is that the unlimited time, effort, and money spent by the Justice Department in pushing preventive detention for the District of Columbia through the Congress and the untold manpower and resources already expended by the U.S. Attorney's office and the courts could not have been devoted to providing speedy trials for all criminal suspects in the District of Columbia.

It seems rather obvious to me that preventive detention has proved to be a wholly unsatisfactory approach to the crime problem in the District of Columbia. It is fraught with both constitutional and practical difficulties.

I hope the unsatisfactory experience with the D.C. law will do something that I have otherwise been unable to achieve—namely, persuade the Justice Department that preventive detention ought to be confined forever in some special branch of the Smithsonian Institution designed to house legal curiosities. I hope we can all now begin working together to bring new vitality and meaning to the Sixth Amendment speedy trial guarantee.

I am pleased to note that we have a distinguished list of witnesses to help us begin our legislative efforts on behalf of speedy trial. Numbered among them are a former assistant U.S. Attorney, Mr. Dan Rezneck, who combines an intimate knowledge of the criminal law with a keen appreciation of the demands of the Bill of Rights; Judge Leo Oxberger of Des Moines, Iowa, and Judge Albert Lee Stephens, Jr., of Los Angeles, California, both of whom have tried speedy trial in their own courts and have found it works; a well-known defense lawyer, Mr. Edward Bennett Williams, representing the American Bar Association; and other witnesses who have been active in trying to achieve workable speedy trial in our nation's courts.

I know we will gain much knowledge and understanding from their testimony.

FULL FUNDING FOR REGIONAL MEDICAL PROGRAMS

Mr. HOLLINGS. Mr. President, on July 13, 1971, the distinguished junior Senator from California (Mr. TUNNEY) appeared before a subcommittee of the Senate Appropriations Committee to testify in support of full funding for the regional medical program. His testimony pointed out with particular emphasis the tremendous accomplishments of this program, particularly in the State of California, toward improving the quality of health care in America. It is a particularly useful statement because it demonstrates the kind of health partnership which this program has launched throughout the country.

Mr. President, I ask unanimous consent that Senator TUNNEY's testimony be printed in the RECORD.

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

THE REGIONAL MEDICAL PROGRAMS

(Statement of Senator John V. Tunney, Democrat, California, before the Senate Appropriations Subcommittee on Health Appropriations, July 13, 1971)

Mr. Chairman, one of the major priorities emerging in this Congress has to do with the health as well as the economic status of this country. Several bills pending before both Senate and House Committees speak to this issue and have been the subject of recent hearings. Although embodying many different approaches which call for varying Federal roles, most of these proposals share a common aspiration — that every citizen should have access to medical care when he needs it. This goal makes certain assumptions. One is that there are or will be adequate medical resources and manpower available to meet our needs when clearly this is not the case.

What troubles me is that existing channels for making meaningful progress are being ignored or severely hampered. The Administration's health budget provides only a modest increase over last year's level of appropriations, and slashes to the bone several programs which show the greatest promise of tackling many elements of the "health care crisis" referred to by President Nixon.

I refer specifically to Regional Medical Programs, known as RMP, over whose legislative birth under the Heart Disease, Stroke and Cancer Amendments of 1965 many of you presided. Through RMP and its medical school affiliates, new medical techniques and practices to combat these diseases have been extended into community hospitals and physician offices to improve patient care. The universality today of coronary care units manned by specially trained nurses and physicians is directly associated with the 55 RMP regions. Similar, though perhaps less dramatic strides, have been made in areas of stroke, cancer, radiology, respiratory diseases and other specialized areas.

Last year the RMP thrust began shifting in two respects. The program was redirected (from its categorical orientation) toward several goals: improved and expanded services by existing physicians, nurses, and other allied personnel; increased utilization of new types of allied health personnel; new and specific mechanisms that provide quality control and improved standards and decreased costs of care in hospitals, early detection of disease; implementation of the most efficient use of all phases of medical care technology, and support for consolidation or reorganization of health care activities to achieve maximum efficiency.

What makes RMP uniquely qualified to take on these responsibilities is its framework. The program boasts large numbers of physicians and related health professionals, all working together within a volunteer structure. This organizational pattern actively encourages local determination of needs and the pooling of community resources. In the California Region, for example, the RMP spans nine linking, but separate geographical areas. Each is served by its own program which is affiliated with one of the state's nine medical schools.

At the same time the RMP mission was

enlarged, the Department of Health, Education and Welfare instituted a sharp retrenchment program leading to a 12 percent slash across the board in all the 55 regions. In the budget before you the Administration requests only $52 million for RMP, representing a 50 percent reduction from the $106 million appropriated by Congress for Fiscal year 1971.

The implications of such sizeable cuts are far-reaching. This current Fiscal year the California Committee on Regional Medical Programs will have available only $6 million of the $11 million for which they were approved.

Mr. Chairman, I think it is patently wrong to mandate a program with so much potential to a token role at a time its accumulated expertise is desperately needed. In my own state RMP has responded with enthusiasm to its new challenges and despite such a brief interim has made visible progress.

This has been recognized by the National RMP Advisory Committee which described the California Region as "a valuable national laboratory for the solution of urban and rural medical care problems." This body singled out for special attention:

The Region's outstanding involvement of key members of the health power structure from voluntary health agencies, universities, medical schools to consumer participation.

Its wide range of activities at the community level and active and efficient pursuit in involving other Federal programs. Current progress as a result of vigorous efforts to come to grips with health problems where inadequate services exist, such as Watts-Willowbrook, Northeast San Fernando Valley, Richmond, and East Palo Alto.

Its imagination in developing and training new types of health manpower, including volunteers, to augment available resources and fill gaps where deficiencies exist.

Its enormous capacity for identification of problems, for their isolation and in the design of strategic planning for their solutions. Exciting examples of innovative and unique approaches to improvement of health delivery services throughout the Region.

Its "first-rate" leadership and staffing.

Last March in a position paper RMP coordinators outlined major efforts to which their programs could contribute, including helping to implement the Emergency Health Personnel Act recently passed by Congress, establishing new Area Health Education Centers as recommended by both the President and the Carnegie Commission on Higher Education, meeting the health manpower crisis and improving the accessibility of health care through regionalization of emergency medical services, expansion of urban and rural primary care and extension of rehabilitation and other specialized services.

The coordinators also noted:

"In their short life the RMP's have won the endorsement, support and active collaboration of the practicing medical professional and the other members of the health care team—the very professionals on whom the nation is dependent for delivery of health care."

In summary, RMP has reached the stage nationally where I believe it is fair to say that it enjoys the strongest willing partnership between government and the health providers. I believe the recently concluded meeting of the American Medical Association endorsing RMP shows that.

It seems ironic, then, that I am here to discuss Regional Medical programs at a time when the Congress, the Nation's health providers and their patients all wish to see RMP thrive and grow, and yet RMP is threatened by the puzzling attitude toward health exhibited by the current Administration.

In California, RMP has produced strong, positive results that have unquestionably benefited many thousands of patients. I would like to illustrate one specific and dramatic case. A year ago Charles Smith, a hard-driving 47-year old land developer from Santa Rosa, California, was in the middle of a full-scale heart attack, suffering so much pain that he felt "like a snake on a hot rock." His doctors knew he could die at any moment, but one of those doctors at Warreck Hospital had recently been involved in a training course conducted by the California Regional Medical Program. He got in touch with specialists in San Francisco, 50 miles away, and made arrangements for Mr. Smith to undergo a new and daring surgical operation. His operation was a success and he recovered. But, important as his case is, it demonstrates something even more vital about the RMP ability to put the right people in the right place at the right time to help save lives.

In California just in the first operational year Regional Medical Program procedures were used to screen almost 200,000 patients for high blood pressure, hundreds of doctors and nurses were trained to carry out highly skilled life-saving duties in coronary care units, and in Orange County 460 infants and young children were examined for suspected respiratory disease. In the first year following this RMP program, infant mortality dropped 50 percent. There were many other dramatic benefits from RMP.

These results in my home state, when multiplied by the good work of the other regions throughout the Nation, convince me that we would be endorsing a national tragedy—and a needless tragedy at that—if we were to allow the Regional Medical Programs to be cut back. I believe it imperative to provide RMP with the full $150 million authorized by the legislation.

Regional Medical Programs are no longer confined to the major categorical diseases. New directions are being pursued aggressively in health manpower training activities, in experimental health delivery systems, in health services for the inner city and rural poor and for deprived minority groups, and in other ways that make flexible and effective new use of patient care capabilities.

In California these new directions include the development of a region-wide plan to provide a comprehensive attack on the problems of kidney disease. This plan was drawn up under RMP auspices after several months of work by the top kidney disease experts in the State. They produced a blueprint for getting the best use of limited resources. This blueprint will prevent duplication of expensive equipment from one hospital district to the next. Teams of highly-trained kidney experts can be strategically placed, where they can make available to all patients who need them the new medical skills—including kidney transplantation and tissue typing—to control and turn back the crippling and tragic loss we now see for kidney patients. Under Regional Medical Programs the planning has been done, and the implementation is ready to begin. The implementation will be expensive, but if RMP is cut back, will we have the chance to make the progress we can see ahead?

In other new directions in California RMP has helped forge a partnership between Model Cities planners and the great talents that reside in our university system. The University of California is actively exploring with a consortium of inner-city leaders the possibility of establishing a new school for development of allied health workers.

In northern California Indian health aides are taking four-wheel drive vehicles over mountainous back roads to help isolated Indian families.

At the University of California at one of the State's newest medical schools has sent RMP advisors out to more than three-score rural hospitals—to all the hospitals in its district—to offer services that will help make patients get well more quickly and more comfortably.

Migrant farm workers are being screened by the thousands in the San Joaquin Valley under RMP-sponsored activities that have caused local government and volunteer agencies to set up store-front clinics and self-help programs in ghetto neighborhoods.

In the great Los Angeles basin, free clinics are being guided by RMP advice; health maintenance networks are being formed with RMP consultation and stimulus; new ways to use health manpower and barriers to new types of health manpower are being examined under RMP sponsorship—in Venice, in the earthquake-ravaged Northwest San Fernando Valley, in the San Pedro Harbor District, in the Indian free clinic in Compton and in scores of other settings.

In another experiment that may become a model for solving ghetto health problems across America, Regional Medical Programs has provided seed money for the establishment of the Charles R. Drew Postgraduate Medical School, to serve Watts and neighboring Los Angeles communities. The Drew School, a truly unique venture created by Regional Medical Programs, will be housed in the new Martin Luther King Jr. Hospital, where patients will soon be admitted for the first time.

In the barrios of East Los Angeles, a $725,000 U.S. Health Services Research and Development grant to improve health care for Spanish-speaking Americans, developed under the leadership of Regional Medical Programs, is about to get under way.

In San Francisco RMP will provide early leadership in the development of a community-based board of directors to operate an outpatient department improvement grant funded by the Office of Economic Opportunity.

These, then, are a few of the activities and projects being carried out in the California Regional Medical Program by an energetic and inventive health partnership. At its peak, California was funded at an annual level of $11,000,000. In common with all other Regional Medical Programs, California funding has been cut back twice in fiscal 1971 by this Administration. This decision must stand as a strangely callous and cavalier attempt to save money by sacrificing the good health of millions of Americans in order to satisfy the budget-makers.

The cutback in funding has already hurt RMP. A momentum for effective activities had been built up in the early part of the program. That momentum is beginning to falter now, as the anticipated funding levels are repeatedly cut back by the Administration. A quarter of a billion dollars have been spent to build up the RMP organization in five years; but the Administration seems content to gamble with a strong and magnificently functioning program that has shown repeatedly that it is improving the quality and quantity of the Nation's health care services. And haphazard approaches to health care needs will be far more expensive.

If RMP is not supported at its full $150 million authorized level for fiscal 1972, no one can predict who will suffer. But suffering—needless suffering—will surely result if the Administration's proposed cutbacks for RMP are allowed to go unchallenged. RMP represents one of the best efforts our nation has ever devised to bring better health care to our people. We must give it our strongest possible support.

Mr. Chairman, the vast potential of RMP simply cannot be sacrificed, particularly when we are at the threshold of an entire new system of financing health care through national health insurance. I urge this Committee to provide full funding at the full authorization level for the coming year.

A YOUNG MAN SPEAKS ON WAR AND PEACE

Mr. WEICKER. Mr. President, youth, and their parents, say they prefer an all-volunteer military service to the draft. Many young men, however, say they would not volunteer themselves.

What motivates a young man to volunteer, even though he has been accepted at college? What induces him to continue in the service today and to make the military his professional career?

What do parents think of their son's personal decision to volunteer?

What is the reaction of this young man's hometown to his appearance before them as a professional military man, when they knew him as a typical high school student only a few years before?

What can this young men say to his friends and neighbors—especially to his peers not in military uniform—about war and peace?

These questions are asked by families in all of our 50 States. Some of the answers were supplied by a class of 1965 graduates of New Canaan, Conn., High School.

Six years ago the townspeople had seen this 18-year-old boy go off to boot camp as a Marine infantry private. They knew he fought at Hue in the Tet offensive of 1968 as a platoon lieutenant.

This year the board of selectmen and the first selectman, the Honorable Charles F. Kelley, sought a young man with military service to deliver the Memorial Day address on May 31, 1971. They invited Capt. Douglas Caldwell, 24, a regular duty officer with force troops, Pacific, to return to his hometown to participate in the traditional ceremony in which he first took part as a 3-year-old boy.

I ask unanimous consent that Captain Caldwell's speech be printed in the RECORD.

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

WHAT CAN A YOUNG MAN SAY TO HIS NEIGHBORS ABOUT WAR AND PEACE?

(By Capt. Douglas Caldwell, U.S. Marine Corps)

The Reverend Clergy, The Honorable Public Officials, Guests, Fellow Citizens: This morning, you marched in the parade or watched it, which is just as much pleasure. You gave respect to the Colors. There were loud murmurs of approval for the delegations and their floats and the band. You waved to your children. They shyly returned the wave. All of you were just being your usual selves. You are optimistic, friendly, cheerful although at times you may feel battered around by the hassles of daily life. Somehow, all of you give off the feeling on Memorial Day that this is our country—and you feel pretty good about being a part of this country.

You see me in military uniform. I am proud to be a part of what the uniform stands for. I realize that not everyone in our town feels the same way. You know that I fought in South Vietnam. There are those who ask how I could have done that. You have just heard that I am making my career in the military. They wonder why any young man would even consider staying in the military today.

Well, as I see it, all of us hope that peace does come to the world. In that case, I want to be around to enjoy the good life just like everybody else. It seems to be overlooked by most everyone that young men and women now in the military want the same good things in life as you do. On the off-chance that things do not work out well, the military will be needed. *Nobody* wants to fight but somebody has to know how.

The military occupation is provided for in the Constitution, in the original Constitution as a matter of fact, and not in a later Amendment. The Congress, said the Founding Fathers, shall have the power to raise and support Armies and to provide and maintain a Navy, of which the Marine Corps is a combat element.

I am a Marine because I choose to be one. You might say that I am exercising my Constitutional rights. When I enlisted as a private in 1965 all options were open to me, including the 2-S draft deferment, which would have carried me all the way through the very worst years of the Vietnam war. The Marine recruiter offered me absolutely no inducements, except the one that counts: if you think you have what it takes to be a Marine—come see us!

You are familiar with the draftee and the Reservist. They serve a specified time and then they return to civilian life, free to exercise what is perhaps our most precious Constitutional right—the right of freedom of speech, as guaranteed in the First Amendment. But I am a Regular, which means that I expect to spend my adult life in the military. Regulars accept certain restrictions on their personal exercise of the right of freedom of speech. For example, you will not hear me criticise nor reply to those civilians, especially my peers, who criticize the military.

For me to criticise civilians would be self-serving—and it would erode the civilian supremacy over all government, which includes the military. It is not required, but I also forego another political right. I have not enrolled in a political party, but I am registered and do vote in New Canaan in general elections. I do not enroll in a political party because the military must not be a party to partisan political divisions. So I forego that right.

Have you ever wondered why young people wearing military uniforms—enlisted or officers—do not show up on your TV screens on the TV talk shows? There is a reason. That would be political activity. However, almost nightly you see my peers sing or dance or play on the TV talk shows and then they sit down and talk about the big political issues of the day. But these young men and women are civilians—and they are not only being paid to perform, but they are free to exercise their full freedom of speech. They have a great deal to say about all issues, including the military.

So what should a 24 year old young man on active duty—what should I say to my neighbors here in New Canaan about war and peace?

My concerns are the same concerns as those of my peers who have not worn the uniform. My peers in uniform and those not in uniform will be going through the same 50 years together. We can expect to live well beyond the year 2000 A. D. to put it another way, right now I expect to have two thirds of my life to live and I want to enjoy it with all the rest of you. My peer group, you can be sure, will be making its contribution—to what the Preamble says the Constitution is all about. The Preamble describes the role which each one of us is free to select as the one in which to specialize. However, it is the sum total of what each of us chooses to do—or prefers to do—which will determine what we do to carry out that Preamble. The Preamble says:

"We, the People . . ." establish the Constitution so as to "establish Justice, insure domestic tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity." I can only ask you to consider if my peers can leave out of their plans or ignore—one of the elements of the Constitution, as they plan for our mutual future?

Each of my peers will be doing his thing. Each of us will be doing what he or she conceives to be the best way each of us knows how to serve our nation. That is what democracy is all about. Democracy at times becomes noisy and unruly. But what better system of government is there for us? It would be personal arrogance for me to suggest that my place in the scheme of things is the only answer. I wear a uniform because that is how I believe that I can best serve our nation. My job is to be ready to fight. The Marine Corps has a special role to play. The Commandant of the Marine Corps, General Leonard F. Chapman, Jr., defines the role of the Marines as having "a hard, lean, fully combat-ready and professional force, with high quality, disciplined, and expertly trained and highly motivated personnel." To repeat: Nobody wants to fight, but somebody has to know how. Our idealistic goal is that all uniforms will fade away. In the meantime, we live in that world that really is.

The lives of three of my peers—young men who have a direct connection with New Canaan—illustrate the dilemma for all of us in New Canaan, and the dilemma for the nation as well:

The first one is dead. Second Lieutenant John Geyer Corr. He was age 23. Lt. Corr is buried at the top of the rise—over there in this cemetery. Lt. Corr and I met in a rice paddy in South Vietnam. For both of us that day it was a long walk in the rain. Four days later Lt. Corr was killed.

The second one is missing. Captain Charles David Austin. Then age 25. He is missing in action over North Vietnam since April, 1967. You saw Captain Austin's photograph in the May issue of *Reader's Digest*. For Captain Austin's parents on Valley Road there has been only silence. Captain Austin may be a prisoner of war. The P.O.W. issue directly affects New Canaan.

The third one is a prisoner. He is a prisoner at the Federal penitentiary at Lewisburg, Pa. He is a draft delinquent, Guy Porter Gillette. Now age 26. In New Canaan, 20 years ago Guy Porter Gillette and I played together at my home.

Guy Gillette refused to be inducted in the draft. Two years ago he sought conscientious objector status—he said he is a humanist opposed to the Vietnam war. He refused to flee to Canada, to Sweden or to Mexico. He took his appeal all the way to the Supreme Court. The Court ruled against him only last month. He lost by a vote of 8–1. Only Justice William O. Douglas voted in favor of Guy Gillette. Justice Douglas cited a selective conscientious objection case in the late 1930's of a professor at Yale University Divinity School. The petitioner at that time was Professor Douglas McIntosh. The Supreme Court ruled against Professor McIntosh. The vote was 5 to 4.

Professor McIntosh means a great deal to me personally. You see Professor McIntosh married my mother and father at Yale University just 31 years ago tomorrow, June 1. Seven years later I was born. Who could have predicted in 1940 that the only son of Eleanor Harper of Kansas and John Caldwell of Ohio would not only serve in South Vietnam, but would become a career military officer?

All of us are here today because of wars and the dead in wars. We come here to pause and to reflect on the folly of war. Groups such as ours are gathered this morning in 47 of our 50 states.

We have come together—all of those who took part in the parade and all of those who have watched the parade—to honor our military dead. In just a few more minutes, we will scatter, each of us going his separate

way. For another moment while we are here, let us ponder silently to ourselves: Will man ever find the way to peace?

Then each of us will pick up the threads of our own lives. We simply go back to the job that we do. This is a job that contributes something to the society in which we live. Each of us likes to feel we play a vital role. Our policemen will resume their patrols. They hope nothing ill happens to anyone in our town. The firemen will take the trucks back to the firehouse. The drivers and the volunteers will be ready to respond to the fire bell. But they never want the fire bell to ring. We will stop in and pick up the daily newspapers. We will soon sit down to lunch with our families and friends. We will go play tennis. We will work around our boats. We will go for a drive. We may just sit and enjoy TV. You will telephone your children and grandchildren. All in all it is a very good life we live.

You are in civilian clothes—or you wear the uniforms of our civilian public services.

I wear the military uniform.

I wear the military uniform with pride.

I share your aspirations.

Herodotus, the Greek historian, was right many centuries before the Birth of Christ. Herodotus said:

> "No man is so foolish as to desire war more than peace,
> For in peace, sons bury their fathers.
> But in war, fathers bury their sons."

Let us have peace.

THE PRESIDENT'S VISIT TO CHINA

Mr. FULBRIGHT. Mr. President, the President is to be commended on his forthcoming "journey for peace" to Peking. This is a potentially important breakthrough which could lead to belated establishment of normal relations between China and the United States.

I say "belated" because of my belief, on the basis of evidence drawn from recent hearings before the Foreign Relations Committee, that we might have established normal relations with China 20 or more years ago. It is interesting—ironic—to recall that in 1945 Mao Tse-tung and Chou En-lai suggested to a representative of President Roosevelt that they visit him in Washington for exploratory talks in their capacity as leaders of a Chinese political party. In March 1945—so we were told by the well known authority on China, Professor Allen S. Whiting—Mao outlined a grand design for peaceful Chinese-American relations based on trade and capital investment. "America," Mao is reported to have said at the time, "is not only the most suitable country to assist this economic development of China: she is also the only country fully able to participate. For all these reasons there must not and cannot be any conflict, estrangement or misunderstanding between the Chinese people and American."

After two decades of frozen hostility—and two Asian wars which otherwise might have been avoided—our Government is taking a prudent initial step toward the establishment of normal relations with China. As the President well knows, a "journey for peace" will not of itself bring peace. There must also be substantive initiatives toward resolution of the two great issues which have set China and the United States against each other. I refer of course to Taiwan and to our continuing war in Indochina. Taiwan is a Chinese problem and the single most useful thing that the United States could do would be to recognize it as a Chinese problem. I take it for granted that the President will now repudiate the recent rumors suggesting the transfer of nuclear weapons from Okinawa to Taiwan.

Vietnam, on the other hand, is an American problem, not because it ought to be but because we have made it an American problem. I can think of nothing the President could more usefully do, not only toward ending the war in Vietnam but also toward establishing normal relations toward China, than to respond in a positive and flexible manner to the recent proposals made in Paris by the North Vietnamese and the National Liberation Front.

It is not my intent to anticipate problems and developments beyond the President's planned visit to China. I point to the difficult, substantive problems only in order to discourage excessive expectations of what may be expected to follow from the President's visit.

Of all these complexities, I have no doubt, the President is well aware. He will, no doubt, wish in the coming months to seek advice and counsel from all appropriate quarters. In all modesty and with all respect, I am moved to point out that the Committee on Foreign Relations not only has the constitutional responsibility to provide the President with pertinent advice but in fact has recently conducted a highly informative inquiry into the question of China and Chinese-American relations. Should the President wish, through his representatives, to consult with the committee, as I hope and expect he will, we will welcome the opportunity not only to receive detailed information on his own thoughts and plans but will also be pleased to provide him with the insights and information at our disposal.

A ROSE BY ANY OTHER NAME MAY BE DEFENSE RESEARCH

Mr. MANSFIELD. Mr. President a UPI release from Stanford, Calif., reveals a most startling development in the research being sponsored by the Department of Defense. The law requires that research sponsored by the Department of Defense have a direct and apparent relationship to its mission. In effect, the law requires some degree of relevancy to the work being sponsored by the Department of Defense. The law is only commonsense.

What has developed according to a study reported by UPI is a simple change in title by the researchers so that the title appears to reflect a relationship with the Defense Department. The research projects are the same as those being conducted prior to the 1969 passage of the law requiring relevancy. Talk about credibility.

This is the height of deception—those who are a party to this type of deception and fraud—be they on the academic campus or part of the Government—do a disservice to their professions. But especially those who teach in our universities and are charged with the responsibility of reflecting our generation to the younger generations should contemplate the full impact of their actions.

I ask unanimous consent that the news release be printed in the RECORD.

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

A ROSE BY ANY OTHER NAME MAY BE DEFENSE RESEARCH

STANFORD, CALIF.—Congress' attempt to limit Defense Department research to projects with a "direct and apparent" use has brought about some "startling" title changes, according to a student report on military research at Stanford University.

In many of the 100 projects analyzed in a 340-page report by a team headed by Stanton A. Glantz of Toledo, Ohio, the official description differed greatly from the original description prepared by the campus researcher.

A statistician suggested a project entitled "Mathamatical Theory of Statistical Inference." The Defense Department called it "Weaponry—Sequential Evaluation."

A psychological study dealing with emotion arousal in the general population was renamed "Personnel Technology Factors Influencing Disruptive Behavior Among Military Trainees."

Most of the projects involved fundamental research. Under the 1970 Mansfield Amendment to the military budget, the Defense Department may only finance projects with a "direct and apparent relationship to a specific military function or operation."

OFFSHORE OIL DRILLING ON LONG ISLAND

Mr. JAVITS. Mr. President, the problem of offshore oil drilling and oil spills which has plagued the Pacific Coast shows sign of moving East. There have been indications that leases for offshore oil drilling in the Atlantic Ocean might be sold by the Department of the Interior. While this has not yet been done, Long Island residents have been understandably concerned about the possibility of oil drilling off the coast of Long Island. Representative NORMAN LENT, who is from Long Island, has discussed the situation cogently in an article published in Newsday of August 4, 1971.

Representative LENT, in this article suggests an amendment to the ocean dumping legislation pending in the House which would ban oil drilling in coastal waters off Long Island if those waters are designated as "marine sanctuaries." This amendment should be carefully considered.

I ask unanimous consent that Representative LENT's article be printed in the RECORD.

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

VIEWPOINTS—ONE WAY TO KEEP THE BEACHES UNOILED

(By Representative NORMAN F. LENT)

Long Island has been spared a major oil spill disaster such as the one in 1969 that blackened Santa Barbara, Calif., beaches—because offshore oil deposits have not been tapped. Mapping is under way, however, and before the tapping begins Rep. Norman F. Lent (R-East Rockaway) would like to impose a barrier. His plan, amending an ocean dumping bill that has collected imposing congressional opposition, would turn LI shores into sanctuaries.

Several weeks ago, Newsday wisely brought to public light the fact that the day may not

be too far off when Long Islanders might look off their beaches to find oil rigs sprouting skyward.

Already a number of oil companies are actively exploring off Long Island in hopes of discovering huge pretroleum reserves—and it looks as if they may be onto something.

I recently met with Department of Interior officials to determine just what the extent of these activities are and came away with some very sobering replies. Fifty-eight exploratory permits have been issued for the entire Atlantic coast with 28 of these permits off Long Island shores alone.

The Department of the Interior has announced that a notice of public hearings for the sale of offshore drilling leases will go out next August and the lease sale could come as early as 1973.

Amazingly enough, all of this has materialized with little public knowledge of what is involved and what oil development might eventually mean to Long Island. For the last several weeks, I have been attempting to apply the brakes on what seems to be a breakneck pace in this race for oil off our shores.

Offshore drilling of oil is a relatively new concept and seaside petroleum production now accounts for one-sixth of America's total output. The inherent environmental dangers of this type of drilling were thrust before the public eye in 1969 when the massive Santa Barbara Channel blowout occurred, coating miles of shoreline with sludge and destroying flocks of birds and other wildlife.

$30,000,000 PRICE TAG

Life magazine portrayed the Santa Barbara blowout vividly, picturing local citizens teamed with conservation groups in an attempt to rescue the wildlife and clean the black slick from the shores. Cleanup costs for the Santa Barbara blow-out totaled approximately $30,000,000, not including the massive volunteer effort in both man-hours and money.

Another tragedy which drove home the calamity of massive oil spills was the Torrey Canyon incident of several years ago, when an imposing oil tanker broke up off the shores of England, resulting in a similar ecological imbroglio to the British.

The numerous instances of oil spills all over the world and the resulting sabotage of the shoreline have made it clear that we on Long Island must insure that a very scrutinizing look is taken at plans for oil drilling off our valuable beaches and wetlands.

A candid view of what has occurred off the Louisiana coast in the Gulf of Mexico might offer a fine comparison to what's in store for Long Island if oil reserves in the Atlantic live up to the oil firms' most hopeful expectations. The whole state of Connecticut could be placed in offshore areas already under lease for oil drilling off the Lousiana shore alone. Just since June of this year, four separate well blowouts have gushed thousands of barrels of crude oil into Gulf waters.

The oil lobby is one of the most powerful in our nation's capital. The American Petroleum Institute, the Washington-based father-protector of oil companies, lists among its staff divisions separate Public Relations, Public Affairs and Government Relations departments.

CONCERTED LOBBYING

Just several weeks ago, the Petroleum Institute spent a considerable sum for an ad in the Washington Post, the daily breakfast diet for most members of Congress, describing the critical energy crisis that will occur if more and more areas are not opened up to drilling. Free for the asking is a Petroleum Institute publication frighteningly entitled the "Energy Gap." Any schooled television viewer has already detected the change in tactics from the old "You Can Trust Your Car . . ." ads to the "We're Doing Something About the Environment" scheme.

All of these activities are geared to hypnotize the restive public into believing that expanded offshore oil drilling is imperative and/or of minimal ecological danger. The facts have established otherwise.

I nevertheless have an opportunity to press for a slower pace in the drilling race and some guaranteed safeguards. The Congress will soon begin debate on an important ocean-dumping bill which seeks to ban the pouring of harmful pollutants into our nation's coastal waters and oceans. An important provision of the legislation sets up the machinery for establishing recognized "marine sanctuaries" to be designated on the basis of their conservation, recreational, ecological and esthetic values. I believe the coastal waters off Long Island are logical for early consideration on the basis of their extensive beach and wetlands areas.

I will try to amend this ocean-dumping bill to ban oil drilling in those areas designated, or under study for possible designation as marine sanctuaries. The Lent Amendment would finally pull the reins on impending oil drilling off Long Island and at the same time ensure that we put this country's long-term environmental concerns rightfully in the forefront. I hope I'll be able to count on the support of all Long Islanders in this effort.

EXECUTIVE PRIVILEGE—SENATOR TUNNEY'S TESTIMONY BEFORE THE SUBCOMMITTEE ON SEPARATION OF POWERS

Mr. ERVIN. Mr. President, during the past 2 weeks the Subcommittee on Separation of Powers, of which I am the chairman, has been conducting a series of hearings on the use and abuse of the so-called doctrine of "executive privilege." Last Wednesday the distinguished junior Senator from California (Mr. TUNNEY) testified before the subcommittee and presented what I consider to be a masterly analysis of the problems which this doctrine presents to the ability of Congress to legislate responsibly. His presentation was thorough and incisive and presented a series of most useful case studies on the abuse of executive privilege in many of its various forms.

Mr. President, I ask unanimous consent that Senator TUNNEY's testimony be printed in the RECORD.

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

STATEMENT OF SENATOR JOHN V. TUNNEY

Mr. Chairman and members of the Subcommittee. I appreciate the opportunity you have offered me to appear before you to testify on the issue of executive privilege. In my short time in the Senate and as a member of the Constitutional Rights Subcommittee, the problem of Congressional inability to obtain information from the Executive Branch has been brought home to me in a most vivid manner. I asked to appear before you today in order to present a case study of what I have seen over the past six months.

In relating my testimony, I am in a most unusual position. The distinguished chairman of this Subcommittee is, of course, also chairman of the Constitutional Rights Subcommittee. He knows better than any one else, and certainly better than that Subcommittee's most junior member, the events, the frustrations, and the excuses that the Subcommittee has faced in its long 18-month effort to uncover the full facts about Army spying and government data banks generally.

But I think that for the benefit of the other members of the Subcommittee, and for the American people, who will read this record, it is important to discuss at length the operation of executive privilege as it has applied to the Constitutional Rights Subcommittee investigation.

It is also important to present this information because the General Counsel of the Department of Defense, Mr. J. Fred Buzhardt, is a witness today, and obviously his testimony will be set against his actions as one of the protagonists in the case of Constitutional Rights Subcommittee v. Army Spying.

The Subcommittee's efforts to obtain information cover, as I have said, a period of 18 months. I will not relate the entire history of the Subcommittee's dealing with the Department of Defense and the Department of Justice, but will only select three examples which illustrate the problem the Subcommittee has faced. They are (1) the Missing Generals, (2) the Computer Printouts, and (3) the Elusive Memoranda.

The Missing Generals example began early this year as the Subcommittee undertook preparations for the hearings that began in late February. By letter of February 18, 1971, the Chairman asked that certain persons be present when the Department testified. Interestingly, the intent at this time—and it was made clear to the Department orally and in writing—was not to call these people to testify. It was to ensure that should questions arise which the Department witnesses were not able to answer out of their own knowledge, they could obtain the information from these people. In effect, the Subcommittee only wanted to make certain that the Department had proper back-up resources at the hearings.

This was particularly necessary because the Department witnesses, Mr. Robert F. Froehlke and Mr. Buzhardt had only recently been given responsibility in the Department for the program and the Congressional investigation. Only since mid-December—eight weeks earlier—had they been in charge. The Subcommittee wanted to avoid a common problem—or standard ploy, to be ungracious—of a Department sending an ignorant witness to avoid embarrassing truths. The witnesses the Chairman requested were:

Colonel John W. Downie, Director of Counterintelligence, OACSI.

Major General Joseph A. McChristian, ASCI.

William L. Parkinson, Deputy Chief, CIAD.

Stanley R. Resor, Secretary of Army.

Robert E. Jordan III, General Counsel, Department of Army.

General William H. Blakefield, former CG, USAINTC.

Bland West, Deputy General Counsel, Department of Army.

Major General William P. Yarborough, former ACST.

Lt. Col. William Mann, Jr., Chief, Civil Disturbance Branch, OACSI.

They all had direct personal knowledge of the events between 1967 and 1971. They did not appear.

Following the hearings it became clear that these persons not only were necessary as back-up witnesses, but that it was essential that they testify themselves. The issues raised and the questions opened at the hearings could only be satisfied if they could give personal testimony. The Subcommittee selected the three most important witnesses—the General in command of Army Intelligence between 1967 and 1971 and the Generals who were Assistant Chiefs of Staff for Intelligence. The others on the list were also important, and I think necessary, but the Chairman decided that only the three generals were essential. In any event, the Subcommittee's requests were refused.

This illustrates one Executive tactic—the resisting or ignoring of Senatorial requests

for information until they are reduced to the bare essentials, which are then in turn refused.

A number of different reasons have been given for this refusal, and in fact, those reasons have varied from time to time.

The first formal rejection came from the General Counsel, Department of Defense on March 9. I quote from his letter:

As Mr. Froehlke advised the Subcommittee during his testimony, formal investigations are in progress in connection with the activities of two organizational units of the Army. It is quite possible that any one or perhaps all three of the general officers, whom you requested to appear before your Subcommittee on March 17, could be material witnesses in formal proceedings which might grow out of the current investigations. I am sure you will agree, that in order to protect the due process rights of any persons who might be the subject of criminal or administrative charges as a result of the current investigations, it would be inappropriate for Generals McChristian, Blakefield and Yarborough to testify before your Subcommittee on this subject at this time.

An additional reason given was that the Generals were presently stationed overseas.

The Chairman then sought to find out what courts-martial might be contemplated. The answer which came back on March 26 merely described the investigation in general terms. The relationship of the Generals to it was left obscure, and even more hypothetical than what was suggested in the earlier Department of Defense letter. I quote from the March 26 letter:

The formal investigations to which I referred in my letter to you of March 9 were initiated with respect to allegations that military personnel from Fort Carson units and from undetermined units in Texas had engaged in information collection activities on individuals not affiliated with the Department of Defense. The allegations were directed at personnel of other than the United States Army Intelligence Command. The initial purposes of the investigation are to determine which, if any, of the allegations are factually based, who participated and who directed the activities, if any, to be performed. Once these questions are answered, it will be necessary to determine, if such occurred, under what authority they were conducted, and whether any of the activities exceeded the authority vested in the commander who initiated them. These activities are being subjected to formal investigation because there is no present evidence that civilian authorities specifically authorized such activities or were aware of them. At this stage of the investigation, it is not possible to anticipate what might be the nature of the judicial or administrative actions, if any, that result.

At this point, the controversy over the General's appearance escalated another notch. The Secretary of Defense wrote the next letter. In his view the Generals were not the proper persons to speak for the Department on the "broader issues" the Subcommittee had addressed its attention to. They were "under the direct supervision and control of senior civilian officials."

Of course, one of the questions the Subcommittee wants to resolve is whether they were under control of the civilians. The other information it seeks relates to operations, the need for intelligence, how it is analyzed, and what use it was. These are questions which only the senior intelligence officers, by their experience, training, and command responsibility, are in a position to answer. Again for the record, I quote:

It was against this background that the Department of Defense decided that the proper spokesmen for the Department in these hearings should be the senior civilian officials directly responsible for the programs under review by your Subcommittee. As our General Counsel advised you, I designated the Assistant Secretary of Defense (Administration), Mr. Robert Froehlke, to represent me at the hearings and to provide you with an in-depth report of the events surrounding the counterintelligence role in the Military Departments. He was also directed to report to you the actions which have been taken to ensure that civilian control is maintained, and that adequate safeguards are instituted to ensure against violations of individual privacy. The Assistant Secretary and the General Counsel were completely candid in their evaluation of what transpired, and sought to give you a full and complete account of the organizational and policy changes which I had directed. The eighty-six page prepared statement by the Assistant Secretary was supplemented by that of the General Counsel of the Department of Defense, and in the closing part of the hearings by the General Counsel of the Department of the Army. Following the hearings, additional documents and information were collected and transmitted to your staff, and additional submissions will be forthcoming as a result of still further requests set forth in your March 30 letter.

Against this background of events, the request for the appearance of Major Generals McChristian, Blakefield and Yarborough before the Subcommittee is frankly disquieting. These individuals, while highly qualified in their area, cannot speak for the Department of Defense on the broader issues to which the Subcommittee has addressed its attention. These individuals do not occupy high level policy positions as they relate to central issues under discussion, but are instead under the direct supervision and control of senior civilian officials. Even though your invitation to these witnesses be based on a desire to review past events during the period 1967–1969, I believe this has been fully covered in the testimony and in the records submitted by the Department of Defense before, during and subsequent to the hearings. Consequently, I do not believe it appropriate that the general officers in question appear before your Subcommittee, but that any "desired testimony" as referred to in your March 30 letter, should be furnished by my designated representative, Mr. Robert Froehlke.

Another reasons for not presenting the Generals—one given orally—was that it is Executive Branch policy not to present intelligence personnel before congressional subcommittees. I do not know where this policy originated but certainly Mr. Hoover testifies regularly. Indeed, one of the Generals (General Yarborough) appeared briefly before the McClellan Committee April 25, 1968 to answer possible questions on Army spying. He made a brief statement, a copy of which I submit for the record. (see p. 57)

An interesting sidelight to this controversy is that the Department has made witnesses available on demand to staff members of another committee which made inquiries into Army spying. Apparently congressional staffs have privileges Senators do not. Perhaps when the Generals testify before the Constitutional Rights Subcommittee staff, the Chief Counsel will be kind enough to let the members listen in.

Another aspect of this controversy is very significant. One of the major reasons to have the generals appear is to get testimony on how the program was originated. Was it conceived by the generals and concealed from their civilian superiors, or was it in response to civilian orders?

Obviously, the civilian officials in the Department do not want to risk the chance that these generals might set forth the story in a way which differs from the carefully framed Department position. But at the same time, there is much political gain in shifting the responsibility to their predecessors in the Department who might be of a different political party. The solution in this case was a deliberate leak to the press, including documents which they have not sent to the Subcommittee. This leak, and I will ask to have it printed in the record, details the present Administration's political case against their predecessors. And as if such leaks were not sufficiently damning of themselves, the Secretary of Defense himself chose to lend the weight of his office to such charges by alleging in a statement quoted widely in the press that:

"Contrary to some of the public statements made by the former Attorney General, he had knowledge of this order [authorizing military surveillance of civilians] and it was circulated at the highest levels of our Government."

I know the Chairman wants to resolve the Army spying issue on a non-partisan basis, letting the chips fall where they may. But one cannot ignore the blatant political aspects of the Department of Defense behavior.

The upshot of the Missing Generals case is that the press and the public gets only the side of the story that the Department wants them to hear. But the Subcommittee does not get the witnesses it wants, and the public still does not get the information it needs about Army spying.

Mr. Chairman, my second example involves the computer print-outs produced by the computers which constituted the Army's data banks. One of the aspects of this inquiry is to determine why the Army spied, what standards it used, what information was deemed important, and how broad was the net. The best evidence of this is the actual print-out of the Army computers. Naturally, the Subcommittee requested the copies, and to my surprise if not the Chairman's, the print-outs were delivered to him.

But one of the important goals of the inquiry is to demonstrate to the Congress and the public what the results of the Army spying were. Unfortunately, the print-outs were all classified. Consequently, the chairman has sought to have the materials declassified. The Department has refused to do so. Its reason is that it wants to protect the privacy of the persons named in the reports. (March 19, 1971 letter)

Now, many people including myself find it noteworthy that the Department of Defense, which spent a number of years invading the privacy of thousands of American citizens by spying on their exercise of the right to free speech should give privacy as a reason for not letting Senator Ervin use these materials in his effort to protect privacy. The irony, however, seems to escape the Department.

To avoid jeopardizing anyone's privacy, the chairman asked the Subcommittee staff to prepare a report analyzing the print-outs. The report contains no one's name. My understanding is that the Chairman would not use a name unless he received permission from the individual concerned. Nonetheless, the Department has refused to declassify the Subcommittee report—Senator Ervin's own report. As a result, the Department's privacy remains protected, under a misuse of the classification rules, merely to protect it—and not the Americans it spied on—from an invasion of privacy.

Let me review briefly the reasons given by the Department of Defense for refusing to allow the Subcommittee's own report to be made public. This comes from a letter dated June 10, 1971, from the Department of Defense Counsel to the Subcommittee's Chief Counsel.

(1) Publication would be prejudicial to a lawsuit now in progress.

(2) Statements of an individual nature are contained in the report:

"It is one thing to put it in an investiga-

tive file, but quite another thing to publish it in a Committee report available to the public-at-large."

(3) Publication would be in contradiction to the conditions under which the print-outs were made public.

(4) The report is outdated.

(5) No useful purpose would be served since the programs have been discontinued.

(6) The report contains misstatements of fact, or omissions.

The short answers to each of these excuses are simple.

1. There is no rule prohibiting a congressional investigation when a lawsuit, and certainly not a civil suit, is in progress. That suit may go on for years.

2. All the descriptions of individuals in the report are carefully selected with names deleted so as to avoid identification with a specific person.

3. The condition—unilaterally imposed—was to protect individual privacy, not the Army's.

4. The report has been updated.

5. If the Subcommittee sees a useful purpose that is enough. The Defense Department does not control the Senate's investigations.

6. The report can be corrected.

Mr. Chairman, as you know, there is much more to your epic quest for information about Army surveillance. I would like to present for the record the full story, because I think it is a sorry story of Executive disregard—and I would even say contempt—for you, for the Subcommittee, for the Senate, and for the American public. However, that would take a good long time. More of the story can be found in the long, patient correspondence you have addressed to the Department over the past 18 months. If you have no objection. I would like to ask that this correspondence be placed in the hearing record.

Quite clearly the Congress can not legislate on this matter unless and until it has the full story. From the last letter the Chairman addressed to the Army, it is apparent that he has learned of entire new areas which must be explored. Since I know how little information he has been able to extract from the Army directly, I assume he has been forced to fall back on other sources. In this entire inquiry, the Army has provided only corroboration, and then grudgingly, to what the Chairman has found out elsewhere. My evaluation of this correspondence reveals quite clearly that the Army has kept from the Subcommittee the original materials and the fruits of its own inquiries. It has done this to limit and frustrate the Subcommittee's investigation. It apparently fears that Subcommittee access to witnesses and documents that can give undigested, raw facts will disclose information the Army would rather keep private. It much prefers to have only its interpretations of facts and events, carefully phrased and full of plausible denials and evasions, before the Congress. That is the real explanation for the attitude it has taken towards the Subcommittee's investigations and requests.

My last example is drawn from the Subcommittee's experience with representatives of the Justice Department concerning the nature and extent of surveillance by its various agencies and in particular, the existence or nonexistence of guidelines governing the conduct of such surveillance and the confidentiality of data collected. I have designated this example as the "Elusive Memoranda" for various reasons that should become obvious.

Beginning last June the Subcommittee wrote to thirty-two federal agencies inquiring into the existence and nature of data banks throughout the executive branch of the government. The responses of twenty-two agencies, describing such data banks in varying degrees of detail, were received by the Subcommittee. Of particular concern however, as might be expected, was the reply of the Justice Department, listing a variety of agencies which collect and assemble data in various forms on millions of citizens who have broken no laws and are not suspected of unlawful activity.

That reply was typical of the tactic which was to become most familiar to the Subcommittee in the months that followed: incomplete information justified by the narrowest possible reading of the Subcommittee's request, necessitating further injury by the Subcommittee.

As a result, a further request was made in the hope of obtaining a complete response on the nature and extent of data collection by the Justice Department. You may recall, Mr. Chairman, that in order to refresh the recollection of the Department, the Subcommittee in fact, listed some of the additional data banks discovered by the Subcommittee, but theretofore omitted from the Department's response.

Again, the reply was grudging, limited, and omitted any reference to the standards or guidelines governing these activities. It was therefore, of particular concern to the Subcommittee to determine from the appropriate officials of the Justice Department the existence and precise nature of the guidelines and safeguards governing the collection, assembly, and dissemination of information on law abiding citizens.

On March 17, 1971, the Subcommittee convened to hear Assistant Attorneys General William Rehnquist and Robert Mardian. What we witnessed was still another round of confusion, obfuscation, and evasion of direct response—an evasion I might add which continues to this day.

When asked by members of the Subcommittee to explain the authority for and controls governing data collection by the government, Mr. Mardian (after being reminded that the FBI was indeed an agency of the Justice Department) trotted out a four-year-old memorandum from a former Attorney General dealing with one limited program and quoted a single paragraph as the basis for data collection and surveillance on law abiding citizens by Justice Department agencies. When pressed by understandably incredulous members of the Subcommittee, Mr. Mardian hastened to assure us that indeed there *must* be additional guidelines covering, for example, the FBI. Yet the nature of those guidelines, the safeguards they contain—and frankly their very existence—continue to be in doubt despite the persistent requests of the Subcommittee for production of any of those documents. In fact, when the Subcommittee made further oral requests for those guidelines, the response of the Justice Department was in effect, "we don't know what you're talking about." Finally, the Subcommittee resorted to a formal letter quoting the testimony of Mr. Mardian claiming such guidelines existed and asked in effect—"whatever *you* were talking about is what we want to see."

In fact, the only directive governing surveillance by Justice Department agencies that I know of is one which came to our attention through the so-called "Media raid", which suggests that FBI efforts be concentrated to give the impression of having "an agent behind every mail box."

Further indication of the seriousness of the situation is the fact that nowhere in the response of the Justice Department to the Subcommittee's request for a listing of government data banks is there any mention of the so-called "Security Index" which reportedly contains entries on 25 million people! This despite the fact that the Department's response, coupled with the testimony of its witnesses, purported to be a complete inventory of all such collections.

Mr. Chairman, as you recall better than any of us, on March 17, 1971, the Subcommittee requested copies of the documents cited by Assistant Attorney General Mardian in his testimony—or rather claimed to exist by him. It is now August 4, 1971, almost five months since Mr. Mardian's testimony that there were guidelines and over a year after the initial requests to the Justice Department—and we have yet to receive any documents setting forth or describing the guidelines governing Justice Department data collection on individuals.

In the meantime, the Executive Branch has developed the theory that by executive order, without even the briefest pass through the Congress, it can even further expand its data gathering activities through an attempted end run with the Subversives Activities Control Board.

Mr. Chairman, I am deeply concerned with the results of these and innumerable other examples, examples with which every member of the House and Senate is familiar. We are witnessing an era in which the legislative branch of our government is being progressively sapped of the ability to legislate by the conscious and deliberate denial of the information upon which to base its decisions.

These denials are becoming pervasive and present a threat to the very basis of our government. Historic Constitutional principles of separation of powers and checks and balances are being persistently eroded to the point where they may soon be meaningless.

The information gap between the executive and the legislative branches has always been substantial even without the frankenstein growth of executive privilege. Time and again Senators and Representatives must make decisions based upon information developed by a legislative staff no larger than a half dozen persons at most. Contrast this with executive departments capable of producing hundreds of pages of documents (and classifying them) overnight.

But when we add the hydraheaded monster that executive privilege has become, the peril of the Congress is most acute.

Mr. Chairman, I fear for our ability to legislate responsibly if this trend continues. The examples I have described this morning are typical of the problem we face. People in this country are deeply concerned, and rightly so, about the nature and extent of governmental intrusions on their privacy. In many ways, the investigations we have begun in the Subcommittee place an even greater obligation upon us to bring them to a public resolution. For one thing, the public has the right to know whether we have seen anything more than the tip of the iceberg. More importantly, however, we must determine what guidelines and safeguards exist, whether more are necessary and what those safeguards should be. In short, we are being asked to act like responsible members of the legislative branch. Yet we continue to be denied the most essential component of the legislative process, the information upon which to make responsible judgments. I dread the day when Congress will be forced to govern by subpoena, but it would seem that that day is drawing ever nearer because of the stubborn refusal of the executive branch of our government to deal in an open and honest manner with the Congress.

MAXIMUM FUNDING AGAINST DRUG ABUSE

Mr. EAGLETON. Mr. President, on July 13, 1971, the distinguished junior Senator from California (Mr. TUNNEY) testified before Senate Appropriations Subcommittee in support of a massive increase in funds for drug-abuse treat-

ment, rehabilitation, and research. His statement, I believe, puts quite forcefully the case for a national commitment against drug abuse and I ask unanimous consent that it be printed at this point in the RECORD.

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

DRUG ABUSE: TREATMENT AND REHABILITATION

(Statement of Senator JOHN V. TUNNEY)

Mr. Chairman, on June 17th, the President declared that, in his judgment, the problem of drug abuse "has assumed the dimensions of a national emergency," and proposed additional appropriations and the establishment of a new Special Action Office for Drug Abuse Prevention, to co-ordinate the Federal response to that emergency. The papers have been filled with glowing reports of drug abuse programs to be funded with millions of dollars, promising quick relief for those ravaged by the habit. And yet, in spite of all the publicity in recent weeks, the drug abuse problem, heroin addiction particularly, continues to plague society to degrees never before imagined in our worst nightmares. While I applaud the President for his belated recognition of the magnitude of this problem, I feel we must critically examine the Administration's proposals because I believe there are still critical shortcomings in the Federal response.

The Administration has requested approximately $89 million for treatment and rehabilitation programs under the Department of Health, Education and Welfare. Although this represents a significant increase in the funding level for such programs, it is inadequate to meet the critical increase in problems now being reported by every hospital and clinic in the nation. In fact, the significance of the increase in the Administration's budget request is nearly lost when the size and rate of growth of the problem is considered.

One great source of concern to me is that the Administration has in large measure overlooked the use of the community mental health centers to treat drug addicts. I do not need to tell any of you here that drug addiction is as much a psychological as a physiological problem. While a new superagency may provide valuable assistance in coordinating Federal drug abuse activities and developing overall strategy, it cannot be expected to develop effective treatment centers at the community level, where the real solutions lie. This is the job of the community mental health centers, which is why I consider them to be of such paramount importance in any program of drug abuse treatment. Dr. Sherman N. Kieffer, the Associate Director of Patient Care of the National Institute of Mental Health, stated in testimony before Senator Hughes' Subcommittee on Alcoholism and Narcotics barely two months ago, that community-based treatment programs are the best, and perhaps the only means of providing help, particularly to young people with drug problems. Dr. Kieffer said, "Our emphasis has been on trying to beef up the resources the treatment capabilities within each community to handle these situations."

One thing should be made clear here; a community mental health center is not a *place*; it is rather an affiliative agreement between several institutions capable of offering comprehensive treatment to the drug addict. Such an organizational arrangement makes it possible for the patient to receive the full range of needed-treatment at affiliated local hospitals, vocational rehabilitation centers, and educational and consultation services, etc. Drug treatment must always be co-ordinated, or the chances for permanent cure will be virtually nil. The essential five services included in this comprehensive treatment are: (a) In-patient care; (b) outpatient care; (c) Partial hospitalization; (d) 24-hour emergency services; (e) Consultation and education services. The pattern of institutional affiliation used by the community mental health centers boasts a number of distinct advantages: (1) it assures continuity of care for the addict—as the patient is transferred, say, from a hospital to a rehabilitation center, his treatment record will follow him, making integrated treatment possible; (2) it assures a geographic comprehensiveness which does not currently exist in most cities—that is, an addict living within the community is guaranteed treatment, regardless of ability to pay; (3) the centers are flexible enough to be able to specialize in drug treatment, thus offering leadership in the field which standard institutions are incapable of generating on their own—city and county hospitals and mental health facilities, where they exist, generally find themselves so pressed for time and money that they rarely can devote the attention to treatment techniques that the community centers specialize in every day.

And yet, despite the admitted importance of these community mental health centers, funding for Fiscal Year 1972 is disappointingly meager. There are 60 major cities in this country with serious, serious heroin addiction and drug abuse problems, but treatment facilities are still woefully inadequate. Yet, as I stated earlier in my testimony, the Administration's request for Fiscal Year 1972 asks for only an additional $15 million, funds which will go toward supporting some new centers, but not for the expansion of any drug treatment operations.

For special staffing under the narcotics addicts treatment program of the community mental health centers, the Administration budget allocated only $14.6 million, all of which is for the continuation of current projects related to drug abuse treatment, but for new projects. Yet the demands for treatment at these centers is rapidly growing, as we all know. The number of addicts in the military services, for example, is more than six times the number that can be handled by the V.A. centers now established or planned. The community mental health centers must be able to cope with this overflow, as well as with substantial numbers of addicts from civilian life. Right now, unfortunately, most of the drug treatment centers at the community medical health centers have long waiting lists, large numbers of Vietnam veterans among them. The result of this conflict between pressing needs and staff resources available is tragic neglect. This sadness becomes all the more bitter when one hears of a staffing grant applied for by a center in San Francisco one-and-a-half years ago which was meritorious, but which was turned down because no funds were available. The treatment workers at the community level could see one-and-a-half years ago the rising trend in drug use which has led to the virtual epidemic which confronts us today. They could foresee the need for expanded staff and para-medical personnel to deal with that problem. But there were no funds available two years ago or one year ago, and there are none available today, to speak of. As the Hughes subcommittee hearings revealed, there are no new staffing projects or grants anticipated for Fiscal Year 1972 because there are no resources earmarked in the budget request.

There are phenomenal demands being made upon NIMH for new project grants in this area, but to little avail in many cases. The answer given is that while there has been much talk in Washington, the Administration and the Congress have been very slow in making a real commitment. The fact is that little in the way of federal funds for drug abuse control programs has actually reached the cities and communities where the problem exists. This problem was dramatized in Congressional hearings two months ago when NIMH officials, under cross-examination, revealed that they have for 1971 applications for three times as many grants as they can award, and yet they have not increased their budget request for grants for Fiscal 1972.

The funds earmarked for special projects, authorized under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91–513) is a futher example of budgetary neglect in the face of desperate need. The Administration has requested $9 million to finance the operation of specialized drug treatment centers, i.e., centers which offer one of the five critical phases of drug treatment. This category of grant is particularly useful in avoiding duplication in cities where certain treatment facilities already exist. Of the $9 million request, however, $4 million worth of projects are being transferred from the Office of Equal Opportunity to the community mental health centers. This means that there is no real gain in funding, since Fiscal Year 1971 expenditure was at the $5 million level. And yet, grant requests pouring in from around the country total over $26 million for 1971. This is another example of how far the need outstrips the funds available in the field of drug abuse control today. Grant requests for special projects are more than five times greater than the amount available, yet no new funds are requested.

The education and training portion of the drug abuse control program has also received scant attention. Although the President is requesting an additional $10 million, thereby increasing the money available in this area to more than $24 million, these figures only gain meaning when examined in the context of the total problem. Education is our first line of defense in combatting the problem, and, therefore, is the real heart of our preventive effort. Our educational efforts must be extended not only to our school-aged children, but to parents, educators and community leaders alike. In the face of this need, drug education has received less priority in the HEW budget request than it deserves.

These problems will not be alleviated by rhetoric from Washington. As a matter of fact, every time there is a newspaper or television report of more federal money being proposed or authorized or allocated or approved there is a new rush of patients at the drug treatment centers in San Francisco and Los Angeles, looking desperately for help. The sad fact is that they are turned away, in California and across the nation, because the kind of money needed for widespread treatment programs simply hasn't been made available. It costs at least $1,000 a year to offer out-patient methadone-maintenance services to one addict, and that is a conservative estimate; if all addicts were so treated, the annual cost would mount to over $300 million a year. To treat one addict in a residential therapeutic community such as Synanon costs over $3,000 a year; such treatment for all addicts would cost well over $900 million. That kind of money simply is not available.

In Fiscal Year 1971, the NIMH budget for drug-related programs was $37 million. In Fiscal 1972, the original request was exactly the same, $37 million. The President's proposal will add $67 million, including $43 million for treatment programs particularly. However, in view of the figures discussed previously, this allocation is clearly inadequate. It seems obvious that twice or even three times that amount could be wisely spent. It is my profound conviction that until the Administration and this Congress make that sort of a commitment, the fight against drug abuse is doomed to be a losing battle.

The meager allocations proposed here by the Administration guarantee that location of treatment centers will be scattered and inadequate, or that resources will be concen-

trated in a handful of locations, to the complete neglect of the rest of the nation. Neither of these are responsible alternatives, and I respectfully urge you to reject them both by increasing the allocations provided by this legislation.

I would like to make two final comments which are peripheral to the actual drug treatment programs, but which are so important that they cannot be ignored. The first is that research in drug control is vital, more so now than ever. With a crushing problem confronting us on a daily basis, it is easy to overlook or forget the need and long-range benefits of research programs. And yet perhaps no effort is more urgently needed than full-scale medical investigations of the physiological and psychological impact of drug abuse. I strongly urge that this important research not be delayed another day, least of all for want of adequate budget allocations.

Finally, I alluded earlier in my testimony to what I consider to be a disastrous plan to phase-out the NIMH Psychiatry Training Program completely over the next three years. This cut will mean a significant decrease in the number of psychiatric residency slots currently available. Fewer residencies will mean fewer psychiatrists. Fewer psychiatrists will mean an even more critical shortage of trained personnel to staff drug treatment centers. Here, perhaps as nowhere else in this budget, it is possible to see how closely related are all of these programs. Taken alone, the cutbacks in the Psychiatry Training Program seem ill-advised; when viewed against the need for competent drug treatment personnel, it appears to be nothing short of nonsensical.

To combat the drug abuse problem that haunts our playgrounds, our parks, our suburbs, our high schools, our cities, we must give our full support—financial as well as moral—to a full-scale, comprehensive Federal program.

THE WARMAKING POWERS OF CONGRESS

Mr. ROTH. Mr. President, as the United States continues to extricate itself from the land war in which we became involved in Southeast Asia during the decade of the 1960's, many of us in Congress, as well as many private individuals have begun to give increasing attention to the vital question of the role of Congress in the decisionmaking process which led to that involvement.

This question, it seems to me, breaks into two equally important parts: one deals with the warmaking powers of Congress and the other with the problem of providing adequate information to Congress in order that it may intelligently deal with the substantial questions of war and peace on which we are expected to act.

It is because of my deep concern that the legislative branch of the Government regain its constitutional status of coequality with the executive branch in the matter of decisionmaking that I am pleased to join the distinguished Senator from Kentucky (Mr. COOPER) and the distinguished Senators from Mississippi (Mr. STENNIS) and Montana (Mr. MANSFIELD) in sponsoring legislation pertaining to these areas.

The Cooper bill (S. 2224) is a direct outgrowth of the discussion and self-reflection which the publication of the so-called "Pentagon papers" stimulated earlier this summer. The revelations of these previously classified documents and the historic decision of the Supreme Court permitting their publication have engendered debate on topics of vital concern and lasting importance to the Congress.

The essential issue here, of course, is the problem of providing information to Congress. Complete and accurate information from all available sources, should be accessible to the Congress. As matters now stand, Congress is sometimes denied access to current intelligence information compiled by the CIA and the intelligence community.

The Senator from Kentucky (Mr. COOPER) has presented a timely and constructive bill that will make such intelligence information available to the Congress just as it is already available to the Executive. His proposal, which I was pleased to cosponsor, amends the National Security Act of 1947 by adding a section requiring the Central Intelligence Agency to provide individual Members of Congress, upon request, through the Committees on Armed Services and Foreign Affairs of the House of Representatives, and the Committees on Armed Services and Foreign Relations of the Senate, intelligence information and CIA's analysis thereof. The security of and access to the information provided to the Congress would be the responsibility of the committees, who would institute the necessary measures to provide clearances, secure areas, documents control, and so forth.

The National Security Act of 1947 does not specifically bar intelligence information from Congress, but neither does it provide for the dissemination of such information. This proposal makes intelligence information available to the proper committees as a matter of law. If the Congress is to fulfill its constitutional responsibilities in the formulation of foreign policy and national security policy, it must have available intelligence facts and their analysis. Although the Central Intelligence Agency has often provided such information to certain committees and Members of Congress in the past, this has been done only at the pleasure of the Executive, and the veil of secrecy has been extended to cover too much that is necessary to make legislative decisions of great substantive importance to the American people. Proper disclosure to appropriate committees is a vital safeguard against Government adoption of positions and policies of unknown and potentially dangerous implications. Congress cannot be expected to function effectively if it is not acquainted with information about a particular subject in essentially the same detail that is in fact in the possession of the Executive.

Adoption of this proposal, S. 2224, will make available to Congress information absolutely essential if we are to fulfill our obligation to the people of this country. It will strengthen the balance of responsibility between the Executive and the legislature by promoting trust and reasoned judgment on matters relating to the national interest.

The second proposal—the Stennis-Mansfield resolution, Senate Joint Resolution 95—is a reasoned and reasonable response to the other facet of the problem which I referred to earlier, namely the congressional responsibility in the warmaking process.

Senate Joint Resolution 95 does not in any way attempt to fix responsibility for the present tragedy in Southeast Asia on either the Democrats or the Republicans.

Instead, Senate Joint Resolution 95 attacks the heart of the whole 1971 problem. The fact that Congress has not declared war since the Second World War ended in 1945, despite the many conflicts and near conflicts we have engaged in, raises the question of who has the power to begin the wars we fight. Senate Joint Resolution 95 is not an attempt to rewrite the Constitution. The Constitution lodges in the Congress the power to declare war, and throughout our history the Congress has been recognized as the only branch which could declare wars. This power to declare war is not outmoded simply because we have grown from an America composed of Thirteen Colonies and separated from the rest of the world by an impenetrable sea barrier to an international leader, or which is outdated by modern warfare. As Senator STENNIS stated when introducing this resolution.

> I remember I was standing at the desk which is behind me now when the news came into this Chamber that troops had been ordered to land in Korea. I knew that this was the first time in our history a deliberate decision had been made to land troops, an army, in a war against another nation without a declaration of war by the Congress of the United States.

Senate Joint Resolution 95 is an attempt to delineate more clearly the war powers of the executive and the legislative branches. At the same time, it would insure that the decision to go to war, a decision too massive and too important to be decided by one man, would again become the collective judgment of the President and the elected representatives of the American people. The resolution guards the powers of the President and the security of the Nation by outlining very carefully those emergency situations in which the President may commit American troops to combat abroad. At the same time, the resolution safeguards the right of the Congress to declare war by placing a time limit on this commitment of troops. The time limit, 30 days, is long enough to avert a disaster, but short enough so that if a full-scale war is to be begun, the Congress too will be required to authorize it.

Finally, in placing this resolution before the Congress, Senator STENNIS has made a significant contribution to what ought to be a long, serious discussion, and a protracted study, by the Senate, the Congress, and in fact, the whole Nation, in what the future role of the Congress and the President ought to be in the declaration of war. It is a study which the Congress has long shoved aside, and which has not been resolved satisfactorily in the entire history of our Nation. The possibilities for total annihilation today, and the volatile and dangerous situation of the world today

make a clear, final decision on this constitutional question imperative if we are to survive as the powerful Nation we are now.

Mr. President, I deem these two proposals—S. 2444 by Senator COOPER and Senate Joint Resolution 95 by Senators STENNIS and MANSFIELD—major steps in providing answers to the complex, yet crucial questions which have arisen concerning the constitutional balance of power between the legislative and executive branches of the Government. They are questions which we can continue to ignore only at the peril of the continued viability of the intricate system of checks and balances which are so necessary to a stable government.

NEA ANNUAL CONVENTION, 1971

Mr. MONDALE. Mr. President, I had the good fortune recently to participate in and address the annual convention of the National Education Association held in Detroit, Mich., June 26 to July 2.

At this convention, Mrs. Helen Bain, the outgoing president, presented an eloquent and thoughtful address on the needs and responsibilities of education. Mrs. Bain—who in my judgment has provided the Senate with excellent advice and counsel on both legislative and appropriation questions concerning education during her past year in Washington—emphasized the need to reorder priorities and the need for educators to become involved in the political process.

I ask unanimous consent that her excellent address be printed in the RECORD.

I also ask unanimous consent that the very interesting and stimulating report of the NEA on governance and finance of public education be printed in the RECORD.

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

ADDRESS BY MRS. HELEN BAIN

One arrives at this point in an NEA presidency with much to say and a concern that it be said adequately.

I began this year with a firm belief in the teachers of this country, with confidence in your ability, your courage, and your intelligence. I end this year with an even stronger conviction that teachers are the most important people in the world. You are my hope for a better future, and you are the hope of millions of people around this world as we work to improve society, both here and abroad.

The truism has become a necessity—education must solve our problems. It is apparent that education moves, changes, and improves best when teachers move it, change it, and improve it. Our profession through the National Education Association is a force to be reckoned with.

Teachers are on the move educationally and politically on the local, state, and federal levels. The influence which we have achieved is most encouraging. However, we are just beginning. We have not yet reached our full potential in serving the students and teachers of this nation. To reach that potential, we must continue to use our influence and to build our strength wisely.

Change enables us to meet the needs of teachers more effectively. The teachers have indicated their preference. The past year has been good for us, but bad for the AFT. We continue to score impressive representation election victories. During this last year, NEA affiliates won elections in Seattle, Portland, Cincinnati, Louisville, and New Orleans, and every one of fourteen elections held in Ohio. The AFT conducted at least four disastrous strikes . . . Newark, Hartford, East St. Louis, and Minneapolis. The two major organizational goals of the AFT during the last year were the State University of New York and the statewide election in Hawaii. The teachers in both cases showed their wisdom, and produced victories for themselves, their state affiliates, and the NEA.

These victories show that the NEA is the teachers' best bet.

However, we will not become complacent. We must continue to improve the NEA so that we may become a greater power for changing the status of education. The Constitutional Convention is indicative of the profession's determination to do this.

For those of us here who will be delegates to the Constitutional Convention, I wish success in our deliberations. My prayer for us is that we possess the courage and wisdom to devise a strong structure for the United Teaching Profession.

We are now a large and complex organization governed by the delegates to this Assembly, and by the elected members of the Board of Directors and the Executive Committee. This Assembly wisely saw the magnitude of that governance function when it approved full-time leave for the President, and then the President-Elect. We have taken many other positive steps in recent years in recognition of the size and complexity of our organization. Other actions must yet be taken. One, in particular, I call to you attention.

Immediate Past President George Fischer and President-Elect Don Morrison join me in recommending a two-year term for the NEA President. Each of us has seen something of the magnitude and of the responsibility of this position. We request this not for ourselves, but for the men and women who are yet to be elected. We know that the responsibilities grow each year, and the individuals who occupy this high office will find it increasingly difficult, if not impossible, to represent you adequately and carry out the duties of the office in one year. No one acts or speaks more often in your behalf than does your President. In the interest of continuity, it is time that we elected our president for a two-year term.

An area not waiting for ConCon is the involvement of the Student NEA in NEA policy making. We have given the SNEA President the right to deliberate with the NEA Executive Committee. The Board of Directors has done the same thing for five SNEA Members. You will have an opportunity to vote for an amendment which will give them delegates to our Representative Assembly. This is necessary for them to have meaningful involvement, and I urge you to vote for it.

This past year, they have made many significant gains. Their efforts contributed to the passage of the 18-year-old vote in Congress. Active student involvement is a positive step toward strengthening change within the American system. The students also want to work within the system of the professional association to produce changes in American education. We must be sure that the NEA has a sound, viable structure.

To maintain viability, the NEA must be kept on a sound financial basis. Our practice of spending an entire year's income within that year is not a wise practice. In some years, it has been necessary, but, as a practice, it has not allowed the development of reserves for the future, nor has it provided for emergencies within the year. This year's budget contains a modest beginning to establish such funds. I urge you to give your support to the need for such funds within a balanced budget.

I would like to share a new experience that I had this year. An employee strike against an employee organization though not unusual is always embarrassing, and the NEA is no exception. For the first time in my career, I found myself on the management side of the table. Your Executive Committee and I set the parameters for management before negotiations began, and we ratified the agreement after negotiations were completed. The role wasn't comfortable, but it was necessary. As officers, we had a responsibility to represent your interest and insure that your dues money was wisely spent.

The strike caused some confusion of roles, and I know this also occurred at the state and local level, but out of the confusion came learning. And, out of the impasse came resolution. Negotiations produced a settlement and contract satisfactory to both sides. You can be pleased with the contract which you have with your employees.

I have tried to serve as your president with a sense of responsibility that meets with the approval of the teachers of this nation. At this time, I am privileged to make this presidential report on our progress in achieving the priorities I placed before you in San Francisco last year. Events of this past year make the early achievement of these goals imperative.

Perhaps the greatest concerns of teachers throughout this country are the alleged oversupply of teachers and the inadequate financing of education.

Rising prices, generally poor economic conditions, and criticism of the schools are contributing to the serious cutbacks in school finance, which in turn forces teacher cutbacks. Our condition is properly called an underfunding of schools, not an oversupply of teachers.

There are many unmet needs:

Adequate early childhood education would call for far more teachers.

Vocational and technical teachers, and remedial teachers are greatly needed.

You and I know full well we need tens of thousands of additional teachers to reduce class size to manageable levels.

This year, teachers are not in oversupply, but schools are understaffed.

Teachers must take the lead in correcting these problems. Once again, the strength of public education depends upon a will and determination of the teachers to take the actions necessary to improve it. Fortunately, we have some means at our disposal to begin to take these steps.

First, you must this week give the NEA the authority necessary to act at the national level to correct the general underfunding of schools. The most significant single action you could take at this convention would be to direct the NEA to rejoin and resume leadership of the Emergency Committee for Full Funding. This spring, the NEA could not support the Hathaway amendment and it lost by four votes, and education lost 750 million dollars, 750 million dollars would go a long way toward the reemployment of our colleagues who are out of work.

Another significant way that we can help is through professional negotiations.

Last year, we identified as one of our priorities the securing of professional negotiation laws in every state. Although this has been an off year for many state legislatures, much has been accomplished. At the present time, approximately fifteen states are preparing to join the twenty-four which already have negotiation laws. Within the last two years, the number of locals with professional negotiation agreements has increased from less than 1,000 to 10,500, and the number of teachers covered by these agreements has increased eight times. These agreements have become increasingly important to teachers

in establishing their salaries, conditions of teaching, involvement in the determination of curriculum, and in the current situation, the protecting of job rights. This leads me to our goal of self-governance of the teaching profession.

This profession is determined to establish its own system of who comes in, who stays, and who leaves. We intend to see that this is based on true educational achievement, classroom expertise, and the judgment of our peers. During the last year, extensive work has been done to develop model legislation for self-governance. The effort will be accelerated during the coming year. We must be in the forefront of this drive.

Last year, you asked for a reordering of our national priorities. Our first move to give education the dignity and the importance it merits was to call for a Cabinet Post for Education. If you come to think about it, it is an absurdity that we are probably the only nation on earth which does not have a cabinet post devoted to education. From Norway to New Zealand, from Burma to Britain, every country has a minister of education. We, on the other hand, created an unmanageable bureaucracy called HEW, whose head has the impossible and conflicting tasks of devoting his attention to three separate and distinct areas of national concerns: health, education, and welfare. It is my view that one of the many reasons for the existence of the welfare mess lies in the organizational monstrosity of HEW. A Cabinet Post for Education would mean not only that there would be a man—or woman!—at the President's council table whose sole advocacy and principal concern would be the cause of education in America, but it would also mean that responsibility could finally be put at the Cabinet level for federal educational policy.

This is not exactly a new idea. In 1921, a joint resolution passed by fourteen national organizations asked that "education be given recognition commensurate with its supreme importance to the Nation," and stated: "In view of the reorganization now pending, the present is a most opportune time for giving education its proper place in the Administrative Branch of the Government . . . we respectfully urge that the President of the United States use his great influence to bring about the creation of a Department of Education with a Secretary in the Cabinet." Some of the fourteen national organizations signing this resolution were the NEA, the American Federation of Labor, the American Library Association, the National Council of Jewish Women and the PTA.

That was 1921. The resolution expressed then is still appropriate today. A half century later, in 1971, we know that this resolution can be implemented only through political action.

The educational forces in this nation have mounted a nationwide campaign to achieve our goal. You met the leaders of these national organizations tonight. There are six others who have endorsed the idea, and several others will consider it at their national conventions. We are establishing statewide teams of our Big Six Coalition to be headed by our Board members in each state. You have already participated in two letter-writing campaigns.

With this kind of positive political action, I am convinced that we shall have a Secretary of Education before we reach our two hundredth birthday in 1976. That will insure that the federal government's share is more than the small fraction of the cost of public education which it is now paying—less than seven percent. It seems to me that by the time this nation is two hundred years old its federal government must be both willing and mature enough to pay for one-third of the cost of public schools. This will not only create a more just and equitable access to education, it will help drastically to reduce the mushrooming cost of welfare and correctional expenditures.

It may sound incredible, but it is true that in the City of New York last year, with its eight million people, there were as many homicides as in about a dozen European countries with a population of some 140 million. These countries include Sweden, Denmark, Norway, Finland, Austria, Switzerland, Holland, Spain, Portugal, and the United Kingdom, with huge metropolitan concentrations in London or Amsterdam or Stockholm or Copenhagen, and elsewhere.

We simply cannot tolerate the possibility that this land of ours become one of the least civilized and most unsafe places on earth. Decent educational and employment opportunities will mean a better quality of life throughout this land, and with greatly reduced public costs of nonproductive welfare and penal expenditures.

Last year, I urged political action as the way to achieve these priorities. You were magnificent in your response. Examples of teacher power in the political arena are countless. Let me just mention a few.

The teachers of California helped put John Tunney in the U.S. Senate and George Murphy went into public relations work. Wilson Riles became the state commissioner of education, and whatever happened to Max Rafferty?

The teachers of Alaska conducted the most intense campaign in their history. From local school boards through a seat in Congress, they made their mark. Nick Begich, a former educator and an ardent supporter of education, was moved from the state legislature to the U.S. Congress.

The teachers of Florida helped bring to an end to the reign of Claudis Maximus Kirk and Ruben Askew became governor. In the process, they took care of a hopeful named Carswell and an incument named Cramer.

The teachers of Washington State voted and won, and Congresswoman May learned that it doens't pay to oppose every piece of educational legislation. The district is now represented by Mike McCormack, who is a friend of schools.

The teachers of Ohio had had enough, so for the first time in their history they backed a candidate for governor. He won, and John Gilligan is pushing hard for better education.

Teachers worked for Republicans and Democrats, but always for education. NEA is a bipartisan organization. We are made up of good Democrats and good Republicans. Nothing would have pleased me more than to be able to report to you on the marvelous leadership in the cause of education by the President of the United States. This has clearly *not* been the case.

When I took office at this time last year, I felt that it would be in the best interest of education in this country for the NEA to make a real effort to work with Mr. Nixon's administration. As your president, I extended a friendly hand. It has remained extended and unwelcomed by him. My efforts in your behalf to confer with the President of the United States on the crucial educational needs for the millions of children in this nation were ignored. Further efforts to reach the President were made through Congressman Quie, George Schultz, Elliot Richardson, Sid Marland, Robert Finch, and many others.

One last effort was made in late April, when every member of the Board of Directors signed and sent to the President a letter requesting that he give us an opportunity to present our cause. As yet, there has been no acknowledgement of this request. The only word from the White House has been a refusal of the President to speak at this convention.

In this age of technological wonders, the lack of leadership, the lack of compassion, and the lack of creative solutions at the highest levels in our national government are frightening. A lion's share of the nation's ills, frustrations, and failures must be placed at the doorstep of Richard Nixon.

When we look at our nation's vast resources and the failure of this administration to mobilize them for the country's benefit, it is frightening. As we look back over the last year, during which we combined the highest interest rates in a century with the worst unemployment in a decade and the most appalling inflation in a generation, it is frightening.

We must not accept these conditions. What is called for is effective action within our system to get our priorities straight, to streamline the apparatus of our federal government, and to commit our resources to achieve our true national objectives.

This is the most anti-education administration this country has had in many years. This administration has repeatedly made statements which were calculated to reduce confidence in public education. On rare occasions, Mr. Nixon has asked educators to serve on such task forces as urban education, higher education, and student unrest. In each instance, he had discredited and ignored the reports. It seems that the administration attacks the schools because that is much cheaper than financing them.

Our concern for the adequate financing of education is shared by the Congress of the United States, which felt strongly enough to override the President's veto of education appropriations.

Mr. Nixon says we need to know more about learning. He was not aware of the things you and I learned shortly after we first started into a classroom: That a hungry child cannot learn: That children cannot learn in an overcrowded and understaffed school: That schools cannot function in a constant state of financial crisis.

In 1968, Congress appropriated 60 percent of the authorized aid to education. In 1969, the ratio was 46 percent. In 1970, 37 percent, and this year, 36 per cent. In other words, of the total amount authorized for education this year, only a little more than one-third will actually be spent.

Mr. Nixon's educational promises far exceed his educational performance. By definition, Mr. Nixon is an underachiever.

I do agree with Mr. Nixon on one thing, however. There should be accountability. This should include presidents, too. Any President who vetoes educational funds and calls them inflationary, and fights for obsolete weapon systems and calls them progress, should be held accountable. Mr. Nixon has called for our accountability for over thirty months. In November of 1972, we shall call for his.

For my conclusion, I have chosen one of our most important goals—the work in the area of human relations on local, national and international levels. I am very pleased with the activity and the movement in developing human relations programs and the considerable accomplishment of both our state and our local associations. There are now forty state associations with active human relations programs. We have over 2,000 local associations throughout this country which have established local human relations programs.

On a national level, we have had an active part in at least two significant decisions which have been made this year. We now have a rule from the highest court in this land concerning the integration of our schools. Many of the points made in the NEA brief presented in the Charlotte-Mecklenburg case were found in the final decision of the Supreme Court. We should take pride in having had a part in the establishment of this ruling, which clearly establishes the guidelines for the effective integration of

our schools. We are all well aware that this is not a southern problem alone—it is a national problem. National leadership—strong, consistent, and just—is needed.

We also had an important role to play in designing major features in Senator Mondale's integration bill. Our efforts helped to bring the administration's proposal in line with more effective legislation.

Last year's action item No. 4 called for the invoking of sanctions and censure of any state or local school district which refused to terminate the misuse of the National Teacher Examination. I urge you to report any such violations to the President and to the Executive Committee.

For the first time at an NEA Convention, provisions have been made to accommodate minority caucuses. Those minority groups which have requested space for caucusing are Black, Mexican-American, American Indians, and Women. Although there are more women in education, they are in the minority in positions of leadership in the school system across this country.

In closing, I would like to urge you to accept a challenge to work with all teachers around the world in an effort to achieve world peace.

We must, as a nation, as well as individuals, learn to live and work together with one another in peace. As a nation, we must strive to live in peace with other nations. Every avenue of person-to-person contact should be explored. Teachers must not assume that someone else will do this. We must do our share. For these reasons, we paid an official visit to the Soviet Union last fall as guests of the Soviet teachers' organization. This spring, they returned the visit. Other exchanges are planned. Each is undertaken in the hope that some greater human understanding will result—that these exchanges will be, no matter how small, at least a positive contribution to world peace.

I had the opportunity to meet with a representative of the Provisional Revolutionary Government of South Vietnam to discuss treatment and release of our prisoners of war. We were seeking to make contact with the teachers of the People's Republic of China, even before the Ping-Pong event.

We must assume a responsibility to work actively for world peace. We are well aware of the horrible alternative. We educate children for the future. We must also work to insure that they have a future. We must give leadership in bringing all of the world's teachers together in order to improve the world's method of solving our problem.

We will live together better in this world if we start thinking more of people. This is one thing the students have been saying to us. We ought to listen and heed the message.

We must humanize our approach and our outlook. We must keep people in mind as we take our actions.

Let us this week turn our attention to the real issues of education and the human agenda of this nation and world.

National Foundation Program for Education

In 1976, the Nation will celebrate its 200th anniversary as a free republic. We as a nation should establish this as the target date for renewal of the Nation's commitment to education and extending the power of that commitment to the Nation's schools.

In recent years, schools in the United States have undergone radical changes in their use of materials, their physical environment, their use of the subject matter or content available to them, their staffing patterns, their clientele, and organization. They have shifted their emphasis from programs based on conventional wisdom to ones which find roots in knowledge. A basic and vital component of education, which many citizens are demanding be revised, relates to a rethinking of the purpose of schools and the values which direct the purpose.

Educational birthright of every American child

Every American child must be prepared to live a happy, healthy, and productive life in this increasingly complex world. This is his birthright. It requires an educational program which stimulates his development of human understanding and guarantees his command of fundamental processes of learning.

These are the essential rights to be pursued through the public schools for every child:

Right to the development of skills and understanding of human relationships;

Right to the knowledge of basic principles of personal health and guidance in the formulation of good health habits;

Right to an understanding of his government and the relations with other nations and knowledge of how to participate as a citizen;

Right to attain the skills of communication, reading, writing, and arithmetic so that he functions in this age of daily newspapers, tax forms, consumer credit and the like;

Right to be prepared for gainful employment through continuous opportunity for career development;

Right to be prepared for personal fulfillment and worthy use of leisure.

A rendering of educational priorities

A newly recognized principle is emerging as a result of the concerted effort of educators, students, and community members. This principle, simply stated, is that schools should reflect the best of culture—its essentially humane nature. Some school-related implications can be noted in the following call for a humane program.

Instructional programs aimed at developing the full range of human capacities, not just the intellectual; evaluation for the purpose of improving instruction, not for comparing children; and school organization that frees the student and the teacher to focus on learning, not the clock or the semester—these are some of the components of a humane education, an education that gives every individual a personal vision of what he might become rather than forcing him to come up to standards devised in other days for purposes that are no longer pertinent.[1]

It is not enough for schools to function as sorting agencies. Nor is the complex social fabric served by a populace which has only facts and figures at its command. The concept of schooling most appropriate for the present is not the one that looks only at the past for its structure and content. Schools must move dramatically toward a climate which promises the learner and society that, indeed, there *is* a good life and that it is reflected in the schools of the United States. This good life is characterized by a set of values which guarantees the worth of the individual, promotes the benefits of freedom, respects individual and group decision-making as inherently human processes, and promises the development of potentials for all.

Education, therefore, has a double task: (1) to teach content-knowledge, skills, and values, and (2) to teach this in such a way that the student is motivated to use his developing ability to make decisions or choices that will lead him toward the realization of his full potential. In addition, the schools must be concerned with helping the student utilize his competency to reach his goals.

It is assumed that a basic purpose of our society is to provide maximum assistance and opportunity within a democratic structure for an individual to realize his full potential as a person. If this assertion is accepted, it follows that education, a formal institution of our society, should contribute toward this goal of self-realization. Self-realization implies that the individual must accept responsibility for his own fulfillment—that is, he must make the necessary choices, and he must choose what to him seems to be in the direction of self-realization.

To achieve a society based on this value position and, simultaneously to strengthen programs for achieving the traditional goals of learning will be a major undertaking for the nation's schools. Any such effort toward social change will be expensive. However, it will be less expensive in the long run than failure to achieve these goals.

This is a call to reorder educational priorities—to construct a humane system of schooling for all the nation's youth. This is a call for the national government to join with the state and local school systems to support a nationwide standard of education through a national foundation program.

A nationwide crisis

This call comes amid a nationwide crisis in education. In states where substantial increases in revenue are not forthcoming, schools are planning for cutbacks in programs and staff. Nationwide, many teachers and teacher aides are unemployed.

The crisis is seen in the frustrations of parents, pupils, and teachers as they recognize the slow pace by which we are meeting the objectives of education. It is evidenced in taxpayers' frustration with the rising costs of schools. State and local tax sources have not been able to underwrite the very real national needs for more and better education for an increasing number of pupils. The financial crisis stems, in part, from the inability or unwillingness of state and local educational agencies to effect meaningful changes because of political and provincial interests as well as because of insufficient financial resources. It stems from the failure of a nation to agree on the goals and objectives of an educational program and to price realistically the basic ingredients of an educational program to meet the national needs. The crisis will not be resolved without substantial federal support and without substantial federal intervention to stimulate change.

Education, a national priority

The importance of improving education as a national priority is compelling.

Education is a significant factor in improving national economic growth by assuring the supply of a highly trained work force and stimulating the market for consumer goods.

Education is basic to the eradication of poverty and hunger, and to the improvement of health and physical fitness.

Education is a powerful tool to promote civic participation within the democracy and to preserve law, nationally and internationally.

Education is important to the development of man's ethical character and the enrichment and enlargement of his personality.

The school is one of the many important influences on youth today. Therefore, because the school is the one basic public institution which is concerned with the total development of child to maturity, the nation must commit its human and financial resources to school improvement.

Tax base is regressive

The state and local tax bases are constrained by mounting taxpaper resistance to further increases, especially in local property taxes.

Public schools are still supported largely from the most inelastic and regressive of the major tax sources, the property tax. The bases of sales and income taxes expand faster than the economy. The basis of the prop-

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[1] *Schools for the 70's: A Call to Action.*

erty tax does not expand automatically—it expands only when new buildings are added to the tax rolls. Otherwise, property must be reassessed to keep in line with rising property values. In 1971 more than one-half of school support came from the property tax. The impact of the property tax on family income is almost three times greater for the family with less than $2,000 per year than for the family with over $15,000 per year. All state and local taxes which provide more than 90 percent of public school support are regressive, with the burden on the lowest income family under $2,000 at about twice the burden on the highest income family (over $15,000). Among all tax sources, only the federal taxes are progressive—that is, the burden on low income families is about one-third of that on higher income families. Further support for needed improvements must come from largely federal tax sources.

DEVELOPMENT OF STATE SUPPORT PROGRAM

Historically, local school systems carried the major financial burden of school support. In the 1930's every state provided significant financial aid to local schools. A pattern has evolved of relationships between the states and their local educational agencies which, simply stated, calls for setting educational program standards and the sharing of support based partly on the relative ability of the local taxing units. This pattern is called the state foundation program. The program sets forth the educational program to be financed, qualifications for professional staff, and, in some states, the salaries, numbers of pupils per teacher, numbers and kinds of special teachers, and other staff for supporting services, unit allowances for textbooks and other instructional materials, and standards for transporting pupils and maintaining and operating school facilities. The standards set represent a compromise between the standards of educational excellence and standards of educational deprivation. They are described as "an acceptable minimum," "a floor below which no school system can go," and they generally fall somewhere between the highest and the lowest in the range of practices which exist in a state.

Once accepted, these standards are priced and specific costs calculated—frequently on the basis of classroom units. The state's share generally consists of a flat amount or a percentage of the unit cost supplemented by the amount per classroom unit which is still lacking if the local agency makes a reasonable effort to support its own schools.

The elements and level of the state foundation program vary widely among the states, and no two states have exactly the same foundation program. However, there are common thrusts.

The foundation program sets a guaranteed amount of financial resources to purchase school services available to pupils in all school systems throughout the state. To this extent, it equalizes educational opportunity.

The foundation program shares state tax receipts, thus partially relieving the local property tax base. To the extent that the formula provides more funds to school systems with lower property tax paying ability, it equalizes the burden of school support among taxpaying communities.

The foundation program deals with the question of how—and if so, how far—a local educational agency can go beyond financing the standards set in the foundation program in terms of encouraging local leeway in some instances, and limiting leeway in others, by establishing tax rate, budget, or expenditure ceilings, and procedures for extending the ceilings.

The foundation program is a powerful lever for influencing the local educational agencies to undertake programs and reforms they would not otherwise do.

The processes some states use in developing state foundation programs are representative of the best in democratic procedures. A broadly representative study group is convened comprised of citizens, legislators, educational experts, and practitioners. All interested groups are heard. Experts are consulted. Findings and recommendations are disseminated and legislation introduced. The process is one of establishing a consensus on educational goals, standard, program objective, and willingness to pay the price.

The state education associations have played a dominant role in establishing, reforming, and increasing the state foundation programs. We now propose to extend this influence of professional educators to the federal level.

In recent years, the role of the federal government in supporting programs for public elementary and secondary education has been primarily to grant relatively small amounts of money for a large number of programs with the purpose of stimulating state and local educational agencies in their attempts to solve specific educational problems of national concern.

We propose that the dialogue and processes basic to establishing a National Educational Foundation Program begin now with a view to reaching agreement upon (a) the educational program essential to every American; (b) the basic components of an improved educational program; (c) a plan for sharing the costs between the federal government and the state and local governments; and (d) a plan for evaluating the total educational effort. We urge that the National Educational Foundation Program be operating and fully funded by 1976.

EXHIBIT A—WORKING PAPER NO. 1—OBJECTIVES OF A NATIONAL FOUNDATION PROGRAM

The proposed educational objectives of a National Educational Foundation Program on which the dialogue may begin are to:

1. equalize educational opportunity so that each student is provided a fair share of certain basic educational services and opportunities without wide variation caused by his residence in a rich or poor community or a rich or poor state;

2. integrate schools to relieve the social and intellectual handicaps of racial isolation;

3. provide early childhood education, including kindergarten for all five-year-olds, nursery school for three- and four-year-old children, day care centers for children without a parent at home during the day, and special education from birth for children with exceptional mental and physical handicaps;

4. modernize vocational programs to help youth be ready for employment;

5. provide modern school plants to facilitate the flexible educational programs needed in today's schools;

6. expand and strengthen programs of adult education in basic education, career development, and cultural and recreational enrichment;

7. consolidate inefficient school systems and promote multi-district arrangements to provide essential school services;

8. provide to needed numbers of qualified staff (classroom teachers, specialists, aides, and administrators) pay sufficient to support a moderately good standard of living;

9. increase development and use of technology to assist instruction and coordinate the efforts of isolated innovative programs toward achieving major impact on the nature of schooling;

10. provide programs of inservice teacher education based on the improvement of instruction within the concept of the school as a humanistically-oriented social institution;

11. provide for research, development, and evaluation necessary to the maintenance of a truly responsive relation between school and society.

Some standards for the operation of public school programs can be agreed upon as a basis for determining the cost of achieving the improved educational program which the objectives suggest. It is assumed that all pupils receive at least the basic elementary and secondary school program. In addition, five programs are identified where specialized and intensive services are required. These include early childhood education programs, programs for the severely mentally and physically handicapped, programs for pupils with severe social and emotional problems, remedial and compensatory programs, and vocational education. Two other programs, summer school and adult education, extend catch-up and enrichment opportunities to youth and adults.

A. Basic elementary and secondary program (grades 1 to 12):

1. Sufficient staff services including classroom teachers, teacher aides, specialists, administrators, and custodians and other nonprofessional school workers.

2. Compensation, fringe benefits, and civil and employment rights for school employees equal to those of comparable workers in private employment.

3. Free textbooks and access to adequate libraries, instructional materials, and technological support.

4. Adequate and safe school facilities permitting flexible teaching arrangements, laboratories, libraries, offices, gymnasiums, lunchrooms, auditoriums, etc.

5. Safe facilities for transporting pupils between home and school and between the school and the community.

6. Inservice training programs for instructional improvement and for institutional reform.

7. Extended day school programs for children without a parent at home during the day or as needed to provide wholesome recreation and enrichment opportunities for pupils.

B. Early childhood education:

1. A full session kindergarten for all five-year-olds.

2. Nursery or prekindergarten for three- and four-year-olds, in a program initially centrated on children from low-income concentrated on children from low-income

3. Day care centers for children without a parent at home to provide a safe, healthful, and stimulating environment for young children while parents are at work.

4. Special education programs for children with acute physical and mental handicaps who would benefit from early special education.

5. A parent education program where necessary to teach parents to understand and to guide child development.

C. Provision of educational services for mentally and physically handicapped pupils:

1. School housing and transportation facilities with special physical equipment to meet the needs of severely handicapped pupils.

2. Additional staff services of specialized persons.

3. Additional diagnostic and corrective treatment programs and facilities.

4. Family counselling and parent education as needed.

5. Provision of early vocational skill development programs.

D. Provision of educational services for pupils with severe social and emotional difficulties:

1. Provision of special schools for pupils who cannot be accommodated in programs in the regular schools.

2. Additional specialized services in diagnostic and therapeutic areas.

3. In-house custodial care where necessary.
4. Early vocational guidance and training.

E. Provision of remedial and compensatory programs:

1. Provision of additional services on an individual basis if necessary.
2. Increased diagnostic and corrective treatment services.
3. Provision of additional cultural enrichment experiences.
4. Provision of increased communication with parents and the community.
5. Early vocational guidance and training programs.

F. Career development:

1. Provision of modern facilities and equipment for vocational training.
2. Flexible scheduling to permit expanded work-study programs.
3. Increased vocational guidance and job placement services with follow-up in early job experiences.
4. Expanded curriculum to provide broad offerings in the high school.

Two additional programs warrant consideration for support in the National Educational Foundation Program.

Summer school programs for enrichment, acceleration, or remedial work are desirable extensions of the regular school year. Students can achieve a full year or a half year's work in one course in 30 days in summer school when longer class periods are scheduled. For example, a full year's reading course can be covered in summer school. The summer school program should be free to all youth.

Adult education programs provide instruction in subjects from basic language skills, crafts and arts, high school extension work for school dropouts, enrichment, and career development opportunities. Consideration must be given to subsidizing the cost of instruction in adult education programs lest adult education opportunities be denied to those citizens who need it most and are least able to meet the costs.

Under the pressures of personnel and financial shortages, state and local school systems have long neglected evaluation of existing educational programs and the development of improved programs. We propose to set aside 10 percent of the federal share of the foundation program to finance the evaluation of the existing and proposed school organizations, structures, programs, teaching methods and materials, testing, facilities, and teacher training, and to design and test improvements.

EXHIBIT B—WORKING PAPER NO. 2—ESTIMATED COST OF THE NATIONAL FOUNDATION PROGRAM FOR EDUCATION

The cost of a moderate standard of quality education in 1976 is estimated at $72.4 billion in current prices. This amount is 95 percent of the current annual outlay of $76.4 billion for national defense. The cost estimate includes:

Current expense and capital outlay and debt service for 48.4 million pupils in average daily attendance during the regular school year and 10 million each in summer school and adult education;

Programs for youth from nursery school through high school, summer school, and adult education programs;

Special programs for pupils with severe physical and mental handicaps, emotional maladjustments, and racial isolation;

Intensive vocational training beginning in the secondary schools;

Programs for pupils facing severe cultural and/or racial isolation.

Costs are estimated for target groups of pupils as follows:

1. A guaranteed basic elementary and secondary education in grades 1 to 12: 30 million pupils at $1,200 each, $36,000,000,000.

The estimated cost per pupil in average daily attendance for the basic elementary and secondary school program of $1,200 is calculated to provide an average of one professional staff person to 20 pupils and an average instruction staff salary of $10,500. It includes all current expenses, capital outlay, and debt retirement.

2. Early childhood education for children ages 3–5 years; 5 million pupils at $1,200 each, $6,000,000,000.

3. Education services for severely mentally and physically handicapped youth: 800,000 pupils at $2,400 each, $1,900,000,000.

4. Educational services for severely socially and emotionally maladjusted youth: 600,000 pupils at $2,400 each, $1,400,000,000.

5. Provision of remedial and compensatory education: 4,000,000 pupils at $2,000 each, $8,000,000,000.

6. Vocational education: 8,000,000 pupils at $1,900 each, $15,200,000,000.

7. Summer school programs for 50% of pupils enrolled in the school system: 24,000,000 pupils at $100 each, $2,400,000,000.

8. Adult education programs: 15,000,000 students at $100 each, $1,500,000,000.

Total cost of the National Educational Foundation Program, $72,400,000,000.

SHARING THE COST

The total cost of the National Educational Program is estimated at $72.4 billion. State and local outlays for public schools from state-local tax sources which now stand at $41.5 billion[2] would rise moderately to $48.3 billion by 1976 to meet the state-local share of two-thirds of the cost of the program. This proposal calls for a dramatic increase in the federal share to $24.1 billion—up from $2.9 billion today—to meet one-third of the total educational outlays.

ALLOCATION AMONG THE STATES

The proposed plan for distribution of $23.2 billion to the states is that one half of the federal funds be distributed on the basis of the states' share of the national total of pupils as follows:

1.0 times the number of pupils in nursery and kindergarden programs; plus 1.0 times the number of pupils in the basic elementary and secondary school program; plus 2.0 times the number of pupils needing programs for the severely mentally and physically handicapped youth; plus 2.0 times the number of pupils needing programs for the severely socially and emotionally handicapped youth; plus 1.7 times the number of pupils needing full-time remedial or compensatory programs for pupils from low-income families; plus 1.6 times the number of secondary school pupils in vocational training programs; plus 0.08 times the number of pupils enrolled in summer school; plus 0.08 times the number of pupils enrolled in adult education programs.

We propose that 40% of the funds be distributed to the states on a formula which combines the pupils in programs as weighted above; a state ability factor calculated by dividing personal income for the U.S. by the states' personal income; plus a state effort factor calculated by dividing the percent that the state's state-local revenues for schools are of state personal income by the national percent all states' state-local revenues for schools are of national personal income.

We propose that the remaining 10% of the federal funds be distributed to the states on the basis of unweighted pupils to be expended solely for research, development, evaluation of school programs, and dissemination of promising results.

APPROPRIATION OF FEDERAL FUNDS

We propose that the federal funds required be appropriated annually one year in advance and that a trust fund be established to assure periodic payment of amounts due the states.

We propose to delegate to the Secretary of Education the responsibility for the development of nationwide estimates of program cost factors and to charge the Secretary with the collection from the states of numbers of pupils enrolled in the program areas.

We propose to delegate to the Secretary school officer in each state to develop a plan for distributing the federal funds to local educational agencies which is based on the local agencies' needs for funds as measured by numbers of pupils in programs weighted by program costs and on the ability and effort of the local school agency to support the school program at the foundation amount of $1,200 per pupil from the available state and local resources.

We propose to require that the chief state school officer account annually to the Secretary of Education for the program enrollments, funds spent by target program areas, and progress made of the evaluation of ongoing programs and the development of improvements.

We propose to require full enforcement of Title V of the Civil Rights Act and full compliance with the orders of the Federal courts.

We propose to continue all existing federal grant programs until 1976 when the full federal share of the National Educational Foundation program is appropriated. From that date forward we proposed to continue only federal funds provided under PL 815 and 874.

[2] Includes current expenditures, capital outlay, interest and debt retirement less federal revenues.

VETERANS BILLS SIGNED BY PRESIDENT NIXON

Mr. HUGHES. Mr. President, I welcome the news that President Nixon has signed into law H.R. 3344, regarding direct home loans to veterans, and H.R. 943, providing group mortgage insurance for paralyzed veterans. Enactment of H.R. 3344 changes the conditions under which the Administrator of the Veterans' Administration sells loans on the commercial money market. This paves the way for resumption of the direct home loan program for veterans in credit-short areas which are mainly rural.

This direct home loan program is separate and distinct from the well-known GI loan guarantee law under which most veterans are eligible for a guarantee on their home loan. In counties where commercial credit is tight, veterans can apply for a direct loan from the Government when private financing is not available for the GI bill guarantee. The Veterans' Administration administers a revolving fund in which there is about $560 million available for lending.

I have expressed to the Senate earlier my conviction that this legislation, H.R. 3344, was not absolutely necessary for the VA to begin again their direct home loan program. But now that it has been signed into law by the President, I am confident that the VA will begin approving these loans, of which there are some 2,000 from all over the country backed up in the pipeline.

I am also gratified to learn that H.R. 943 has been signed into law. This program will provide Government financing for mortgage insurance for these veterans who live in specially adapted housing. It means that a paralyzed veteran will no longer have to suffer the mental anguish and uncertainty of not knowing whether his family will lose their house in the event of his death. If the veteran dies, the benefits of the policy would be payable to the holder of the mortgage

loan clearing the title to the house for his family.

Mr. President, both of these bills were considered by the Subcommittee on Housing and Insurance—Committee on Veterans' Affairs—and I am certain all members of the subcommittee appreciate the action of the President.

HILL-BURTON COMMENDATION

Mr. SCOTT. Mr. President, in the September 1970, issue of the American Journal of Public Health, an article entitled "Public Health and the Law," written by William J. Curran, began as follows:

When the history of health legislation in the 20th century is written, the place of honor as the most significant single piece of Federal legislation may well be accorded to the Hill-Burton Hospital Survey and Construction Act of 1946.

We in Congress as well as persons in all walks of life who have had an involvement with the program can feel a sense of pride and accomplishment when Hill-Burton celebrates its 25th anniversary on August 13.

One of the program's unique features has been its success in creating a national partnership for health among local, State, and Federal governments, and among public and private nonprofit groups including hospitals, churches, civic organizations, and professional associations.

More than 10,700 projects involving hospitals and other facilities have received both financial and technical assistance through the Hill-Burton program. They stand as constant reminders of achievement through coordinated effort. With the new activities resulting from the 1970 amendments, even greater opportunities lie ahead in helping communities meet their ever-changing needs for health facilities.

NEED FOR A METRIC EDUCATION PROGRAM

Mr. PELL. Mr. President, this past week I submitted amendment No. 393 to encourage the Office of Education to institute a program to assist schools, colleges, and other bodies in informing the public about the metric system of measures.

I submitted this amendment in order that the administration's recommendation contained in the U.S. metric study be implemented.

Secretary of Commerce Maurice Stans recommended to Congress this past Friday that "early priority be given to educating every American schoolchild and the public at large to think in metric terms" notwithstanding whether the United States decides to go metric or not.

This recommendation had the support of the National Education Association and the near unanimous support of the participants in the U.S. metric study.

I do not plan to call up my amendment.

I am withdrawing my amendment, not because I do not believe the metric education program I have suggested is not necessary, but because I believe its objectives would be achieved by having the National Institute of Education, which is created in our bill, undertake the type of metric education program recommended by the U.S. metric study.

The authority already provided the national institute is sufficient to undertake such a metric education development program. It is my expectation that, once the institute is operational, it will undertake such a program in conjunction with the Department of Commerce.

WELFARE REFORM

Mr. TOWER. Mr. President, I have become more convinced over the past few months that the road to true welfare reform will not be realized through federalization of our welfare programs. Yet federalization is the solution which the House of Representatives has already adopted by passing H.R. 1.

I outlined my reasons for opposing the House-passed family assistance plan last June 17 when I announced my support and cosponsorship of the Revenue Sharing for Public Assistance Act. Opposition to the guaranteed annual income provision of the family assistance plan has grown at a steady pace since the revenue sharing alternative was introduced by Senator CARL CURTIS on June 10.

The bill which I support has picked up added support in the Senate while the Family Assistance plan has been received by the Senate Finance Committee under the able leadership of its chairman, Senator LONG, with a series of strong objections on the grounds that it actually represents welfare expansion rather than welfare reform. I am extremely confident that the committee will intelligently provide the Congress and the American people with the technical information relevant to the disastrous consequences that would result if the family assistance plan was enacted. Furthermore, I would hope that the Senate Finance Committee would consider S. 2037, the Revenue Sharing for Public Assistance Act as an alternative to the family assistance plan during its current deliberations on H.R. 1.

Mr. President, we all have recognized the need for welfare reform. I have joined in sponsoring S. 2037 because I believe it offers the most constructive welfare reform legislation yet presented to the Congress.

One of the major reasons I support S. 2037 is that it will enable the State governments through a revenue-sharing formula to control their own welfare programs on a basis that is fiscally manageable. I am strongly convinced that State government officials working together with local political subdivisions can control the spiraling costs of welfare if they possess the proper financial resources to administer a just and equitable welfare system.

Our local and State governments obviously do not have an adequate tax base to deal with this situation. For this reason, a revenue-sharing concept seems a rational alternative to both H.R. 1 and the present system.

The current dilemma in welfare has been caused because the Federal Government has promulgated a series of stringent standards under the aid to families with dependent children program. These standards must be adhered to and enforced under the law by the State governments. Meanwhile, there exists a double standard since the States must pay the largest share of the spiraling costs which have resulted from those standards laid down by the Department of Health, Education, and Welfare.

While studying this problem, it has become apparent to me that the Federal Government has no desire to cut welfare expenses. This remains one of my strongest objections to federalization of welfare as envisioned by the family assistance plan.

On the other hand, State governments are showing the greatest concern for the increase in welfare costs and are acting to curb the abuses in their welfare programs. Both large and small States are implementing programs to reduce expenses in the various aid programs while, at the same time, insuring that those who are truly in need will receive adequate care. I commend the Rockefeller and Reagan administrations in New York and California respectively for their attempts to reform their own programs. Many other States have embarked on a series of creative reform proposals despite continuing pressures from the Federal Government and such organizations as the National Welfare Rights Organization to relax those efforts.

My own State of Texas is initiating a vendor drug program in which the State government will pay directly to pharmacists certain medical expenses for welfare recipients. The results of this program will not be in for months, but I am hopeful that it will provide some form of fiscal relief.

Mr. President, many of us in the Congress have been making a great many statements about the need to revitalize our State government machinery. Welfare programs have traditionally been controlled by our State and local governments. Despite monumental cost increases growing primarily out of standards established by the Department of Health, Education, and Welfare and decisions emanating from the Supreme Court, these State governments are implementing a number of laudable programs to reform the welfare system.

I maintain that passage of the Family Assistance plan and the full federalization of welfare that goes along with that plan will put another nail on the coffins of our State governments by contributing to the decline of their power. It will mean a continuation of the process of erosion of the 50 State governments and territories. Therefore, instead of passing the Family Assistance plan, I believe the Senate should adopt a welfare revenue sharing plan to assist our State and local governments to continue implementing their reform programs.

Mr. President, a recent article in the August 9 issue of the U.S. News & World Report has highlighted the recent activities initiated by the States to curb welfare abuse and the spiraling costs of the Aid to Families with Dependent Children program.

I ask unanimous consent that this ar-

ticle and the accompanying tables and charts within the article be printed into the RECORD.

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

CRACKDOWN ON WELFARE PAYMENTS

Mounting demands by taxpayers across the country for a crackdown on soaring costs of welfare are beginning to get some results.

In State after State, actions to curb spending and hold down relief rolls are under way or are being given urgent consideration. The reason:

Since 1961, the number of welfare recipients in the U.S. has doubled—from 7.2 million to about 14.4 million. Costs to taxpayers have spiraled from 4.3 billion dollars a year to nearly 17 billion dollars.

Officials of some States and cities warn that the welfare burden is threatening financial disaster. It is this threat that is spurring efforts to stem the heavy drain on tax money.

National sentiment for drastic reform is pervasive. This is recognized at all levels of government.

Now before Congress is the Nixon Administration's Family Assistance Plan (FAP)—a program for massive overhaul of the welfare system. A key provision would place a federal floor under payments to poor people for the first time. Critics contend that the Administration's plan would add to relief rolls, not subtract from them. State legislatures appear increasingly determined to act on their own to bring runaway costs under control.

A nationwide survey by staff members of "U.S. News & World Report" shows a growing number of States launching attacks on the welfare mess.

Cutbacks on payments, stricter rules for eligibility, stepped-up drives to put able-bodied recipients to work, tough measures against cheats and frauds are among reforms now being implemented or strenuously advocated.

But it is slow going. In big cities, the sheer mass of the problem makes it difficult to tackle. Roadblocks include organized opposition by "welfare rights" groups to purges and reductions, court battles, political struggles. Unemployment is an inhibiting factor.

Other examples of measures enacted or being debated in various States are given in the reports that follow.

California. Governor Ronald Reagan has pared thousands from relief rolls by administrative action. New rules reduce the number of hours a person can work and still get aid. Stricter standards affect those with some outside income other than from jobs.

But the Governor's "get tough" regulations are being challenged in the courts by the California Welfare Rights Organization.

Meanwhile, a battle is being fought in the State legislature over proposed welfare-reform measures. This pits the Republican Governor against Democratic opponents in the legislature.

Mr. Reagan's proposals—which, along with administrative changes, were designed to save 800 million dollars annually in welfare costs—were rejected by the State senate's health and welfare committee. A compromise reform bill under Democratic sponsorship is unacceptable to the Governor.

Ceiling? The main point at issue is Governor Reagan's insistence that a rigid ceiling be set on Senate spending to support the needy, with cuts in cash grants when necessary to hold the line. His opponents demand continuation of welfare payments on a basis of need, even when over-all spending exceeds the amount set in the State budget.

In June, the number of recipients in California dropped for the third straight month. The June total of 2,199,157 getting cash grants was down almost 100,000 from the March total of 2,298,440. The decreases were the first since 1969. Robert B. Carleson, director of the State department of social welfare, had this comment:

"While three months is a relatively short period of time on which to base any solid projection, I believe the continuing decrease is the result of administrative changes—recently enacted by the State and implemented by the counties, in line with the Governor's reform program—as well as continuance of public discussion on the need for welfare reform."

PEOPLE ON RELIEF: THE BURDEN IN 26 CITIES

In areas where welfare departments serve only central cities	Number of people collecting relief	Percent of area's population
Baltimore	137,793	15.2
Denver	51,825	10.1
New Orleans	88,018	14.8
New York	1,181,310	15.0
Philadelphia	288,297	14.8
St. Louis	91,665	14.7
San Francisco	101,710	14.2
Washington	79,412	10.5
IN AREAS WHERE WELFARE DEPARTMENTS SERVE CENTRAL CITIES PLUS PART OF THE SUBURBS		
Boston	122,049	16.6
Chicago	485,233	8.1
Cleveland	152,247	8.8
Columbus	55,466	6.7
Dallas	66,080	5.0
Detroit	241,363	9.1
Houston	77,464	4.2
Indianapolis	27,116	3.4
Jacksonville	39,776	7.5
Kansas City, Mo	44,460	5.5
Los Angeles	894,659	12.7
Memphis	70,927	9.8
Milwaukee	69,794	6.2
Phoenix	38,642	4.0
Pittsburgh	112,526	7.0
San Antonio	55,623	6.7
San Diego	101,129	7.4
Seattle	60,312	5.2

Note: Relief rolls as of February 1971 latest available.

Source: U.S. Department of Health, Education, and Welfare.

Governor Reagan is among those who argue that President Nixon's Family Assistance Plan would be a move in the wrong direction, adding more persons to relief rolls.

Illinois. Governor Richard B. Ogilvie is pressing for a strong program to cut welfare costs. Key proposals: tightened work requirements for welfare recipients; creation of new jobs in public service; job-training facilities; day-care centers for working mothers; a clampdown on medical costs; more emphasis on birth control and family counseling; simplified administrative procedures.

Governor Ogilvie slashed 65 million dollars from the legislature's appropriation of $1,120,000,000 for welfare. Further cuts will be made, he warned, unless the increase in welfare case loans—which has been running at about 7,000 a month—is reduced to less than 4,000.

In Cook County—Chicago—the Illinois department of public aid is attempting to cut case loads by investigating eligibility of welfare recipients. The investigation—which eventually will extend throughout the State—was sparked by charges of widespread welfare fraud in the county.

Problems of residency. One aspect of reform that is drawing much attention is a one-year-residency requirement for relief applicants. Such a requirement was enacted by the New York State legislature this year, but its constitutionality is under challenge, and the State has been enjoined from enforcing it pending a court ruling.

Nevertheless, one-year-residency bills are pending in Illinois, Wisconsin, Michigan and Ohio. Backers say the States have now reached a point of "compelling interest" in their tribulations with welfare which may make the requirement valid, even though it was declared invalid by the federal courts in 1967.

Some States are imposing stiff reductions in relief grants, Kansas, for example, will cut its payments by 20 per cent, beginning September 1. This will slice the payment to a family of four with no outside income from $261 a month to $211.

Other actions to reduce costs, already taken in Kansas, include a slash from 10.5 per cent to 5 per cent in the profit allowance for pharmacists serving welfare recipients and a limit on what can be paid out of public-assistance funds to physicians who attend people on relief rolls. Medical fees are held to a maximum of 75 per cent of what the highest-priced doctors in the area charge. A move is afoot to reduce this to 50 per cent.

Alabama. A new method of determining eligibility and the amount of payment was put into effect in May. Welfare Commissioner Reuben K. King explained:

"This procedure does not affect families with no outside income, but it has reduced payments to persons with other income, and has caused some to be ineligible.

"The first month this plan was in effect, about 9,000 cases were closed, including about 6,900 cases of aid to families with dependent children, and 2,100 cases of aid to the permanently and totally disabled.

It is estimated further that, during the same month, more than 17,400 payments were reduced—4,400 in aid to the disabled and 13,000 in aid to families with dependent children."

Mr. King said he was not yet in a position to estimate dollar savings.

Texas. An attempt to liberalize public assistance by raising the State's constitutional ceiling on welfare funds was rejected by the voters last May.

Texas welfare officials—pointing out that relief rolls have been increasing at a rate of 12,000 monthly since last September—say they fear they will have to reduce the amount of the average relief check by next year. Under the payment rate now in effect, a mother with three dependent children draws $118.14 a month.

One thing pointing to a reduction in the size of individual payments, officials said, is a recent U.S. Supreme Court ruling that aliens who entered the country cannot be denied welfare solely on the basis of noncitizenship. This is expected to add up to 22,000 Latin-American aliens to the aid lists, with no additional funds available. So some others must be cut.

THE RECORD, STATE BY STATE—YEARLY COST OF BENEFIT PAYMENTS

[Dollar amounts in millions]

	1961	Latest	Percent increase
Alabama	$79.4	$277.1	249
Alaska	3.6	19.6	444
Arizona	24.7	48.2	95
Arkansas	45.8	118.3	158
California	495.8	2,822.5	469
Colorado	81.4	174.5	114
Connecticut	46.9	228.3	387
Delaware	4.4	27.1	516
District of Columbia	15.8	99.3	528
Florida	78.8	231.0	193
Georgia	87.3	309.9	255
Hawaii	7.1	47.4	568
Idaho	11.9	28.0	135
Illinois	236.5	996.3	321
Indiana	47.1	211.9	350
Iowa	57.2	122.7	115

THE RECORD, STATE BY STATE—YEARLY COST OF BENEFIT PAYMENTS—Continued
[Dollar amounts in millions]

	1961	Latest	Percent increase
Kansas	$46.2	$144.0	212
Kentucky	62.4	194.5	212
Louisiana	150.2	258.3	72
Maine	20.9	73.6	252
Maryland	29.2	249.2	753
Massachusetts	155.7	827.7	432
Michigan	169.9	792.4	366
Minnesota	86.9	304.9	251
Mississippi	50.2	128.3	159
Missouri	133.7	257.1	92
Montana	13.2	34.2	159
Nebraska	21.6	71.0	229
Nevada	5.9	16.2	175
New Hampshire	8.6	33.0	284
New Jersey	73.8	573.4	677
New Mexico	24.0	60.7	153
New York	353.8	3,547.2	903
North Carolina	70.1	216.9	209
North Dakota	13.2	29.8	126
Ohio	191.4	517.6	170
Oklahoma	128.8	231.6	80
Oregon	39.3	122.2	211
Pennsylvania	189.8	1,045.5	451
Puerto Rico	16.7	90.9	444
Rhode Island	20.9	97.6	367
South Carolina	27.8	72.2	160
South Dakota	13.3	32.2	142
Tennessee	53.9	175.2	225
Texas	169.4	613.8	262
Utah	17.2	48.1	180
Vermont	7.5	38.4	412
Virginia	26.6	182.0	584
Washington	106.5	281.4	164
West Virginia	38.6	80.8	100
Wisconsin	70.6	292.9	315
Wyoming	5.6	9.7	73

Note: State figures do not include administrative costs. Latest State totals are for March 1971, at an annual rate.

Source: U.S. Department of Health, Education, and Welfare.

Texas welfare rolls—now totaling about 640,000—have increased by more than 100,000 in the last year.

Pennsylvania. Cutbacks in the welfare budget are being considered by the State legislature, while administrators are working to root out inefficiency and to reduce theft or fraudulent use of welfare checks.

Investigations of possible fraud in counties where checks are repeatedly reported lost are being stepped up.

In Philadelphia, for instance, when anti-fraud procedures were tightened, issuance of duplicate checks to welfare recipients who claimed they hadn't received their payment showed a sharp drop.

State Welfare Secretary Helene Wohlgemuth noted that 3,900 duplicate checks were issued last January but, with new safeguards in effect, only 1,900 were issued in June.

Welfare officials in Pennsylvania are considering another step against fraud: issuance of photo-identification cards to welfare beneficiaries.

New Hampshire. An indication of the hardening attitude toward welfare money that is becoming evident in many States was seen here recently.

Until near the close of the State legislature's session, it appeared that the lawmakers would refuse to approve the 13-million-dollar welfare budget for the next two years. This would have forced a reduction of 48 per cent in all categories of public assistance to the State's needy, with only local and federal funds available.

At the last minute, welfare-department officials succeeded in convincing the legislators that the funding was essential. The money for the welfare budget was taken from funds that had previously been earmarked for the department of education.

This, in effect, transferred the State's share of welfare costs to New Hampshire's cities and towns, whose taxpayers must now pay more to support the schools.

According to the Council of State Governments, welfare spending in at least 20 States exceeded budgeted amounts in the year that ended June 30.

To save on costs through centralized operation, some States are moving toward a State-government take-over of welfare financing and administration from counties and cities or towns.

A number of measures are being taken to eliminate cheating. Nevada, for instance, now requires an investigation of welfare applicants before they can receive aid. Denial of benefits to recipients who dodge opportunities to work is a spreading pattern.

In Massachusetts, legislation authorizing prosecution of welfare cheats has been proposed by Governor Francis W. Sargent.

A look around the U.S. makes it clear that taxpayers are in revolt against the increasing oppressive burden of welfare—and that public officials are getting the message.

WHERE WELFARE WAS REFORMED

NEW YORK CITY.—Here, where huge numbers of the poor make the welfare crisis particularly acute, reforms are being put to the test.

About 1.2 million of New York City's 8 million people—more than 1 of every 7 residents—are on relief.

Annual costs of public assistance here have spiraled from about half a billion dollars in 1965 to close to 2 billion now.

Under pressure from taxpayers, the New York State legislature enacted some key reforms this year, at the urgent request of Governor Nelson A. Rockefeller.

This was a sharp change of attitude on the part of the "liberal" Republican Governor, who had long been a backer of expanded social-welfare programs.

The reforms included:

1. A flat 10 per cent cut in welfare grants under programs of Home Relief and of Aid to Families With Dependent Children. This affects 350,000 New York City families with 700,000 children. As an example, monthly payments to a family of four were reduced from $231 to $208.

2. A requirement that all welfare recipients classified as employable pick up their relief checks at offices of the New York State Employment Service instead of receiving them through the mail. The new law requires acceptance of "any kind of a job in which they are able to engage." Refusal to report to employment offices or to accept a job means cancellation of aid.

3. A one-year residency rule for welfare benefits. This change has been challenged in the courts, and its enforcement has been blocked pending a ruling on the constitutionality of the law.

According to New York City Social Services Commissioner Jule M. Sugarman, the 10 per cent cut in welfare grants will result in savings of 20 million dollars a year to the city and 20 million to the State. But, he said, this will be partially offset by a loss of 30 million dollars in matching federal funds.

The work-relief requirement affects 60,000 persons now classified as employable. In addition, all persons over 16 in the Home Relief program are being evaluated to determine whether they are able to work.

It is estimated that jobs on private payrolls can be found for about 10,000 welfare recipients. And the Emergency Employment Act recently passed by Congress is expected to provide about 5,000 public jobs in New York City.

As many of the others as possible are to be put to work for the city, drawing their relief checks as pay. Mr. Sugarman has set up projects to use "work relief" people in such tasks as maintenance workers in schools, parks and other facilities, security guards, and handymen in hospitals. They will perform services the city needs but has not been able to afford. No one now on the city payroll will be displaced.

Results of change.—Governor Rockefeller noted on July 23—three weeks after the work law went into effect—that about 18 per cent of those classed as employable were not picking up their welfare checks. This indicated, the Governor said, that "there may have been numbers of people formerly receiving checks in the mail who should not have been receiving welfare benefits."

For the first time in two years, New York City's welfare rolls showed decreases in April and May of this year.

Mr. Sugarman said that with the great migrations to New York City from the South and Puerto Rico tapering off, the welfare case load may have reached a plateau here.

The commissioner is hopeful that the reforms now being implemented will ease the welfare burden.

But, he said, the long-range solution lies in such "positive steps" as family planning to hold down the birth rate among the poor, more job training and better schools for slum children.

HOUSING FOR THE ELDERLY—OR A DEAD END FOR NONPROFITS?

Mr. WILLIAMS. Mr. President, appropriate committees in each House of Congress heard this week from Housing and Urban Development Secretary Romney.

His mission was to present new administration proposals for housing and community development legislation. One of his major points was that an interest subsidy program—established to stimulate financing of new units for lower moderate income Americans—be broadened.

While the Secretary was testifying, the Subcommittee on Housing of the Elderly for the Senate Committee on Aging was hearing witnesses who, one after the other, took issue with the interest subsidy program as it now exists, in terms of its costliness and its sometimes negative impact upon the provision of quality housing for older Americans.

Their testimony provided a timely and compelling warning against even greater reliance upon the interest subsidy mechanism than is now the case.

Furthermore, their testimony also sounded an alarm bell which should be heeded by anyone who is concerned about the housing needs of older Americans.

They said, in effect, that nonprofit sponsors—church organizations, labor unions, fraternal organizations, and others—are perilously close to withdrawal from any kind of involvement in Federal programs meant to provide housing for the elderly.

In addition, it was made abundantly clear that—just a few months before a White House Conference on Aging—the United States has no clear-cut goals in this area. In fact, HUD now has far less in the way of administrative resources for housing of aged persons than it did just a few short years ago. It is against this backdrop of aimlessness and downright confusion that the interest subsidy dispute should be viewed. As chairman of

the subcommittee which heard testimony on the program, I intend to make further inquiries. For this interim report, however, I will summarize important points made at the hearings.

202 VERSUS 236

During the 1960's, the Congress established and funded a direct-loan program which allowed nonprofit sponsors to borrow money at 3 percent interest and pay it back over 50 years.

This section 202 program produced eminently livable quarters for many older persons. It has received warm support from the nonprofit sponsors which use the program. I have visited many of the individual projects established under 202. I have been impressed, time and time again, with the success of the sponsors in providing more than mere "living units." Quite often, they have produced an environment for fulfillment and satisfaction in later years; and they have done so at moderate cost. In addition, 202 projects generally have lived up to practical standards of livability. They are close to downtown shopping areas and services. They are part of the community, not isolated outposts.

Mr. President, I submit for the printing at the end of my comments a statement by the American Institute of Architects. It provides excellent arguments for the merits of 202, on several fronts.

Valuable and inspiring as these 202 projects are, they were first threatened, and now they have been superseded, by the section 236 program. This is the interest subsidy program to which I earlier referred.

Instead of providing loans which will eventually be paid back, 236 provides Federal funds to pay the difference between the 1 percent paid by the sponsor and the going market rate. In addition, the 236 program is not limited to housing for the elderly, as in 202. The Federal Housing Administration, which operates 236, applies the same standards to all housing under that program, whether meant for widows or for families with several children.

Just how useful, therefore, is 236 to potential sponsors of nonprofit housing? The witnesses from whom the subcommittee heard have grave reservations regarding its costs, its appropriateness to the elderly, and its burdensome redtape.

THE HIGH COST OF 236

One of the most informative statements provided to the subcommittee was made by Mr. Robert Renfrow, an attorney who has represented several church-sponsored, single-purpose, nonprofit corporations under 202 and, with far less success, under 236. I submit for printing at the end of my comments the full text of his statement. But I wish now to draw attention to one table prepared by Mr. Renfrow and submitted at the hearing I ask unanimous consent that it be printed in the RECORD.

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

SANTA MARIA DEL MAR, BILOXI, MISS., FHA PROJECT 065-44803 (SH-MISS-05) 211 DWELLINGS; INITIAL LOAN CLOSING APR. 28, 1970

	"202" program 3 percent interest; 50 years	"236" program 8½ percent interest; 40 years
Construction costs, including A. & E. fees	$2,687,900	$2,687,900
Title recording, land, consultant, insurance, legal organizational	212,500	212,500
Interest during construction	[1] 61,000	189,267
Interest during development on entire mortgage loan amount	[2] 45,750	0
Preliminary expenses	3,000	0
Project contingency	39,850	0
0.5 percent mortgage insurance (2 years)	0	33,400
0.3 percent exam	0	10,020
0.5 percent inspection	0	16,700
2 percent financing	0	66,800
2 percent ampo (amount to make project operational)	0	66,800
1.75 percent FNMA/GNMA fee	0	58,450
Total mortgage loan amount	3,050,000	[4] 3,340,000
Cost to Government to repay $3,050,000 at 5 percent[5] over 50 years:		
Principal		3,050,000
Interest		5,258,200
Total		8,308,200
Repayment to Government $3,050,000 at 3 percent over 50 years:		
Principal		3,050,000
Interest		2,842,600
Total		5,892,600
Difference		2,415,600
Net cost to Government		8,138,520
Excess cost of 236 program over 202		−2,415,600
Equals		5,722,920

[1] 16 months at 3 percent (½).
[2] 16 months at 8½ percent (½).
[3] 6 months at 3 percent.
[4] Rounded down from $3,341,837.
[5] Interest paid by Government: 1969=4½ percent; 1970=4⅞ percent; 1971=5½ percent.

Note: Annual interest subsidy $203,463 for 40 years would total $8,138,520 over life of project. (This subsidy based on actual $3,250,000 "conversion" mortgage loan.)

Mr. WILLIAMS. Mr. President, Mr. Renfrow's table indicates that a $3.3 million project under 236 will result in Federal interest subsidies of more than $8 million over the 40-year life of the loan.

Under 202, even allowing generously for the cost to the Federal Government of borrowing money to provide the direct loans, the cost would be $2½ million less.

Thus serious questions arise about the fundamental mechanism of 236: the interest subsidy mechanism. The National Journal of July 24, 1971, has examined the costs of 236 and 235 in some depth and has pointed out the overall costs will reach hundreds of billions of dollars annually within a very few years. The Journal said that such subsidy programs are in trouble on four counts:

They are costly and inefficient.

They are triggering serious problems of social and political equity.

They encourage shoddy building and irresponsible building practices.

They are exacerbating the urban crisis.

Several of the points made at my hearing tend to confirm the broad criticisms expressed by the Journal. Among those points:

236 requires many costly "extras" in the way of fees that were not required under 202. One nonprofit sponsor said that he and his associates had to borrow on personal notes to pay more than $55,000 of such "extras" for a 236 project. He also said that his civic association could never again sponsor a 236—they simply cannot afford it.

On the subject of extra fees, another witness, Richard Fullerton, submitted the following list of costs "which can be arranged by the builder-broker entrepreneur." Mr. Fullerton also said that the list indicates that the builder-broker can "carry away 25 percent of the 100 financing without investing a dollar of risk capital."

The list, based upon a project of 200 units at a maximum cost of $4 million, follows:

Item allowable	Amount	Cost to broker/builder	Net "profit"
Financing fee	$80,000	----------	$80,000
"Premium"	80,000	----------	80,000
AMPO	80,000	----------	80,000
Legal fee	20,000	$5,000	15,000
"Consultant"	27,500	7,500	20,000
Architect	150,000	40,000	110,000
B/S p.r.a	500,000	----------	500,000
Land	150,000	100,000	50,000
Total			935,000

Note: 200 units at maximum: $4,000,000.

Delays in FHA processing may also cause extra costs to the nonprofit sponsor. A representative of the Trenton, N.J., Lutheran Corp., for example, told the subcommittee that because construction costs increased markedly during one such delay, his group has been forced to redesign the building to the point that it now resembles bare public housing.

The witness, Rev. F. Kenneth Shirk, also said:

I cannot understand why the government would have to pay lending institutions an estimated $8.5 million in interest subsidy on the life of our building (which will cost about $3.6 million to build) or why we, as a sponsor, must borrow construction money at 7 percent, which amounts to $208,000. Finally, what services do the banks offer to deserve initial fees of $174,800? The last two items are, of course, passed on directly to the elderly tenant. There must be a cheaper and better way for our government to be involved in the housing field.

Nonprofit sponsors are also concerned about the imposition of ad valorem property taxes upon 236 projects. Under 202, they faced no such danger. Under 236, which also limited dividend as well as nonprofit sponsors, the threat is very real. The subcommittee was told that the tax problem is so severe that it may put rentals out of the reach of those the project was meant to serve, making many projects unfeasible.

Section 236 also provides the builder-developer with ample opportunity to take advantage of several tax shelters, encouraging use of cheap materials and short-lived equipment.

Mr. President, the costs of 236 are disturbing and intricate. They will continue to receive subcommittee attention. But the story cannot be told solely in terms of costs. We must also ask whether 236 is now providing, or is likely to provide, ap-

propriate housing for the elderly. The answer, as seen by our witnesses, is "No."

HOW APPROPRIATE IS 236?

Through imposition of inflexible FHA standards, 236 is making it increasingly unlikely that nonprofit sponsors will produce housing of the kind really needed by many elderly persons. The most succinct description of this problem was provided by the Rt. Rev. Msgr. Edward E. Michelin, executive director of the Department of Community Services for the Diocese of Mississippi and president of several housing corporations established under 202 and other programs:

Even though we have on hand favorable market studies and site availabilities, we have been told by our local FHA Insuring Office that no 236 funds will be used for the elderly over the 202/236 projects presently nearing completion. For us and others, not only is 202 dead but elderly housing also—swallowed up by 236. In addition, the same criteria for family-type housing is applied across the board, whether for family or for semi-infirm elderly. We seem to be slaves to rules and regulations covered with the mold of antiquity, instead of adapting rules to meet the needs of the people for whom they purport to serve. Such things as site locations, type of architecture, etc. cannot effectively serve such diverse needs of specialized housing with the same rules and regulations applying across the board. Involved in this is Hi-rise vs. Low-rise, inflexibility on parking areas, different social-recreational needs. 93 percent of our tenants do not have and cannot afford automobiles, yet land of sufficient volume and economical enough can only be obtained out in the country, away from shopping and other necessities. This not only creates an economic barrier but it also violates the social, moral concern for the elderly that demands they be kept in the mainstream of society and not be put out to pasture to die. They need now, in their declining years, to be close to their churches, stores, buses, and familiar accessible city conveniences.

Thus, 236 is not only costly; it imposes criteria which may be tolerable for a "young" elderly couple who can climb stairs and who have their own automobile to drive. Under 202, however, the average applicant had a median age of 72 to 76 years; 75 percent were widows or unmarried women; the median income was $2,500 to $3,000; and less than one in five had an automobile.

Mr. President, the dispute over 202 versus 236 is a very significant one which extends far beyond the limited, however compelling, problem of providing housing to one group of older Americans.

In his spirited defense of 236 at our hearings, FHA Director Eugene Gulledge said that his goal is to produce a maximum number of units in the shortest period of time, and that this is more likely to occur under 236 than 202. He said that, while he personally might prefer the direct loan device to interest subsidies, it seems more likely that 236 and similar programs will be relied upon to produce housing. Perhaps his reasoning was based upon the premise that the typical taxpayer—and possibly the Congress—is less likely to notice the higher costs of 236 because those costs will be spread out over many years, whereas under 202, the expenditures have a greater immediate budgetary impact.

Personally, I have more faith in the good sense of the American taxpayer and Congress. If we were too hasty in adopting the interest subsidy program the time has now come to reconsider. Already, evidence about the inadequacies of 236 are pouring in, and we should pay some attention to it.

In the face of such evidence, however, the administration, through the testimony given by Secretary Romney this week, has no intention at all of rethinking the perils of interest subsidy. Instead of restoring 202 or making 236 more readily applicable to the elderly, the administration proposes to establish an even broader program of interest subsidies. FHA will preside over a consolidated program which will encompass 236 and several other programs.

It is inevitable that housing for the elderly would, under such an arrangement, slip even lower in priority than it now is. It also is clear that the nonprofit sponsor would feel even more lost than he now is.

For these reasons I intend to consult with national organizations in the field of aging, with experts in housing and finance, and with others whose expertise can be tapped to help provide housing for older Americans. If we are unsuccessful in countering a trend which has already swept aside the most successful program which ever provided housing for the elderly—the 202—then we can expect only continual deterioration of the Federal commitment in this key area.

I ask unanimous consent that Mr. Renfrow's testimony be printed in the RECORD.

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

TESTIMONY PRESENTED BEFORE THE SUBCOMMITTEE ON HOUSING FOR THE ELDERLY

(By Robert P. Renfrow)

I am an attorney licensed to practice law in North Carolina and Florida. For the past several years, I have specialized in representation of church-sponsored, single-purpose, non-profit corporations engaged in the construction and operation of housing and related care facilities for the elderly, utilizing Department of Housing and Urban Development housing assistance programs. Robert Lee Chapman, Jr., and I are sole stockholders and principals in Southeastern Housing Consultants, Inc.

Although we have worked successfully with the 221(d)(3)-Rent Supplement Program, Hill-Burton, and with the 236 program, the *bulk* of our experience has been with the Senior Citizens Housing Loan Program, better known as "202."

Displayed here are photographs of projects with which Bob Chapman and I have been associated. We were *not* involved in development of the single "231" project shown here. My partner, Bob Chapman, was retained as *management* consultant to help this in-default project get out of trouble. It's now in good shape and catching up on delinquent payments.

With rare exception, all of these projects and those not illustrated are church-sponsored. My view is that churches do not belong in the housing business. But for almost 2,000 years, and increasingly so in recent generations, churches have been concerned with human need. This is why there are so many church-sponsored hospitals, orphanages, homes for unwed mothers, extended care facilities.

Churches have come to recognize that the group perhaps most needful of social ministry is the aging, and most particularly the lower-moderate income aging.

The affluent elderly, the few that there are, generally enjoy balanced investment portfolios and are thus well insulated from the effects of inflation or deflation. The very *low* income elderly are eligible for various forms of welfare assistance and for residency in low-rent public housing. Although there is much wrong with the low-rent public housing program, a high volume of units at extremely low rents have been made available.

It is the lower-moderate income elderly of this nation who are getting a raw deal. These are the people who, during their working careers, were loyal, non-rioting, provident, pension earning, tax paying citizens, who constituted the stable middle-class element of our society. Inflation has eroded the purchasing power of their fixed retirement incomes and now that they, unlike younger people, are unable to improve their economic station, they have been deprived of the housing, security, independence and dignity which they *earned*. These buildings are merely tools, implements, to enable churches to respond to the needs of this forgotten segment of the aging population. Let me explain what I mean when I say that from the sponsor's viewpoint 202 was *not* a housing program, per se.

The most recent formal survey conducted by HUD of all in-occupant Section 202 projects disclosed these facts:

(1) The median age at admission to all projects was 72 to 76 years.

(2) The median income at admission was stated as a range from $2,500 per annum to $3,000 per annum, with 85% of the elderly households represented having an annual income to less than $4,000.

(3) Unmarried or widowed women constituted 75% of the total occupancy.

(4) 19.6%, less than one in five of the residents, maintained an automobile.

Thus, the typical 202 resident is female, single or widowed, in her mid-70's. The standard situation is one where a widow has continued to reside in a small home which she and her husband both occupied while he was alive. The husband died. Loneliness, insecurity, and the increasingly intolerable burden of house and yard maintenance and automobile ownership prompts the surviving spouse to seek the solace, companionship, physical and medical security, and the entire penumbra of unobtrusive care and concern which is offered by the church-sponsored 202 retirement facility. "Housing" in and of itself is not responsive to her very real and often desperate needs. I am not a minister and I do not want to sound like one, but there is, in fact, a tremendous compensation (an extra compensation in my case) when you visit a 202 and see the remarkable change that has taken place in the lives of these people . . . the shedding of years, the new vigor, interest and vitality that comes with freedom from financial, physical and emotional insecurity.

Your committee report evidences that you are well aware of the extraordinary success of the 202 program. More than 300 projects, and not a failure . . . unique among federally-assisted multi-housing programs.

Why was 202 successful? Why was it killed? Is Section 236 doing the job formerly being accomplished by 202? If so, are the costs comparable? And if not, what can be done? I'll offer what I believe to be the answers to

these questions and, if in doing so, I make any statement which strikes you as illogical, unsupported by the facts, or requiring clarification, please demand that I document or explain my statement.

Why was 202 uniquely successful? The fundamental key to the success of the program was careful, painstaking qualification of sponsor groups. Potential sponsors were required to evidence the character, competence, intelligence, business judgement, and impeccable motivation to develop and operate a project which would be resident-orientated and not an exercise calculated to enrich a landowner, architect, builder, developer or anyone else. Two illustrations: The 202 loan officer generally meeting with the governing body of the church at their church would make it clearly understood that the sponsor did have a financial involvement in the project. That is, the sponsor would have to supply approximately $10,000 in non-mortgageable movable equipment. Also, he would be required to put up in escrow at time of initial loan closing approximately $25,000 to $30,000 as an operating contingency fund with the further requirement that even upon full or near-full occupancy at time the building was ready for occupancy, the sponsor would still have to underwrite any operational deficits for 5 years in an amount equal to the initial escrow deposit. The other illustration: In the South, the loan officer was particularly emphatic and detailed in explaining application of the Civil Rights Act.

In addition to careful and intelligent qualification of the potential sponsor, the 202 loan officer insisted on a site for the project which would offer pedestrian convenience to shopping, churches, public transportation, and other essential or desirable amenities. This resulted in a high frequency of center-of-downtown or adjacent-to-major-shopping-center project sites. An approach to architectural design was taken which inspired the best efforts of imaginative, creative architects rather than presenting the architect with a 5 pound manual and the ultimate challenge to negotiate the maze rather than do the best job of which he was professionally capable.

That, basically, is why 202 was successful: capable sponsors, responding to the housing and non-housing, needs of moderate-income elderly people in a vertical-oriented community so located as to offer pedestrian convenience and the feeling of being in the mainstream of life.

Section 202 was phased out . . . administratively, not by Congressional action. Why? Some people say the real and sinister reason was to gift the mortgage bankers with a bonanza. I think that's pure baloney. I suggest that the real reasons were twofold: First, there was concern about the immediate budgetary impact of the Direct Loan Program, and second, to provide a unitary, "one-window" approach to all housing programs. This concept of the one-window approach has great superficial validity. Unfortunately, it doesn't work, and I'd like to explain that statement a little later.

Has Section 236 *effectively* replaced 202? It has not, and may I please support that statement later. If 236 *can* do the same job as 202, what are the comparable costs? To provide the same units for housing elderly people of low-moderate income under Section 236 will cost the Federal Government (and therefore the taxpayers) approximately three times the cost of Section 202. That sounds like an outrageous statement. It's an outrageous fact! I have three exhibits to document the fact.

[Discussion of charts.]

(1) Capital Towers, Raleigh, North Carolina.

(2) Christopher Towers, Columbia, South Carolina.

(3) Santa Maria Del Mar, Biloxi, Mississippi.

The per-unit total loan cost on these projects substantially exceeds the average mortgage loan per unit for a typical Section 236 project. That's because the standard 236 project is for all ages, is low-rise, one-to-three stories, located on cheap land, generally well removed from center-city or shopping center complexes . . . which leads directly to explanation of why the 236 program does not and cannot fulfill the specialized function of the 202 program.

In March of this year, I accompanied the Bishop of the Catholic Diocese of Mobile to a meeting in Senator Sparkman's office. At this meeting, William Dockser (until recently, the Assistant Commissioner for Subsidized Housing, FHA) was in attendance and made several very frank, candid statements. He acknowledged that the 236 program, as presently administered, is oriented, and therefore favors, the development of garden-type apartment facilities built on relatively low-priced, large-sized suburban sites; also, that judgments relative to allowable construction costs per square foot were essentially keyed to this type of low-cost construction.

It inevitably follows, therefore, that a sponsor seeking to provide high-rise, downtown or shopping center apartment housing for the low-moderate income elderly is confronted presently with insurmountable hurdles in terms of FHA criteria promulgated at the Washington level, concerning the allowable number of dwelling units per acre, the land cost per square foot and per dwelling unit, the on-site parking requirements, land value and appraisals, and allowable construction costs per square foot and per unit. I mention the problem with land value appraisals. FHA staff appraisers, I am given to understand, are restricted to establishing value as to residential use despite the fact that the actual demonstrable *market* value of the center-city or adjacent-to-shopping-center site may be substantially in excess of the artificially restricted FHA appraisal. In this real world, you generally have to pay the real market price. One other very significant factor that negatives 236 fitness to do the 202 job is that ad valorem tax exemption is or can be made available to the 202 project, but not to 236 . . . California, South Carolina and Florida are examples where 202 projects are, *by statute*, singled out for property tax exemption. Legislators at the state level recognize that 202 is limited to non-profit ownership and operation, that it may not accept people whose income is over 135% of public housing maximums, and that it is absolutely restricted to residency by persons aged 62 or older. They likewise recognize that a 236, even if designed for elderly, may be profit-oriented and may include residency by higher income people, and is not absolutely restricted to older people. This single factor . . . property taxes from $5 to $35 per month per unit . . . can make a 236 *not feasible*, whereas 202 would be feasible.

Stated in over-simplified fashion, these are the reasons why the Section 236 program, as presently administered, is not an effective substitute for Section 202.

Very well, if 236 is not doing the job, what changes are necessary to enable it to effectively fill the 202 void . . . without regard to the cost? I used to believe the solution was very simple . . . that is, immediate development and publication of circulars setting forth instructions to FHA personnel for processing of applications for Section 236 Housing for the Elderly, utilizing special criteria (the same criteria which were so successfully employed by those responsible for administration of the 202 program). I no longer believe that that it a realistic solution. My pessimism in this regard is predicated on the agonizing and frustrating experience of attempting to complete development of projects which were originally filed or in an advance stage of pre-application development under the 202 program, designated "pipeline" proposals, and per Washington circulars, to be accorded the benefit of 202 criteria in processing by area and local FHA insuring offices for financing under 236. Please let me give you several examples which illustrate the point and then state what I consider to be logical conclusions. The examples concern a project under construction in Baton Rouge, Louisiana, and projects proposed for development in Tampa, Florida, and Trenton, New Jersey.

In early 1968, the Catholic Diocese of Baton Rouge and the First Presbyterian Church determined to jointly sponsor a Section 202 project. They had a pre-application conference with the 202 loan officer from the Fort Worth Regional Office and began work. During pre-application development, they were advised that the 202 program had been phased out and they were invited to seek funding under the 236 program. They went to the New Orleans FHA Office. The results of their meeting are indicated in this excerpt which I shall quote, from a letter written by Donald McAndrew, a Catholic layman who is also the Director of the Baton Rouge Parish Council on Aging. The letter is addressed to HUD Secretary, George Romney.

"Our project was originally considered for development under Section 202 of the Housing Act of 1959. Section 202 is being phased out and replaced by Section 236 of the Housing Act of 1968. We have been informed, however, by the New Orleans Office of FHA, that under the Section 236 program the building height cannot exceed two stories. The number of units is limited to 25 per acre and the land cost cannot exceed $.50 per square foot. These conditions, especially the land cost, excludes the locating of such a medium-rent housing project within the city limits. The local Public Housing Authority recently paid $1.60 per square foot for the site of a low-rent housing project at a distance two to three miles from the area of a desirable site for this proposed project. What we wish to point out to you is that while Section 236 of the Housing Act of 1968 sounds like a good possibility for providing housing for this neglected middle-income elderly group, the restrictions, in our opinion, make it of no practical value. We would appreciate your consideration of changes in these restrictions."

Three weeks later, Acting Assistant Secretary, William Ross, replying for Secretary Romney, wrote to Mr. McAndrew:

"The New Orleans Insuring Office informs me that the rental and cost estimates discussed with you during your previous meeting were for guidance purposes only and did not represent maximum or firm limitations. The determination as to whether or not a specific proposal is feasible can only be made upon a careful review of an application submitted by the sponsor which fully describes the proposal."

That *sounds* reasonable; however, there is only one form of application to FHA for 236 projects and that is on a Form 2013, which on its face states that the application cannot be considered unless as supporting documentation you evidence site control . . . meaning that you own the land, have it under option or contract *and* have obtained permissive zoning for the proposed project. Thus, in order to get a *meaningful* advisory opinion, you've got to first pay for an option on the land and, in almost every case, rezone the property or, at the very least, obtain zoning variances so as just to learn the *real* FHA parameters for the project proposal.

We were retained by Catholic-Presbyterian

Apartments, Inc., and Mr. McAndrew immediately forewarned us that the information given to him by New Orleans FHA was not in the form of general guidance. FHA stated these criteria as absolute maximum limits. Since so much pre-development work had been done prior to the 202 cut-off date, the sponsors requested Secretary Romney's permission that their proposal be treated as a conversion project to be processed at the Regional Office as a 202 and then transferred to FHA for closing and financing under 236. The waiver was granted. A 202 project application was filed with Fort Worth. The Fort Worth 202 people processed the application in an expeditious manner. The sponsors were comforted by a letter from the Assistant Regional Administrator for FHA, Fort Worth Regional Office, assuring that the application would be processed under Section 202 guidelines for funding with Section 236, subject to funds availability. After considerable wait, the project was funded and an FHA Feasibility Letter issued. On August 26, 1970, the Regional FHA Director wrote to advise that HUD was decentralizing; the project file was being transferred to New Orleans FHA; and all correspondence, reports and questions should be addressed to the Director of the New Orleans Office. The same letter included what turned out to be an unrealistic hope. "We fully expect this transfer of functions to be accomplished smoothly and without a break in the continuity."

By this time, we were under severe time pressure. Options on the assembled real estate parcels were about to expire and not all of them could be renewed. We promptly prepared and submitted architectural and other necessary materials to the New Orleans Office. Then followed a period of total frustration. We had apprised New Orleans FHA of our desperate time situation and offered to instantly supply any missing ingredient or clarification required by them. All the sponsors got was pure double-talk and runaround. It was rare to be able to speak to the same man twice. The file was always in some other section and "in process." Finally, in desperation, the sponsors, through the assistance of Senator Long's office, arranged for a summit conference with the New Orleans FHA Director, Mr. Seghers. Everybody involved attended that meeting in New Orleans . . . except Mr. Seghers. He was represented by Mr. Carl Geyer. By this time we already had a construction contract offer from the single qualified bidder we could find who was willing to undertake a major project in the city of Baton Rouge. The builder's bid was substantially in excess of the construction budget.

This summit meeting was delayed somewhat because no one could find the file. It was finally located in a cardboard box where it had obviously been sitting since received from Fort Worth! Mr. Geyer looked through the file. He asked me to repeat the amount of the builder's bid. I told him. Then, without further reflection or pause and *not* in a joking manner, he stated that he would agree to increase the loan to cover half the cost overrun! When we complained that the increased loan amount would put our rents beyond many of the people we were trying to serve, another FHA employee began studying our projected operational costs and suggesting a number of items where we could reduce our cost estimates so as to make the rent *appear* feasible. We could worry about adjusting the rents later!

Because we weren't working for the contractor nor for the architect, but only for the sponsor who was dedicated to providing something that would serve people, we said, "No we won't do it that way. Please give us the opportunity to redesign this building and to increase the number of units to the level we originally requested and try again. Which is what we did. The sponsor borrowed money to purchase the land outright. HUD made a market survey which verified the demand for the number of units we originally requested, and ultimately we finally got the loan closed . . . in February of 1971 . . . three years from when it all started.

I suggest that the experience on this project (and I've left out more than I've told) has been such that neither the Catholic Diocese or the First Presbyterian Church will have the temerity to undertake any other social ministry involving Federal financing unless, and until, some big changes are made.

The next example of why I do not believe 236 can do the job comes from Tampa, Florida.

The First Baptist Church in Tampa had done a great deal of predevelopment work preparatory to filing a 202 application. Then came the death of 202. Subsequently, the church was advised that its property had been deemed eligible for the 202/236 "pipeline," and therefore was eligible for funding under Section 236, with the benefit of certain 202/236 guidelines. We were retained by Tampa Baptist Manor, Inc., and on January 12, 1971, filed an application with the Tampa FHA Office. Included as part of our submission was a legal opinion from James L. Hearn, Regional Counsel for HUD, to the effect that this type of project was exempt from the payment of ad valorem taxes by Florida statute. We also included this footnote to our estimate of operational costs:

"For purposes of this application, we have estimated operational costs at a higher-than-expected figure. Since this is an elderly facility, certain normal apartment operational costs will not be experienced. The average number of occupants per apartment will be less than 1.5, average age will exceed 70 years. *We can supply exact operating costs for similar local facilities.*"

On March 10th, 58 days after the application had been filed, the sponsor received a letter from the FHA Director in Tampa, finding the project to be *not* feasible and stating:

"It would be inadvisable for you to pursue this project for the following reasons: The application indicates $4.15 per square foot for the site. We feel that a warranted price for the land would be approximately $2.10 per square foot. If the project had to pay real estate taxes, the basic rents would be approximately 140% above the maximum rents permitted by Section 236 projects in the Tampa area. If the project were exempt from real estate taxes, the basic rents would approximate 124% above the maximum allowable rents."

The sponsoring Baptists were shocked by this response, particularly at the estimate of land value. Before agreeing to a conditional contract for purchase of this land, prices for comparable surrounding parcels had been determined and the Board of Directors had satisfied itself that the market value of the site was equal to or in excess of the contract price. The sponsor asked Senator Lawton Chiles for help. Shortly thereafter, Mr. Charles Jagels, the Chief Appraiser in the Atlanta Regional Office, scheduled a conference in Tampa, where the sponsor, with its attorney, architect, and consultant would meet with FHA and discuss the project proposal. At that meeting, the sponsor offered documented comparable land sales to the Chief Appraiser. It was evident that Mr. Jagels, before coming to Tampa, had obtained actual operating cost data on completed and in-occupancy Section 202 projects in the Tampa area . . . the same information the sponsor had originally offered to supply.

In one week following this conference, the sponsor received a Feasibility Letter wherein Tampa FHA *now* found that the land value was essentially equal to the contract price and the projected rents (although higher than we had proposed) were still well within the 236 limits for Tampa. Moreover, the mortgage insurance commitment was for $165,000 *more* than applied for! We finally got a Conditional Commitment and the Conditional Commitment stated that completed working drawings and specifications for a proposed 240-unit, high-rise building must be completed and submitted, along with a firm offer to contract from a qualified builder, *within 30 days!* The mortgagee for the project, the official communication link to FHA, has requested a more reasonable period of time for completion of working drawings and obtaining a contract price. Whether Tampa will extend the unrealistic 30-day deadline, I don't know. That's where the project stands today. Perhaps it will get built; perhaps not.

The Trenton, New Jersey, story, as with Baton Rouge and Tampa, involves a 202/236 conversion project on which FHA is supposed to utilize 202 criteria essential to obtaining 236 feasibility.

I'll not detail this story because I know that your staff director has received a factually detailed, three-page summary from the project sponsor.

The essence of the story, which will suffice for purposes of illustration, is that it took 13 months to receive a Feasibility Letter from FHA, 4 months after that to get a Conditional Commitment, and the Firm Commitment has yet to be received. This project, sponsored by all of the Lutheran Churches in the State of New Jersey, through the Lutheran Welfare Association of New Jersey, had it been treated as a 202, would have been in construction at least 8 months ago.

The Newark FHA Office, to which the 202 file was transferred, at first claimed ignorance of the FHA circulars which outline the 202 criteria to be utilized. Even after we cited the publication number and the date of issuance on these circulars, Newark has persisted in ignoring them.

Section 202's in the Sate of New Jersey, are eligible, by statute, for tax abatement; 236's, even non-profits, and even those designed for the elderly, do not receive the same tax treatment. One of the legal documents involved in the initial loan closing of a 202/236 conversion is Form 3135–A, which limits project occupancy to those eligible for 202 . . . that is, no under-age or over-income people can be admitted. Although Form 3135–A is an FHA-printed document, we were unable (until recently) to convince Newark that the project would be eligible for tax abatement and, therefore, the rent levels projected would be sufficient to amortize the loan and pay the operating expenses. Now, Newark admits all this is true, and now admits that had they arrived at the same conclusion several months ago, they could have *at that time* issued the Firm Commitment. We *could* have closed the loan and been under construction with a construction contract which we supplied to FHA last March. We can't retrieve the price available in March and use it in August.

Whether this project does or does not get built, can you imagine what the attitude of the Lutherans in New Jersey is going to be to a suggestion that they work in partnership with the United States Department of Housing and Urban Development to minister to the needs of aging people?

Even where everything is seemingly just right and everybody, FHA included, is trying to help . . . its still nigh impossible to whittle 236 to fit the 202 void. One illustration:

I'm working on a Huntsville, Alabama, project sponsored by the Presbytery of Northern Alabama of the Southern Presbyterian Church. Their application is being processed as a 202/236 conversion. Jon Will Pitts, the Director of the Birmingham area HUD Office, and the key people who report to him, I think, genuinely want to see this

proposed project built in Huntsville. But trying to make the project adhere to 236 basic limitations applicable to the Birmingham Area Office makes it a serious question as to whether we'll ever get from here to there. Although the Elderly Housing Specialist in Atlanta, the Area Director in Birmingham, and everyone else admits that this project has fundamental feasibility, excellent sponsorship, superior site, solid market demand and a probable construction cost well within the range of projects now under construction throughout the Southeast, it's still by no means certain that the project will get built. If it does, it will be on the basis of request and approval of any number of waivers from standard 236 guidelines. So, Birmingham illustrates the point that there isn't a conspiracy of evil (or incompetent) men who cause the 236 program to fail as a 202 substitute . . . and please do not mistake what I have said to be a blanket indictment of FHA or FHA people.

The question might well be asked, "If, as you claim, Section 236 cannot fulfill the 202 function, no matter how many 202-type criteria are employed to make it work, how do you explain this array of projects entitled 202/236 conversions?" I'm glad I asked me that question. Every 202/236 conversion project you see pictured, with the exception of Baton Rouge, was completely processed by 202 loan officers through final commitment and then, and only then, transferred to FHA for initial loan closing. These projects labeled conversions are, in fact 202's which have, in effect, been refinanced under Section 236 . . . and the only way we obtain ad valorem tax exemption on these facilities is to evidence to the taxing authority that, by virtue of an addendum to the Regulatory Agreement, these projects are, in fact, 202's.

The horror stories I've been reciting (Baton Rouge, Tampa and Trenton) had to do with conversion projects which were transferred to FHA offices for processing.

I maintain that FHA is incapable of administering a housing program for the low-moderate income elderly with the same knowledgeability, sensitivity and effectiveness as was done under 202. It's not that FHA is devoid of intelligent or properly motivated people. There are many excellent people, hamstrung by the apparently inevitable assemblage of "thou shalt nots" which have accreted over the 37 years of FHA's existence. Presently, FHA is such a monolithic, unwieldy, entrenched bureaucracy so imbued to thinking and behaving like a mortgage underwriter that it *cannot* overnight comfortably or effectively administer programs, such as 202, which are essentially social-service, resident-oriented undertakings.

The 202-type housing is in conception, location and design a much more complex and specialized creature than family housing. It requires people who have a depth and breadth of knowledge and understanding to properly administer it. In my opinion, the low-moderate income elderly people in this country can't wait long enough for FHA, if willing, to reorganize and to constitute one individual in each office, train him properly, and clothe him with the authority to make the same kind of intelligent, social-service oriented, but sound business decisions that were routinely made by the 202 loan officers.

Recommended solutions? This committee, in my opinion, has already recommended the right solutions. That is, restore and adequately fund the Section 202 program and make sure its administration is not under FHA. I know that Senator Percy and Senator Williams have introduced bills to establish a new position . . . Assistant Secretary of HUD for Elderly Housing. That, I think, is the ideal solution. Moreover, that's where the Congressionally-authorized Congregate Housing Program belongs also. Section 231, which is congregate housing for a higher income group of elderly, has been a scandal and a disaster under FHA.

As to funding, I'm not a United States Senator and don't have the responsibilities for balancing all the national needs against available resources. By way of suggestion, I would only point out that there is now substantially in excess of $40,000,000 in the revolving fund representing 202 repayments. This sum, which is growing every day, coupled with an annual appropriation of at least $150,000,000 for 202, would be a significant step in the right direction. If, in the wisdom of Congress and the Administration, it was determined that the desperate need of our low-moderate income aging must be met now, regardless of cost, then and only then I would encourage the provision for permissible conversion of 202-funded projects to 236 financing upon completion of construction of each project.

One obvious fact apparently escapes HUD analysis, and that is that monies allocated for construction of housing units for the low-moderate income elderly have a multiplier effect. As stated in your committee report, for most older Americans their home is their only asset. Two-thirds of the elderly own their own homes and 80% of these are free and clear of mortgages. A high percentage of individuals moving into a 202 facility do so directly from a small home owned by them. Thus, in a high percentage of cases, the availability of one Section 202 dwelling unit makes available a two- or three-bedroom house at a price within the range which 236 income eligible family groups can afford.

One other fringe, but important, side benefit to restoration of 202 is the fact that these high-quality, low-maintenance, long-lived, handsome buildings significantly contribute to revitalization of the center city. They help repopulate the area and they bring purchasing power where it's needed most.

Gentlemen, one thing is for certain, and that is what we have today is worse than nothing . . . because it holds out a promise, but an absolutely false promise, to capable, non-profit organizations that they can work in partnership with the Federal Government to use this 236 vehicle to effectuate their desire to minister to the needs of aging people. The taint of 231 was so bad that it took years to convince people that you could work with the Federal Government in housing programs and not get tarred with the same brush.

The talent and the energies and the good will of the churchmen and the benevolent groups of this country who want to do something is too precious a commodity to be wasted. Men of intelligence and good will in the Federal Government and outside of the Federal Government working together can do a magnificent and desperately needed job. That's what I want to see happen.

MCPL REPORT—MULTIPLE INDEPENDENTLY TARGETED REENTRY VEHICLE—MIRV

Mr. PROXMIRE. Mr. President, Members of Congress for Peace Through Law and its military spending subcommittee, have issued a series of reports this year on a variety of military spending matters. They include reports on the B–1 bomber, the F–14 fighter plane, military manpower, tactical nuclear weapons, troops in Europe, underground nuclear testing, and ULMS.

In addition, Senator HUBERT HUMPHREY and Representatives DONALD FRASER and MICHAEL HARRINGTON jointly authored a report on MIRV's. Senator HUMPHREY presented that report as a part of his testimony before the Subcommittee on Arms Control and International Organizations of the Committee on Foreign Relations.

There is no Member of the House or Senate whose background and experience qualify him to make such a report as the Senator from Minnesota, and former Vice President (Mr. HUMPHREY). In addition, the quality of the report meets the high expectations we all have when Senator HUMPHREY speaks on international issues and especially on international arms control.

Because of the quality of the report and the importance of the subject, I ask unanimous consent that it be printed in the RECORD.

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

REPORT ON MULTIPLE INDEPENDENTLY TARGETED REENTRY VEHICLES—MIRV

(Testimony before the Subcommittee on Arms Control and International Organizations of the Foreign Relations Committee, presented by Senator HUBERT H. HUMPHREY for himself and Congressmen DONALD M. FRASER and MICHAEL HARRINGTON)

INTRODUCTION

On May 20, the President read a joint Soviet-American statement on the Strategic Arms Limitation Talks. The statement read that the governments of both countries had "agreed to concentrate this year on working out an agreement for the limitation of the deployment of antiballistic missiles." There was also an expressed agreement to agree on "certain measures with respect to the limitation of offensive weapons."

The main significance of this statement is that it indicates that both sides in the SALT talks are committed to an agreement. It indicates that both the United States and the Soviet Union are willing to negotiate a formula for limiting the deployment of the anti-ballistic missile.

Were this agreement to be put into effect within the next year, the implications for other weapons systems and the entire arms race would be enormous. Specifically with respect to the multiple independently targeted reentry vehicle (MIRV), the original purpose for which this weapons system was conceived would no longer be valid.

Not only would the original purpose be called into question but any future intent in support of a continuation of the MIRV program would be highly tenuous. It would be highly probable that the MIRV program would have to be completely reassessed.

While an agreement on ABM or on offensive weapons has not yet been worked out, there is every assurance that it will. What is necessary, therefore, during the period of negotiations is that both the governments of the United States and the Soviet Union exercise a supreme amount of self-restraint in order to create the climate most conducive to agreement.

MIRV is a highly destablizing weapons system which may become superfluous if agreements on ABM and offensive weapons ceilings are successfully concluded at SALT. It has been ascertained that the United States has at present a considerable lead time over the Soviet Union in its MIRV program, mainly because it began work on MIRV before the Soviet Union. The Soviet Union, on the other hand, could have an advantage if it were to continue to deploy the SS–9 missile installed with a MIRV system comparable to our own.

What can generally be determined through a comparative qualitative analysis of the strategic nuclear position of the United States and the Soviet Union is that the two countries have reached a position of nuclear parity. This situation coincides with what has been accepted as the basic aim of our strategic forces. In order for the United States to observe a policy of nuclear suffi-

ciency, our forces must be able to maintain a second-strike capability and eliminate all incentive for the Soviet Union to strike the United States first. This study will show how continued testing and deployment of MIRV during this year does not contribute significantly to the criteria for a policy of nuclear sufficiency.

Sufficiency, with the rough balance in strategic nuclear weaponry that the word implies, has as a result become a measure of safety and should become the prime determinant for our defense needs in the future. Now that sufficiency has been achieved, it would be counter-productive for the United States to try to regain its former position of superiority, considering present Soviet capabilities. It is, therefore, in the interest of the United States and a speedy conclusion of an agreement or agreements on arms control that the United States halt the testing and deployment of MIRV.

COSTS

The Authorization bill for Military Procurement, Research and Development for FY 1972 calls for approximately $635 million for the Minuteman III MIRV program and $530 million for Poseidon conversion.

These figures do not include some parts of MIRV-related programs. The Department of Defense proposed FY 72 budget for "Continued procurement of Minuteman III and Minuteman force modernization is $839 million"; for "Conversion of SSBN's to Poseidon configuration, continued procurement of Poseidon missiles, and associated effort," the DOD budget proposal is $803 million.

The true figure for MIRV programs, therefore, lies somewhere in between. The DOD estimates the total system cost for MIRVing the Minuteman III at 5,997.8 million and the total cost for Poseidon at 6,855.5 million.

These figures by themselves are meaningful in that they show the enormous expenditures involved for a particular weapons system program.

Even more meaningful is the idea that these expenditures have provided us with little additional security. They have, on the contrary, proven to be considerably destabilizing with respect to our ability to halt the arms race.

This study proposes that funds authorized for MIRV in the proposed DOD budget for FY 1972 be placed in escrow for a given period. Putting funds in trust does not represent an immediate savings but the potential long-term effect could be far more significant.

An escrow arrangement would be a firm indication to the Soviet Union of the United States' willingness to halt its MIRV program. It makes MIRV more negotiable than at present. It, thus, becomes more feasible to end any further expenditures on MIRV.

THE CASE FOR MIRV

MIRV was originally designed to preserve our assured destruction capability by penetrating any Soviet ABM system. At present the Soviet Union does not seem to be building anything more than a Moscow-ABM defense. Until an agreement is formally worked out, we do not know whether or not through an upgrading of their SAM system, the Soviet Union is planning to change its ABM capability significantly. It is, therefore, assumed that MIRV, as a weapon capable of saturating any Soviet defense, might be necessary as a hedge against this possibility.

MIRV's second function is to guarantee our second-strike capabilities in the face of a Soviet attack. With the development of the SS–9 and the possibility that the SS–9 will be retrofitted with MIRV in the near future, the defense for MIRV would be that our own MIRV program would guarantee the survivability of our Minuteman missles.

Thirdly, to avoid nuclear blackmail it is assumed that MIRV preserves nuclear parity between the United States and the Soviet Union which would otherwise be lost.

Finally, a continuation of the MIRV program provides a bargaining chip in our negotiations with the Russians. The Russians have not shown a willingness to negotiate an agreement on MIRV and there is no reason that we should behave differently. Both the Soviet Union and the United States recognize the difficulty of identifying MIRVed missiles once MIRVs are installed. Both countries have gone sufficiently far in their MIRV program, so the argument goes, to make an agreement on the regulation of MIRV most impractical.

THE CASE AGAINST MIRV

What is the Soviet ABM threat? Soviet deployment of a line of air defense missiles and associated radars in the 1960s, the so-called Tallinn lines, was at first believed to be the beginning of a nation-wide ABM system. After lengthy debate, the U.S. intelligence community assessment, affirmed by Secretary Laird in 1969, was that the Tallinn system is an advanced bomber defense. Department of Defense officials, most notably research head Dr. John Foster, continue, nevertheless, to spread alarm about the Tallinn line by stating that it might have some ABM capability or could be upgraded to have such capability. The simple rejoinder to this view is to ask why the U.S. is not itself converting our Nike Hercules anti-aircraft defenses (SAMs) to ABMs, instead of dismantling them. If a Russian ABM defense of population is so easy, why have President Nixon and Secretary Laird repeatedly stated that with all U.S. technology we do not know how to build an ABM system which will protect population?

The actual Soviet ABM system consists of 64 Galosh ABM missiles constructed around Moscow between 1964 and 1968. In 1968 the Soviets ceased further ABM deployments but in April 1971 Secretary Laird announced that the Russians have apparently resumed ABM related construction in the Moscow area. The extent and nature of this new activity is as yet uncertain and may prove to be a false alarm. In any case such new deployment would have to be greatly enlarged and extended to many other areas before it would approach being an effective ballistic missile defense of Soviet urban areas.

It continues to remain true that the United States could deploy its MIRV more rapidly than the Soviet Union could construct a significant ABM system. It is unnecessary to deploy MIRV before the Soviet ABM is built and the U.S. does have considerable lead time over the Soviets in this regard, particularly because we have already completed development and testing of an effective MIRV system.

The Defense Department this year, however, has argued that "The lead time to convert to a MIRV from a non-MIRV configuration might possibly exceed the intelligence lead time we might have in connection with a Soviet ABM capability." (House Armed Services Committee 1971 hearings, p. 3682). In view of the progress that the U.S. has already made with MIRV and the substantial construction that would be required for the Soviets to deploy a nation-wide ABM system, DOD's argument seems implausible. It has, for example, been seven years since the Soviets began deploying the sites that they now have. The U.S., which has spent billions on various ABM concepts and which, according to Deputy Secretary of Defense David Packard, has better ABM technology, will not have its first fully complete SAFEGUARD ABM site until October 1974, at the earliest.

If it were really true that the U.S. does not have adequate intelligence to understand and verify Soviet ABM deployments then it would appear impossible for the U.S. to enter into an agreement with the Soviet Union on the limitation of ABMs. It would seem clear that it is *not* the position of the U.S. at the SALT Talks that we lack sufficient intelligence to maintain whatever lead time of U.S. MIRV over Soviet ABM is considered necessary in the interests of U.S. security.

The argument that MIRV guarantees the survivability of our land based missiles and thus enhances our second-strike capabilities is equally tenuous. In a statement to the Senate Armed Services Committee Secretary Laird said that the SS–9 program would pose a real threat by 1975–1976 to our Minuteman missiles when the SS–9's accuracy would be considerably improved.

Rather than continue with our MIRV deployment program which depends more on an apparent than a real threat, it is suggested that this program be halted on a provisional basis.

Any discussion of Soviet nuclear blackmail as a justification for MIRV rests on the assumption that the Soviet Union is in a far superior nuclear strategic position to the United States.

No evidence has been found to reach such a conclusion. While the SS–9, if deployed extensively, would give the Soviet Union a higher yield capacity than the United States has, it would not become a serious threat to our second-strike capacity until the Russians installed an accurate MIRV. A recent study by the Department of Defense and the CIA indicated that the multiple warheads which the Soviet Union has tested thus far are not accurate enough to wipe our Minuteman III missiles in a surprise attack. New estimates indicate that the Soviet Union is even farther behind in its MIRV program than United States officials originally assumed.

Aside from its MIRV position, the United States holds a lead in many other important areas of strategic weapons technology—missile accuracy, reliability and retargetability; solid-fueled rockets, submarine launched missiles and numerous penetration aids for bombers and missiles.

As long as we have and maintain our deterrent capabilities at the present level, the risk of a nuclear confrontation with the Soviet Union would be far too costly. There is no need at the moment, however, to expand these capabilities.

The recent SALT announcement by President Nixon confirmed progress at the SALT talks and indicated that a sharp limitation on ABMs in the near future is a reasonable expectation. It demonstrates confidence in the feasibility of a workable ABM agreement inspected by national means. The announcement also strips away whatever vestiges of urgency still cling to the continuation of U.S. MIRV deployment. The question of whether or not MIRV is negotiable has little meaning in the present context. With an ABM agreement and the possibility of placing a ceiling on SS–9 deployments, further deployment of MIRV could be voluntarily abandoned.

Thus, there are no adequate grounds for MIRV in the absence of an uncontrolled Soviet ABM program. The anticipated agreement of SALT will hopefully provide for the necessary limitation on both Soviet and American ABMs. There is no reason to spend billions more on a strategic system that we do not need. Furthermore, some concrete step should be taken to stop MIRV before it is too late. For these reasons this study makes the following recommendations.

RECOMMENDATIONS

1. All funds approved by Congress for MIRV testing and deployment should be placed in escrow.

2. These funds should not be released unless the President and Congress jointly determine that the USSR's testing and deployment of its own MIRV system and other actions would necessitate further testing and deployment of the United States' MIRV as a

guarantee of the United States' retaliatory capability.*

3. In the course of the SALT talks the United States should:

a. enter into a mutual freeze on the testing and deployment of both offensive and defensive nuclear weapons, including ABM and MIRV, pending the outcome of the talks.

b. continue to seek by treaty a total ban or a limit to a very low level on ABM deployment.

ATLANTA FEDERAL COURT DECISION ON BUSING

Mr. GAMBRELL. Mr. President, I ask unanimous consent that the complete text of the opinion of U.S. District Court for the Northern District of Georgia dated July 28, 1971, in the case of *Vivian Calhoun et al.* v. *Ed. S. Cook et al.* and the order entered therein be included in the RECORD at the end of my remarks.

The subject of the opinion is the court's latest judgment on the integration of the races in the public schools of Atlanta, Ga., including the court's conclusions on what has come to be known as "busing" of students to achieve integration.

The opinion and order were entered by Chief Judge Sidney O. Smith and Judge Albert M. Henderson, Jr., who are two of the ablest and most sensitive judges now serving in the Federal system. The opinion speaks for itself as to its inherent reasonableness. It has been widely hailed by members of both races throughout the Atlanta community. It would be well for Members of the Senate, officials of the Federal Government, and other judges and justices sitting in the Federal system to take heed of the lessons which this decision teaches.

The Atlanta school system has been a "unitary system" for over 10 years. The Atlanta School Board, under the direction of the Federal District Court, has made continuous and sincere efforts to comply with the evolution of judicial thinking in this complex field. In the course of this experience, the system has experimented with various forms of contrived integration of the races in the public schools.

The developments which have taken place, and the efforts of the school board and the court to deal with them are fully set forth in the opinion.

The history of school integration in Atlanta shows that, at best, courts can do little more than remove legal barriers which may prevent voluntary integration. As the court points out, a total community effort on many fronts, will be required to prevent total community resegregation, and the permanent changes in community life which take place in such event.

This decision, with its historical survey of the Atlanta situation demonstrates what should be obvious to any sensible observer. Artificial and contrived plans of integration, whether by court mandate, or simply as financed by the Federal dollar, cannot overcome the problem of voluntary segregation or resegregation. Any long-range integration of the races can only result from within a community in accordance with the necessities of the local situation.

The busing of students, unless initiated by the school system in accordance with local conditions, with the full support of the parents and students, will do little more than hasten resegregation.

I commend to Senators a careful study of this decision.

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

[From the Atlanta Constitution, July 29, 1971]

COMPLETE TEXT OF BUSING DECISION

(NOTE.—Following is the text of the Atlanta school decision handed down Wednesday by the U.S. District Court in Atlanta)

[United States District Court, Northern District of Georgia, Atlanta Division]

Vivian Calhoun, et al., Plaintiffs v. *Ed S. Cook, et al.*, Defendants

This case in on remand from the Fifth Circuit with directions to require implementation of a pupil assignment plan in compliance with the principles of *Swann* v. *Charlotte-Mecklenburg Board of Education*. Specifically, it directs only two changes: (1) The provision for majority-to-minority transfer with transportation and space being guaranteed under the option and (2) The filing of semi-annual reports. After hearing on remand the court finds the following:

This case is now in its thirteenth year before this court, having been filed in 1958. Atlanta in 1961–62 was one of the first major southern cities officially abandoning the dual school system. In its court experience, the original desegregation order was one of the few unappealed and assented to. Periodically as each new specific to *Brown* v. *Topeka* was belatedly developed by the higher courts, the School Board has been returned to court and given new directions under such landmark cases as Jefferson, Green, Singleton, Montgomery County, and Orange County. Each has been accepted and promptly implemented. In the interim, the system voluntarily accelerated from the early concept of grade-by-grade annual integration to system-wide integration; it voluntarily and studiously located new schools and rezoned so as to maximize integration; it voluntarily liberalized its pupil-transfer plan; and in various ways increased responsibility for its black teaching personnel, principals, and area superintendents. Through court order, it has advanced from the initial requirement of two teachers of opposite race to each school to a computerized mathematical distribution of its faculty by race throughout the city; and from historical and traditional attendance zones to a court-supervised optimum Orange County plan. No one has successfully challenged the good faith of its elected Board of Education, the appointed Superintendent, Dr. John W. Letson, or of its administrative personnel throughout this uncertain decade. Its efforts were early described as "commendable" by the Supreme Court. Each change has produced convulsive implosions within the system and what has now become the annual agony of Atlanta has caused significant change in the character of the system, both physically and psychologically.

When this suit began, Atlanta had a pupil ratio of 70 per cent white and 30 per cent black and a predominantly white faculty; today, its racial complexion has reversed to 70 per cent black and 30 per cent white and its 4,800 teachers are 60 per cent black and 40 per cent white. From an enrollment of 115,000 students it has dropped to 100,000 in the school year 1970–71, during which it lost 7,000 whites and gained 1,000 blacks. The system itself covers an area approximately 16 miles long and 14 miles wide lying in Fulton and a portion of DeKalb counties. The Atlanta City School System is a so-called "independent system" in that it is separately organized and operated from the county systems, each receiving direct grants from the state, supplemented by local tax funds. It is one of the 31 remaining independent city systems within the state. As such, it receives no state funds for transportation. It has never transported students, owns no buses, and there is no school "bussing" available. Based on information furnished by each principal as to location and times, the private Atlanta Transit System arranges routes to accommodate students at reduced fares provided by each student individually. The system presently maintains 123 elementary-primary schools and 29 secondary schools, with two units to be opened this coming year.

The white students remaining are concentrated at the extreme northern and southern ends of the district, while the vast middle is a broad belt of industry and high-density solid black housing. The line between these areas is steadily creeping towards the ends, with increased black housing and diminished white housing. Since 1961, it has annually achieved substantial temporary integration by the establishment or construction of "line schools." However, 34 of those schools have gone from all-white to 90 per cent or more black during the period. This "tipping process" is so rapid that it sometimes occurs by the time a facility deliberately located to increase integration can be completed and occupied. Seldom does it last longer than two years. Since official desegregation in 1961, 24 new schools have been constructed, several of which have been especially built to serve federal housing developments in the inner city. Others were appropriated for such purposes. In spite of official laws and directives to the contrary, the bulk of such developments have been operated as all-black since inception. As a natural consequence, 29 schools provided for such "controlled situations" are substantially black. Enforcement of fair housing legislation under Jones v. Alfred H. Mayer Co., and Title VIII of the Civil Rights Act of 1968 will automatically integrate these zones.

The cause of such frustrating results lies in factors completely beyond the control of school authorities. Segregated housing, whether impelled by school changes or not, remains the unconquerable foe of the racial ideal of integrated public schools in the cities. The white flight to the suburbs and private schools continues. As far back as 1957, in an offshoot of this case involving the proposed construction of an all-black school in the heart of the black belt, the problem was accurately characterized by plaintiffs witnesses and the court as de facto rather than de jure. Griggs v. Cook. The problem is no longer how to achieve integration, but how to prevent resegregation. Only last year, the parties and Judge Hooper for this court exhaustingly investigated possible remedies for over seven weeks of trial, culminating in the orders involved in this appeal and remand. Some of the fruits of those "best efforts" have already slightly soured in the face of evolutional de facto changes. Through it all, the Atlanta system has maintained a traditional position of leadership in the public schools. It remains at the top of the state in pay scale, curriculum development, and innovative efforts in quality education.

HISTORY

In this litigation, the longtime standard of measurement has been the classification of schools in excess of 9 pct-10 pct enrollment by race as "integrated". Presently, 38 elementarary schools and 13 secondary schools meet this test in that they have integration in excess of 10 pct. (many at 50–50) of the minority race at such schools. Of the remainder of 101, all but 45 have either com-

* An amendment to this effect has been introduced by Senator Hubert H. Humphrey.

pletely resegregated, serve special controlled housing situations, or have been built since official desegregation as previously discussed. Of some 46 schools in neither category, the information furnished the court reveals substantially the following.

24 have integration of less than 10 pct (ranging from 1 pct-7 pct black and 1 pct-5 pct white);

7 have only token integration (less than 10 students of the opposite race, ranging from 1–4 blacks and 3–9 whites;

15 are either all-black or all-white.

The closest schools with a majority of the opposite race are located as follows:

THE PRESENT SITUATION

Less than ¾ mile—1
¾ mile to 1½ miles—5
1½ miles to 2 miles—11
2 miles to 8½ miles—29

These distances are calculated in straight lines without regard to traffic patterns, transportation barriers, etc. In many instances, there is an intervening interstate highway, railroad, or similar artificial barrier.

Last year, 1140 students took advantage of the unlimited transfer option in effect. (Under the old freedom-of-choice provisions, an unusually large number of blacks bypassed closer white and black schools to attend a "prestige" black school; and white students by-passed closer white and Negro schools to attend a "prestige" white school.) There is, in fact, no serious problem of overcrowding at any facility. Annual zone changes and excellent modern portable classrooms are used to take care of increasing enrollments in either white or black schools. There are, proportionately, as many vacant classrooms at black schools as at white. The court is convinced that no device of packing is being used to preserve segregation. To the contrary, crowding at one school has been used to increase integration at another school. The Board assures the court there will be no problem of overcrowding at any school during 1971–72.

When the remand issued, the Board promptly agreed to the specifics required therein by formulating plans with the Atlanta Transit System to afford transportation by direct grants to the students taking advantage of the majority-to-minority transfer option. Prior thereto and following the issuance of Swann, it formed administrative task forces to study the possibilities of increasing integration by pairing, rezoning again, etc. All of those efforts have been reviewed by the court and representatives of the plaintiffs. Pairing or additional zone changes along the line either produce substantial hardship and * * * increases in travel time for the children involved or seriously imperils existing integration at one of the schools involved. In either event, the end result at best would accomplish only a temporary change soon to be wiped out in the historical pattern already established.

With the exception of an innovation in the transfer system, no single measure appears hopeful under the circumstances. There is evidence in the prior record that Atlanta has encouraged maximum majority-to-minority transfers on an individual basis. The court reasons that if such transfers could be effected on a bus-load basis, the prospects can be enhanced. The Atlanta Transit System is in dire straits itself. However, it has agreed to allow the Board to utilize the same total number of busses previously employed on an individual pick-up route basis for "group transfers". Thus, if a bus-load group of students in one area opt for a transfer to a particular school of the opposite race in another area, they can be transported at the same time in the same bus rather than individually along with the general public. The attached order so provides.

Additionally, the Board has agreed to make special efforts in the black area to encourage such group transfers through its area superintendents and other personnel stationed there. Already, it has given wide-publicity to the new transfer option through local newspapers, television, and radio. Over 100,000 bulletins have been placed in the neighborhood schools and a teacher is on duty to explain the plan to all interested parties. A central information center with a publicized telephone number has been establish to impart the details to anyone inquiring. Each pupil may readily apply for the new transfer at the school he last attended on a quarterly basis on or before two days before the quarter opening.

CONCLUSIONS

Other than the above, it is apparent that the only device which could effect any significant change is mass-bussing in an endeavor to achieve a 30 pct-70 pct ratio throughout the system. As seen, distances alone would require 40 minutes or more for each child transported and all of this would have to be achieved by a system which has no busses, no drivers, and no funds with which to acquire and operate them. The pairing of noncontiguous attendance zones is, under urban circumstances where a half-mile for a school child is a long distance to walk, but another term for bussing. The court has considered the possibility of requiring the transportation of black students from the center to the white ends. This move is opposed by a large group of blacks except on a voluntary basis as described. On the facts alone, the court concludes that wholesale bussing is neither "reasonable, feasible, or workable."

Of paramount significance, however, is the obvious result. Atlanta now stands on the brink of becoming an all-black city. A fruit-basket turnover through bussing to create a 30 per cent white-70 per cent black uniformity throughout the system would unquestionably cause such a result in a few months time. Intelligent black and white leadership in the community realizes and fears it. Responsible citizens both in and out of the school system are deeply concerned with preservation of the biracial identity of the city. Without it, the ultimate goal of equality in all its aspects is doomed and Atlanta's position of leadership is severely threatened.

The Atlanta School Board is made up of ten members, three of whom are black. Its chairman is Dr. Benjamin Mays, a respected black educator and civil rights leader. The Board deems it unrealistic to go further than stated and unwise to do so. The Biracial Committee appointed by this court is composed of ten outstanding civic and business leaders, five of each race. Its chairman is Mr. Lyndon Wade, the black Executive Secretary of the Urban League. A majority of 9 of its members have furnished the court with a resolution praising the Board's efforts and recommending no further action. (The tenth member was out of the city for an extended absence.) Short of mass bussing, the plaintiffs whose counsel and advisors have vast experience in such matters can offer no other alternatives. The Department of Health, Education and Welfare has long ago approved the present plans.

The remedy of mass bussing under these circumstances is rejected. Nor is it deemed required under Swann. "An objection to transportation of students may have validity when the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process."

The time and distance which would be involved is impractical, particularly for children in the primary and elementary grades. If the premise of Brown is correct and education in an all-black system is injurious, then certainly the results here would impinge the educational process for the children remaining. At least now there is complete integration administratively and substantial integration in pupil assignment. In a similar situation (Memphis), the Sixth Circuit in its post-Swann remand, indicated that the "extensive transportation of pupils to schools all over the city, regardless of distances involved in order to establish a fixed ratio in each school" is not required; and seemingly recommends that the trial court review all of those other devices already considered in Atlanta.

Swann holds that once de jure status is removed that a school district is not required to reintegrate continually due to de facto changes. "Neither school authorities nor district courts are constitutionally required to make year-by-year adjustments of the racial composition of student bodies once the affirmative duty to desegregate has been accomplished and racial discrimination through official action is eliminated from the system." On this basis, there is considerable merit to the position that this case ought to be dismissed forthwith. Atlanta's de jure status has long since been removed by Board action and by successive court decrees. Its present problems are entirely de facto. There is absolutely no evidence of any affirmative action by the board to increase segregation. To the contrary, all official action for many years has been to promote integration. It appears to be a unitary system "within which no person is to be effectively excluded from any school because of race or color." On such basis, Atlanta is entitled to a dismissal.

However, should Swann be considered as a starting point for such a goal, the present facts qualify. In essence, Swann holds that the essentials of any unitary system are the elimination of invidious racial distinctions in regard to (1) transportation, (2) faculty and supporting personnel, (3) extracurricular activities, (4) construction and site selection, and the presence of an (5) optional majority-to-minority transfer provision. To the extent that they apply, Atlanta has had such essentials for some time. With this order, the payment of public transportation and space guarantee has been added to the transfer provision. On pupil assignment, the Court, sitting in equity, may utilize any number of devices to achieve a "realistic and workable" plan for the district. All of the devices named, with the exception of mass bussing, have been considered by the Board and the Court and optimum results obtained. Insofar as one-race schools are concerned, the Board has satisfied its burden of showing that "their racial composition is not the result of present or past discriminatory action on their part."

As seen, on a school-by-school basis there is existing integration of some kind or there is a purely de facto situation occurring since official desegration in all but 15 all-black or all-white schools, or less than 10 pct. of the total facilities in operation. Accordingly, upon implementation of the attached order, the system will be judicially declared unitary and a dismissal will be directed on January 1, 1972, the court retaining the inherent jurisdiction to deal with future problems. (In this respect, it should be made clear that for the present, the Singleton-type faculty assignment ordered by the court on March 20, 1970, calls for an annual adjustment. See Carter v. West Feliciana Parish School Board, 432 F. 2d 875 (5th Cir. 1970). Implicit in the attached order is the admonition that it be so administered until further direction is received.) But, in the absence of a showing that either the school authorities or some other agency of the State has deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools, further intervention by a district court should not be necessary.

COMMENT

Looking ahead, the court is compelled to note that the critical point for public education in the City of Atlanta and its environs

has been reached. The situation calls for a sweeping examination of its relationship to housing, planning, finances, rapid transit and all the other external factors which vitally affect its role in the community. Apparently, no serious effort has been expended on the question of consolidation of the Atlanta system with the Fulton County system. In terms of efficiency, taxes, and quality education, such consolidations normally produce long-range improvements. In terms of the current problem, such consolidation might well produce partial, even though not perfect, solutions. Certainly for many reasons connected and unconnected with this case, this one aspect ought to be studied without delay. In any such investigation, the proper vehicle should be community-wide, crossing lines of industry, goverment, and transportation as well as education. While the School Board should certainly participate, it cannot function successfully alone. A special Mayor's Committee of both races might be appropriate. The existing Biracial Committee might well be expanded to 20–30 members to undertake such a task. If so, the court would gladly entertain a motion by any party or the committee itself to add sufficient members to represent the other community aspects involved. Short of such critical reevaluation, the Atlanta system faces a difficult task in merely "hanging on" to its present position, awaiting the uncertain reversal of white flight from its limits.

It is so ordered.

This the 28 day of July, 1971.

SIDNEY O. SMITH, Jr.,
U.S. District Judge.
ALBERT J. HENDERSON, Jr.,
U.S. District Judge.

TEXT OF THE COURT ORDER

[United States District Court, Northern District of Georgia, Atlanta Division]

Vivian Calhoun, et al., Plaintiffs vs. Ed S. Cook, et al., Defendants.

Upon consideration of this case under the remand of the Fifth Circuit, the defendant is ordered and directed as follows:

1. To abide by the previous decrees of this court regarding faculty and pupil assignment in the Atlanta public schools and specifically the orders of February 9, 1970; March 20, 1970; and August 31, 1970.

2. To provide for majority-to-minority transfers by application at the school last attended or at the central office each quarter of the school year at any time on or before the second day prior to the beginning of each quarter with space to be guaranteed each applicant at the school of his choice.

3. To provide for transportation for majority-to-minority transfers on the following basis:

(a) Where a sufficient number of students from a given community, zone, or point of origin will be traveling to a single destination, transportation will be provided by direct-billing contract with the Atlanta Transit System or some other carrier.

(b) Where the number of children moving to a given destination school is smaller than a bus load, transportation will be provided in the form of special bus tokens, distributed directly to the pupil involved on a weekly basis, to be used on regular Atlanta Transit System routes.

4. To furnish to the court and to the Biracial Committee through its chairman, reports on at least a semi-annual basis by October 1st and February 1st of each year containing the date set out in Appendix "B" of the district court order approved in United States v. Hindus County School Board, 433 F. 2d 611 (5th Cir. 1970). If such data is presently available in the existing monthly-quarterly reports published, such reports may be furnished in lieu of a special report.

5. To consult with the Biracial Committee, in its advisory capacity, in the areas of the promulgation and maintenance of school zone lines, in the selection of sites for new schools, in student transfer and school transportation policies, together with such additional matters as may be assigned to the Biracial Committee by the School Board for consultation and advice.

To the extent stated herein, relief is granted; otherwise, it is denied. The motion by plaintiffs to hire a professional consultant at the expense of defendant is rejected. Considering the experience of the parties and the court in these matters, and the obvious factual situation, such expense is deemed unnecessary. Moreover, such action would delay these proceedings several more weeks up to the projected opening of school.

It is so ordered.

This the 28th day of July, 1971.

SIDNEY O. SMITH, Jr.,
U.S. District Judge.
ALBERT J. HENDERSON, Jr.,
U.S. District Judge.

SCOUTING FOSTERS HUMAN UNDERSTANDING

Mr. FANNIN. Mr. President, it has been my privilege to be connected with scouting much of my life. Although most of my attention has been on the Boy Scouts, I am very much aware of the important work of the Girl Scouts.

In these days when youth is searching so hard for something to believe in and to work for, the Scouting movement is more important than ever before.

As evidence of the great work being done through Scouting to foster human understanding, I ask unanimous consent that an editorial published in the Phoenix Gazette of July 29, 1971, be printed in the RECORD.

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

FOR BRIGHTER TOMORROWS

Anyone not familiar with the Girl Scouts of America might think the organization's only work is providing pleasant diversion for young girls. But there is more to Girl Scouting than campfires, merit badges and song fests. Inside the well scrubbed child in the green uniform there is the citizen of tomorrow.

Proof that Girl Scouting is keeping pace with the times and preparing youths for tomorrow is found in a forthcoming meeting at Prescott College. Titled "Conference on Girl Scouting—Mexican-American Style," it will take place August 24–27 and will bring together 250 persons who will explore each others' cultures.

The conference will bring together the young and old, Scouts and non-Scouts, Mexican-Americans, Mexicans, Anglos and persons from other nations south of the border. Representatives will come from cities and farms and will be representative of the rich and poor. They come to Arizona to learn, each from the other.

The conferees will explore the bicultural, bilingual world as it relates to youth and to Scouting, explore women's role in the family with an eye to seeking and training Scouting leaders; and they will seek ways to create more interest in Scouting.

Every step toward promoting understanding between people of divergent backgrounds is important to brighter tomorrows.

ADMINISTRATION OIL POLICY INCREASES POWER OF MAJORS OVER INDEPENDENTS AND CONSUMERS

Mr. PROXMIRE. Mr. President, the announcement of July 30, 1971, by the Director of the Office of Emergency Preparedness, George A. Lincoln, that the authorized oil import quotas which were held back for contingencies would be allocated but that the importers would not be allowed to carry over their import tickets will only increase the power of the major oil companies which control east coast refineries have over the independent refiners. This will speed up the decline in competition in the oil industry and injure the consumers.

Under the proclamation issued by the President on December 22, 1970, overseas crude oil imports for 1971 were to average 863,000 barrels per day or total 315 million barrels for districts I–IV—the United States east of the Rockies. Although the total authorized level in the proclamation is 960,000 barrels per day, receipts from Puerto Rico, the Virgin Islands, and the allocation to the Defense Department must be subtracted to determine the refiner allocations.

Figures of the Oil Import Administration covering imports through April and subsequent ones of the American Petroleum Institute indicate that these imports came to 105.73 million barrels between January 1 and July 16, 1971. Had those imports been at 863,000 barrels per day, they would have totaled 172.6 million barrels. So, we were 66.87 million barrels short. If all of the permissible imports are to be brought in this year, the rate for the rest of the year would have to be 863,000 barrels per day plus 402,830 barrels per day to use up to 66 to 87 million barrels in the 166 days between July 16 and the end of the year—an average rate of 1,265,827 barrels per day. This is an extremely high rate. It exceeds the rate at which east coast refineries operate. Such a sustained import level would mean unemployment of a third or so of the U.S. tanker fleet in the gulf-east coast trade.

In any event, the automatic expiration will mean a severe distortion of production and transportation. Even if all import allocations are actually used, there will be disruptions which will occur to the advantage of the coastal majors. It is more likely that a considerable portion of the allocations, specifically those in the hands of inland refiners will go unused because east coast refiners will not want to exchange domestic crude oil for imports which inland refiners are authorized to import.

Now it is necessary to go back one step. The import level announced for 1971 was described as an increase of 100,000 barrels a day for districts I–IV. To date the administration has withheld more than the increase. The reason for the original holdback was to meet unexpected contingencies and for the conveniences of the Oil Import Appeals Board. In addition, the amounts allocated to refiners and petrochemical plants were lower than had been announced. Not withstanding the operation of more than a decade without a contingency kitty, the first program formulated by the Oil Policy Committee held back two-thirds of the announced increase for a kitty. No information was provided to define the expected contingencies. At the same time the set-aside for the Oil Import Appeals Board was increased manyfold. Was there any

reason to believe that the board would make materially larger awards in 1971 than in 1970—especially in view of the continuation of the No. 2 oil program and the asphalt program? No. 2 oil and asphalt had accounted for the preponderance of awards made by the board. Even though it may have been tempting not to, it was decided to distribute the entire authorized import level.

Even in distributing the held-back oil the administration is distorting the program. According to the July 30 announcement, allocation for districts I–IV are being increased 25,000 barrels per day from Canada and 50,000 barrels per day from overseas. But the contingency holdback was under the portion of the proclamation which with the exception of decisions by the Oil Import Appeals Board has been used for overseas oil. This runs counter to the administration's assurance that the program provision authorizing the use of overseas tickets for Canadian imports would keep the Canadian pipeline working to capacity. Actually, there were no such switches.

What is the situation? Inland refiners where they exchange their overseas import allocations with east coast refiners who actually use the allocated oil only receive between 20 cents to 50 cents per barrel. The value of an overseas import allocation in districts I–IV depends on the difference between the cost of crude oil in the U.S. gulf coast plus tanker transportation to the east coast versus the cost of overseas oil plus the cost of tankering to the east coast. On July 22, 1969, Platt's Oilgram Price Service—the industry's publication of record—reported districts I–IV overseas crude oil allocations were worth $1.25 to $1.50 a barrel.

The average value of crude oil in districts I–IV was $3.17 a barrel—the Independent Petroleum Association of America; the spot tanker rate for moving crude oil from the gulf coast to the east coast was $2.99 a ton and the corresponding rate from the Persian gulf was $6.31. On July 22, 1971, the U.S. domestic crude oil price for districts I–IV was reported at $3.42 a barrel, an increase of 25 cents a barrel and the cost to producers of Persian gulf oil had increased by perhaps 27 cents a barrel. This should reduce the value of overseas allocations by 2 cents a barrel. In the same period the spot tanker rate from the Persian gulf went to $2.75 a ton, for a reduction of $3.56 a ton. With say, 7.1 barrels to the ton this should enhance the value of districts I–IV overseas allocations by just over 50 cents a barrel. The oil price and transportation changes together should increase the value of an allocation by 48 cents a barrel in July 1971 as compared with 1969.

Returning to Platt's Oilgram, this should mean ticket values in the range of $1.73 to $1.99 a barrel. Notwithstanding the clamor about foreign oil prices it is noteworthy that at the outset of mandatory oil import controls tickets were considered to be worth under $1 a barrel. In 1957 the difference between domestic and foreign oil delivered to Yorktown, Va., was 56 cents per barrel. This means that the total cost of the program has been mounting because of both increasing demand and a growing gap between United States and foreign oil prices. It may well be that the U.S. crude oil price increase of over 40 cents a barrel while foreign crude oil prices were stable had an important weight in stimulating OPEC price demands.

Although these computations are in terms of spot tanker rates, I recognize that they are not the full story. Foreign oil continued to be imported even when spot tanker rates made it appear that delivered foreign crude oil cost more than domestic crude oil. There is a complex of tanker rates and it is reasonable to compare periods at which the same tanker rates are in effect.

This approach is also applicable to district V, the Western States. On July 22, 1969, Platt's reported that district V tickets were worth 85 cents a barrel. Again, the domestic price of crude may be considered as going up 2 cents a barrel less than the foreign price. Coastal tanker rates are not significant for that region. As for overseas rates, there is not a regular spot quotation to that region. However, the rate from the Persian gulf to Japan can be considered applicable. On July 22, 1969, that rate was $3.81 a ton and decreased to $3.21 in 1971 for a reduction of 60 cents a ton or 8.4 cents a barrel. The aggregate of these effects should be to increase the value of district V allocations by 6.4 cents a barrel or to 91.4 cents a barrel. Something is wrong.

Why should districts I–IV allocations which are worth in the range of $1.73 to $1.99 going for 50 cents and in district V, where they would appear to be worth 91.4 cents a barrel, yield 10 to 20 cents a barrel? There is only one explanation—economic inbalance between major refiners who use foreign crude oil and refiners who do not. This economic power play is facilitated by the exchange system which is a throw-back to barter under conditions which favor large companies when there are major changes in oil transportation charges in the spot market. Most importantly, the requirement that all allocations for 1971 are void at the end of the year to the extent they are not used means that the power of the coastal majors is multiplied. The value of the allocations for those who ordinarily exchange is steadily approaching zero because of the clock. The inland refiners are being held in a vice which is tightening as December 31, 1971, approaches. The way out is to make all 1971 allocations good for the next 2 years. Then the inherent advantage of the large coastal refiners will disappear.

The difficulties with the use of import allocations received first public official attention in General Lincoln's announcement of August 11, 1970, that:

> The government did not plan to extend the validity of oil import licenses issued for 1970 beyond the end of 1970.

The release continued:

> Lincoln said that there was considerable speculation and some confusion about the government's intentions and he wanted to make them clear. The speculation was caused by the effect that increased spot tanker rates may have on the use of allocations for imports.

The only action taken to moderate the impact on 1970 allocations was to facilitate their use for the importation of Canadian crude oil into districts I–IV that was of negligible significance. Unused 1970 allocations and the attendant injustice was regarded as being beyond remedy and its correction fell victim to a notion of equity. As the second half of 1970 rolled away, a fairness notion interferred with the injustice and lack of national security justification in not permitting a carryover of unused 1970 allocations. It would not be fair to permit the carryover of unused tickets because some companies had exchanged oil on the assumption that there would not be a carryover. So far as can be ascertained, no computations were made on that account. One thing is certain, there were very few, if any, exchanges between August 11, the date of the announcement, and late in the year, say December 1, 1970.

Notwithstanding the lack of remedial action with regard to the use of allocations, concern regarding that type of result was expressed in relation to 1971 allocations. This was manifest in the rules proposed in the Federal Register of November 28, 1970. Introduced by an explanation that the purpose of the proposal was "to promote an orderly method of importation of overseas crude and unfinished oils into district I–IV and V" the proposal was to hold back part of the 1971 licenses from being effective until July 1, 1971. Each company would know its full year's authorized imports but those with allocations above 1.3 million barrels would receive the larger of that amount or 35 percent of their total. The remainder would become effective on July 1. The notion was that the large coastal refiners authorized to use only 35 percent of their allocations in approximately 50 percent of the year would be forced to obtain substantial quantities of foreign crude through exchange.

The 35 to 65 proposal was still under consideration when 1971 allocations were made and the Federal Register of January 5, 1971, related that, pending a decision on the proposal, the initial allocations would be in conformity with the November 28, 1970 notice. On February 12, a new proposal was published in the Federal Register. Now the held back quantities would become effective by March 2, 1971, and would expire August 31, 1971. The new theory was that the majors would not be able to bring in 65 percent of their allocations in the 6 months ending August 31, 1971, and having lost some allocations through expiration on August 31, 1971, would have to obtain foreign crude by exchanges in the last 4 months of 1971. The national security basis for causing some allocations to expire within the year without express provision in the proclamation was not raised, much less evaluated.

Finally, on March 16, the Federal Register carried the following:

> After a detailed comparison of both groups of comments and a thorough review and

analysis of the oil import situation as it has developed during the first two months of 1971, it was decided that the proposal of November 28, 1970, should be adopted.

It would be informative to have the review and analysis. The review of the imports would be particularly interesting since the December 1970 import statistics were not published until May 17, 1971, and the January 1971 figures were not released until June 7. This is a continuation in the breakdown of oil Import Administration service. The December 1967 figures published on March 4, 1968; the December 1969 figures were published on April 13, 1970; and the December 1970 figures were not published until May 17, 1971.

As already specified, over 100,000 barrels per day of the authorized national security level of imports for districts I–V have not been allocated. There is every reason to expect that by the end of the year—more likely before the end of October—the full level will be allocated. Under ordinary circumstances all refiners and all petrochemical companies would be delighted to have the remainder of the import authorized. However, conditions are different at this juncture. The making of further allocations limited to use in 1971 will only increase the strangle hold of the coastal majors. It will mean more tickets to them on their own account which they are certain to use since they are free. At the same time the larger quantity of perishable tickets in the hands of inland refiners will enable the coastal refiners to operate at even greater advantage. The way out of this economic situation is to permit unused allocations to be carried over for up to 2 years. This will enable the inland refiners to obtain a more reasonable return per barrel exchanged as well as to exchange all of their allocations.

The effect of the administration's policy goes far beyond shifting around goodies. Operational and investment decisions are involved. There have been numerous reports of overseas crude being delivered to gulf coast, the U.S. surplus capacity region at the same time east coast refiners prefer to use more domestic crude from the gulf coast instead of exchanging with inland refiners. This is part of the whipsaw approach which is being applied by large coastal refiners. This means extra real costs in terms of oil qualities and in the use of transportation. Platt's Oilgram of July 27 reports that Cities Service is bringing Iranian oil to the gulf coast and then inland to Wood River, Ill. with its overseas crude oil allocation because that operation yields a higher return than the 50 cents a barrel which the exchange process would yield. Does it make economic sense for Iranian crude oil to move to Wood River when gulf coast oil is moving to the east coast? Only profound mismanagement and monopoly-like practices by major oil companies could lead to such abuses. This economic irrationality is not confined to oil import controls. On the domestic side there is the provision for a small refiner set-aside from Federal offshore production which is at capacity which is to be exchanged for oil production in areas where output is being held back by State controls. The State hold-up of production is a consequence of Federal concurrence. So—small refiners who cannot get oil because of limitations on State production must pay the Federal Government 1 percent of the value of the oil.

A major flaw in the operation of the program was to continue to control imports when the import level would in any event not reach the national security level. If there were a national security import fee or duty, it would make sense to suspend it under such circumstances. No doubt much of the difficulty in understanding this arises from placing exclusive emphasis on spot tanker rates. Assessment of how a tariff system might operate needs to be compared with how the quota system has actually functioned. The experience sketched here hardly reflect credit for the system. More fundamentally, there is no rationale for the quota system. Where are the why's for the steps of the scale and the percentages applied in each of them? It's all done with an arbitrary lottery and it does not matter whether it is derived with a pencil or electronically. The attraction of the quota method is that it enables executive administrators to exercise power, permits a slight marking of the costs of the program, and blunts the competitiveness of the market. These are not public interest features.

If the tariff alternative is no longer being considered, it is difficult to understand why it is necessary for the Office of Emergency Preparedness to continue its quantum jump of expenditures on oil import policy and energy related crisis management. Those figures, which are dominated by the oil import policy component went from $86,000 in fiscal year 1969; $214,000 in fiscal year 1970; $934,000 in fiscal year 1971 and $980,000 for fiscal year 1972.

Although this discussion has not touched on residual fuel oil prices, it is a matter which is always due attention. While it may well be that east coast prices of residual correspond to world prices, there seem to be flaws in the generalization. Here again, Platt's Oilgram Price Service is the source. Computations are at 6.7 barrels to the metric ton. First low sulfur residual fuel oil: on December 1, 1970, 1 percent sulfur fuel oil averaged $3.18 a barrel in Rotterdam and $4.22 in Boston. On July 20, 1971 that product was listed at $2.28 a barrel in Rotterdam and $4.32 in Boston. For high sulfur residual fuel oil the December 1, 1970, quotation averaged $3.04 a barrel in Rotterdam and $4.03 in Boston. On July 20, 1971, Rotterdam averaged $1.87 a barrel and Boston had $3.65 a barrel.

These showings hardly suggest that the U.S. east coast prices are in line with world market developments.

Mr. President, it is time we returned to the principles of a free market. This is just one more example of what happens when the Federal Government intrudes into the marketplace on behalf of a special interest: the consumer pays and pays and pays.

IS AMERICA LOSING SELF-CONFIDENCE?

Mr. HANSEN. Mr. President, in his syndicated column, published by the Washington Post, Kevin P. Phillips prefaces his comments of August 5 with a question that should be asked by every real patriot in America:

Is America in danger of entering a period of decay like that which characterized the declining years of Greece and Rome?

Phillips refers to two recent analyses which conclude that this great Nation may indeed be on the verge of the decline that will inevitably lead to our fall from greatness and leadership in the world. Phillips writes:

Our national will, our sense of invincibility and historic mission, foundered in Vietnam. And in the last few years, it has all but been snuffed out by the permissiveness, and anarchism-cum-radicalism and guilt that has suffused the land as a corollary and result of our Southeast Asian disaster.

Peter Wiles, who holds the Chair of Russian Studies at the University of London sees the United States in deep trouble. In putting his theory into plain language, Phillips says that the United States is slipping into the hands of doubters and the denigrators, and we are losing historical self-confidence—and the guts—to maintain great power status.

Unfortunately, we are also losing confidence of another sort, Phillips contends, faith in the work ethic and confidence in the fairness of the competitive economic opportunities offered by our society. Guilt about the affluence of the majority is a major foundation of the Federal Government's guaranteed annual income—welfare—proposal. Never mind that it will detract from lower class willingness to work, and that it may well create a permanent welfare underclass.

Mr. President, in view of the current debate on various issues involved in the questions posed by Mr. Phillips and the hearings now underway on welfare legislation, I ask unanimous consent that Kevin Phillips column entitled "Is America Losing Self-Confidence?" be printed in the RECORD.

I believe that every Senator could well ponder this question and the conclusions reached in the two analyses on which Mr. Phillips based his column and his concluding observation that because of the present-day U.S. combination of welfarism, permissiveness, and anti-imperialism, we may already be "traveling on that crumbling Roman road."

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

IS AMERICA LOSING SELF-CONFIDENCE?

(By Kevin P. Phillips)

Is America in danger of entering a period of decay like that which characterized the declining years of Greece and Rome?

President Nixon himself has referred to the *possibility*. But according to two recent analyses, the time may already be at hand.

"The Declining Self-Confidence of the Super-Powers" is the theory of Peter Wiles, who holds the Chair of Russian Studies at the University of London. Unfortunately, Wiles sees the United States in greater trouble than the Soviet Union. His main theme, laid out in the spring 1971 issue of International Affairs (published by the Royal Institute of International Affairs), goes as follows:

"Self-confidence is the key. An imperialist government has to feel a great historic righteousness about what it does, and the citizens of its core nationality must share this feeling

. . . The will to mobilize, and the willingness to be mobilized, are (most) important, and since men are moral beings, that will rests upon self-righteousness."

This makes sense, and Wiles is correct in saying that we have lost that will. Gone are the days when the United States sent gunboats up the Yangtze (1937) and Marines into Lebanon (1958), caring not a whit for the howls of the so-called third World.

Our national will, our sense of invincibility and historic mission, foundered in Vietnam. And in the last few years, it has all but been snuffed out by the permissiveness, anarchism-cum-radicalism and guilt that has suffused the land as a corollary and result of our Southeast Asian disaster.

Now we are going back and rewriting our history, blackening our policy-makers, abandoning our military preparedness, and raking ourselves over the coals of guilt-complex liberalism. Publication of the Pentagon papers is the best example of remorseful historiography in action.

In contrast, the Russians are not questioning what their leaders did in Prague in 1968. Specialist Wiles says that the Soviet people are proud of their suppression of the Czechs, and also of their "aggressive racism" towards China.

Wiles sees the United States in deep trouble: "Historiography is so particularly important because it is the basis of imperialist remorse, which is the basis of imperialist decline." In plain language, the United States is slipping into the hands of the doubters and the denigrators, and we are losing historical self-confidence—and the guts—to maintain Great Power status.

Unfortunately, we are also losing confidence of an other sort—faith in the work ethic and confidence in the fairness of the competitive economic opportunities offered by our society. Guilt about the affluence of the majority is a major foundation of the federal government's guaranteed annual income (welfare) proposal. Never mind that it will detract from lower-class willingness to work, and that it may well create a permanent welfare underclass.

Writing in the August issue of Atlantic, social critic Irving Kristol argues that the principal cause of the welfare explosion has been welfarism itself—the bleeding-heart psychology that the poor deserve high welfare payments as a *right*.

This has been implemented, he says by the active recruitment of "clients," whom poverty workers advise to have pride in welfare and to spurn low-paying, "dead-end" jobs. Kristol notes—and congressional studies confirm—that many welfare recipients have abandoned low-income jobs.

Kristol sees welfare as robbing the low-income family head of his socio-economic function. "Welfare, it must be remembered, *competes* with his (usually low) earning ability; and the more generous the welfare program, the worse he makes out in this competition." He concludes by speculating that welfare itself is a major cause of low-income family disintegration and social unrest.

If the experiences of Sweden and Britain, once great world powers, are any example, the present-day U.S. combination of welfarism, permissiveness and anti-imperialism is fatal to national greatness—or at least it is a sure sign of decline and fall. We already seem to be traveling on that crumbling Roman road.

U.S. DEPENDENCE ON SOVIET UNION FOR CHROME ORE

Mr. BYRD of Virginia. Mr. President, the Senate Committee on Armed Services has added to the military procurement bill legislation designed to end the dependence of the United States on the Soviet Union for chrome ore—a material vital to the defense of this country.

The vote in the committee was 13 in favor; three Senators were absent.

The committee amendment was identical to S. 1404 which I introduced in the Senate on March 29.

The cosponsors of this legislation are the Senator from North Carolina (Mr. ERVIN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), and the Senior Senator from Arizona (Mr. FANNIN).

Hearings were held on S. 1404 by the African Affairs Subcommittee of the Senate Foreign Relations Committee.

Immediately after the hearing, the subcommittee chairman told the press he would recommend against S. 1404.

Subsequently, I put in the CONGRESSIONAL RECORD the text of the statements made by the various witnesses before the subcommittee—both those who opposed the legislation and those who favored.

I am determined that the Senate will have an opportunity to decide whether it is logical to vote billions of dollars for defense against possible Russian aggression, yet be dependent on Communist Russia for a vital defense material.

The Senate Armed Services Committee unanimously agreed—excepting the three absent members.

Now, a brief review of the legislation—and the need for it.

On March 29, I introduced S. 1404, a bill designed to end the dependence of the United States upon the Soviet Union for chrome ore—a material vital to the defense of this country.

The United States today faces an imminent and serious shortage of chrome. This material is essential in the manufacture of such critical defense items as jet aircraft, missiles and nuclear submarines.

The legislation is simple in structure. It would amend the United Nations Participation Act of 1945 to provide that the President could not prohibit imports of a strategic material from a free world country as long as the importation of the same material is permitted from a Communist-dominated country.

Almost identical legislation has been introduced in the House of Representatives by Congressman COLLINS of Texas. Hearings on Congressman COLLINS' bill were held June 17 and June 22 before the Subcommittee on International Organizations and Movements of the House Foreign Affairs Committee.

The bills sponsored by Congressman COLLINS and myself actually would apply to only one commodity, chrome ore, and to one nation, Rhodesia.

Late in 1966 the United Nations Security Council imposed selective sanctions on Rhodesia. The embargo later was made complete.

After the action by the Security Council, President Johnson ordered an embargo on trade between the United States and Rhodesia. This was done by unilateral executive action, without consulting the Congress.

Prior to the sanctions, Rhodesia was the largest single source of metallurgical chrome ore imported into the United States.

There is no domestic production of this commodity, so our country now has become dependent on the next largest supplier, the Soviet Union, for about 60 percent of its chrome ore.

Since becoming the prime source for chrome for the United States, the Soviet Union has increased the price per ton of this ore from $25 to $72. This is an increase of about 188 percent.

The increase in price is a disadvantage to the United States, but what concerns me most—and what prompted me to introduce S. 1404—is that the United States has placed itself in a position of dependence upon Russia for a strategic commodity. To me, this is illogical and dangerous.

I think it is important to review briefly the background of the present policy of the United Nations and the United States toward Rhodesia.

In my view, the imposition of sanctions on Rhodesia by the United Nations Security Council was not justified. The principal reasons given for the sanctions policy were three in number: First, Rhodesia unilaterally declared her independence from Great Britain; second, the Rhodesian government failed to provide for "an orderly transition to majority rule"; and third, Rhodesia represents "a threat to international peace and security."

As to the first point, the declaration of independence, that is rightly a matter to be settled between Great Britain and Rhodesia. It is not properly the business of the United Nations or of the United States.

The second charge is positively ludicrous. If the United Nations Security Council were to impose economic sanctions on every country ruled by a minority, it would have to begin with one of the most prominent members of the Council itself—the Soviet Union, where 24,000,000 people are ruled by a tiny handful of Communist party leaders.

Recent figures show that 37 members of the United Nations do not have a form of government based on majority rule, and that adherence to the majority rule principle is questionable in 25 other member countries.

Clearly, the existence of minority rule does not justify punitive action by the United Nations against any country.

Turning to the third charge made by the United Nations Security Council—namely, that Rhodesia threatens world peace—this is obviously absurd.

Whom has Rhodesia threatened? What nation has reason to fear an assault by this small African nation?

The answer, of course, is that no one actually believes that Rhodesia threatens the peace.

I am now and have been from the outset opposed to the policy of sanctions against Rhodesia as being unjust and contrary to the interests of the United States.

However, my legislation would not require that the United States abandon all sanctions against Rhodesia—much as I wish that this be done.

The only commodity affected by S. 1404 would be chrome ore.

The reason for singling out this commodity is clear and simple: It is the one item which could and should be im-

ported from Rhodesia that is vital to the national security of the United States.

At the present time, there is pending in the Senate Armed Services Committee legislation supported by the administration which would authorize withdrawal from the national stockpile of approximately 30 percent of this Nation's strategic reserve of chrome ore. Release of this amount—approximately 1.3 million tons—would provide a short-range solution for the problems faced by American industry because of the present chrome shortage.

However, withdrawal from the stockpile clearly leaves the long-range problem unsolved. If the present rate of consumption of chrome ore continues, the amount to be disposed of would supply our requirements for less than 2 years. Obviously, we cannot go on reducing the stockpile indefinitely without jeopardizing national security.

Furthermore, withdrawals from the stockpile do nothing toward eliminating our dependence upon the Soviet Union for a large portion of the chrome needed for industry and defense.

I do not believe that it is logical for the United States to continue to be dependent on Communist Russia for a material vital to our national defense.

We are spending billions of dollars for weaponry as a protection against possible Russian aggression.

Russia is the No. 1 reason—and indeed almost the sole reason—for our huge defense expenditures.

I state again: the legislation addresses itself to only one material—namely chrome.

In summary, it does one thing and one thing only: It simply provides that the President could not prohibit imports of a strategic material from a free-world country if importation of the same material is permitted from a Communist-dominated country.

THE NATION'S CURRENT STRATEGIC POSITION

Mr. BROCK. Mr. President, last week several Senators joined on the floor of the Senate to voice our concern with the Nation's current strategic position. We agreed that the Nation must remain strong or it will lose at the bargaining table.

An article in the Jackson, Miss., Daily News of August 3 accurately summarizes our concern and highlights the comments of the Senator from Colorado (Mr. DOMINICK).

I ask unanimous consent that the article and also a column by James J. Kilpatrick, entitled "It's Time to Wake Up to Our Military Decline," be printed in the RECORD.

There bing no objecton, the items were ordered to be prinited in the RECORD, as follows:

RELENTLESS SOVIET ARMS BUILDUP NATIONAL THREAT

While this nation's critics, foreign and domestic, continue to fault our military forces and appeal for a unilateral disarmament, the Soviet Union continues to build its armed might to a frightening degree, a development that could well spell doom for our country.

The seriousness of the matter was discussed in recent debate in the Senate, proceedings which were pretty well ignored by the liberal news media. Here is what one senator had to say:

Senator Peter H. Dominick, R.-Colo., noted that, "It is a fact well known to the leaders of the U.S.S.R., although ignored by our own domestic critics, that the United States virtually halted any increase in strategic strength during the entire decade of the 1960's, while the Soviets devoted enormous sums and energy to the mushroom growth of their military power."

"In relative terms, the United States today is far weaker in relation to the Soviet Union than at anytime during the past 25 years and, as has been stated publicly by highly knowledgeable leaders in our government, at present growth rates the Soviets will have superior strategic strength in the near future," he warns.

Referring to definite deficiencies in the United States' forces, Dominick pointed out that, "The total number of Soviet operational strategic missile launchers exceeds those of the United States by about 400. They are currently producing SS–9s with an enormous megatonage and new Yankee-class nuclear submarines appear almost monthly. They are apparently preparing to test new ballistic missiles and a new strategic bomber. Thus, they are currently in a position to increase substantially their strategic offensive force levels during the next few years and at present show every indication of doing so."

Noting the increasing Soviet influence in the Mediterranean, the Suez Canal, the Red Sea, the Indian Ocean and the Straits of Gibralta, Dominick commented that, "The Soviets continue to build their strategic arsenal and have the capacity and visible intent to continue their expansionist policy backed by the 'muscle' of these forces."

"Soviet naval forces now range through the Indian Ocean, the Strait of Malacca, and the Atlantic and Pacific Oceans, unimpeded and unchallenged. Soviet submarines and warships equipped with missiles now operate off the coasts of the United States, as well as in the Caribbean. Through Cuba and the increasing Soviet influence along the west coast of South America, the Panama Canal is now well flanked," he said.

In answer to the criticism that the United States spends too much on national security, Dominick pointed out that, "The requests for defense outlays for FY 1972 total $76 billion. This $76 billion figure, when expressed as a percentage of GNP, is the lowest since 1951. This same $76 billion, when expressed as a percentage of total Federal spending is 32.1—down from the 42.5 percent of FY 68 and again the lowest since 1950. More than half of the $76 billion requests is for manpower, and so a relatively small amount is left for new equipment and Research and Development."

Dominick concluded by welcoming the SALT talks and the NATO negotiations on mutual troop reductions in the European theater, but added, "We cannot afford to let our strategic deterrent to become second rate if we are to avoid the increasing risk of nuclear crisis through Soviet adventurism."

IT'S TIME TO WAKE UP TO OUR MILITARY DECLINE

(By James J. Kilpatrick)

Seven members of the U.S. Senate went to a good deal of trouble one day last week in an effort to voice a collective warning against the alarming decline in America's military power. They arranged a special order; they prepared their speeches with care; they released the text in advance; and they held the Senate floor for more than an hour.

But to judge from local reaction, they might with equal effectiveness have hurled their Catonian cries upon the summer wind. There was no local reaction. The national security has become, not a bore exactly, but a matter of sullen indifference. Members of Congress, by and large, do not want to talk about it; they do not want to hear about it. Their ears are numb and their senses dulled. They want to go home.

It will be small consolation, one of these days, to call a roll of those who were right in 1971. Unless their warnings are heeded—and not merely heeded, but acted upon swiftly—the United States assuredly will wind up as No. 2 among the powers of the world. The implications of that somber prospect cannot be precisely defined, but they can be vividly imagined.

These were the seven who spoke last Thursday: Thurmond of South Carolina, Byrd of Virginia, Dominick of Colorado, Gurney of Florida, Buckley of New York, Curtis of Nebraska and Brock of Tennessee. Other senators, of course, have spoken to the same effect on other days; one thinks especially of Henry Jackson of Washington, Barry Goldwater of Arizona, John Stennis of Mississippi.

The warnings they have delivered in the Senate have been buttressed by outside authorities. Nearly a year ago the President's "Blue Ribbon Defense Panel" raised an urgent cry of alarm. The American Security Council has grown hoarse with protest. Such respected magazines as Life and Reader's Digest have devoted pages to expert analysis of the deteriorating situation. On the very day the seven senators spoke, the authoritative Jane's Fighting Ships released a chilling report on Soviet gains and American declines.

Yet the erosion continues. One is hard put to identify the reasons. The war in Vietnam—this exhausting, inconclusive, wretched war—doubtless is the primary cause; it has left death and debt and disenchantment in its wake. The high cost of preparedness is another factor, especially at a time of deficit finance and heavy obligations here at home. The anti-militarism of leading intellectuals and dissident youth surely has contributed. And the Pentagon itself, by creating an image of ineptitude and waste, has hurt its own cause.

It is not so important to fix the blame; but it is critically important that the American people understand what is happening. In terms of offensive and defensive capability, the United States steadily is falling behind Russia.

In two classifications only—aircraft carriers and missile-launching submarines—the United States retains a superior position. There is not much comfort here. With its prodigious land mass, the Soviet Union has seen no reason to invest in mobile carriers. Our dominance in nuclear subs (we have 41 with Polaris-Poseidon missile capability) probably will be lost by 1975.

Everywhere else the picture is bleak. Curtis devoted his speech to the uncertain future of our new B1 manned bomber. It is intended eventually to replace the aging B52—but that eventuality is at least seven years in the future. "For some obscure reason," said Curtis, "every heavy bomber ever built by the United States has fought its stiffest battle in Congress." The B1 is no exception.

Dominick dispassionately reviewed the astonishing growth of the Soviet navy. Thurmond implored his colleagues to ponder the meaning of Soviet first-strike missile installations. Buckley pleaded that a whole "new strategy" is needed. Brock urged that the spectre of an "arms race be disregarded: How can there be a 'race,'" he asked, "when one of the contestants isn't even running?"

The long colloquy provoked no debate in the Senate. It drew scarcely a line in the local papers. What is required, one asks in despair, to wake up the Congress, to wake up the people?

LIMITATION ON CAMPAIGN EXPENDITURES

Mr. TALMADGE. Mr. President, on Thursday, August 5, the Senate took what I believe to be an important step toward restoring the credibility of the American people in their elected Representatives. We have heard much in recent months about this loss of credibility. One of the primary complaints has been that America's elected officials are no longer readily accessible to Americans. This charge has been based on the idea that the skyrocketing cost of election campaigns has created a situation wherein the only way a candidate can raise enough money to run for office is by obligating himself to a dangerous degree to wealthy vested interest groups.

In limiting campaign expenditures and promulgating disclosure requirements, the Senate has gone a long way toward alleviating this problem. I endorse, therefore, the passage of this legislation with only one minor reservation.

Much has been said recently concerning the growing threat of Government interference in the private economic sector. The various outlets of the media who sell advertising time to candidates are obviously competitors in the economic arena. In enacting this legislation, we have been forced to compromise their interest somewhat to advance the interests of the general public.

But there is one area of this legislation in which I believe the Senate went too far in that direction. I refer to the so-called "lowest unit rate" requirement. Simply stated, this portion of the bill requires broadcasting stations to charge, "the lowest unit charge of the station of the same class and amount of time for the same period." This requirement would be in force for the 45 days preceding a primary and the 60 days before a general election.

This means that a candidate for office, by congressional decree, would be entitled to the best possible rate available on the advertising market.

The power to use the congressional licensing power to fix prices is one which should be exercised very carefully. In my judgment, it is appropriate only to combat inflation or to deal with some other serious national emergency. Clearly, there is no such situation present here. The immediate beneficiaries of this legislation are the candidates themselves.

Senator CARL CURTIS introduced an amendment to delete this provision, and I supported that amendment. The opponents of the amendment say that we are not fixing prices since the lowest unit rate is set by the individual station. This seems to me to be nothing more than playing with words. If we are not fixing prices, we are certainly regulating them, and we are doing so in our own self interest.

The opponents of the amendment also argue that the ultimate beneficiary of this provision is the general public. I would like to examine this for a moment in light of my own situation. According to the Bureau of the Census, in 1972 there will be some 3,111,000 Georgians of voting age. Using the formula contained in the legislation, I would be allowed to spend some $187,000 for advertising in the broadcast media in a 1972 Senatorial election campaign. In 1968, when there was no such lowest unit requirement, Vice President HUMPHREY spent some $6 million for broadcast advertising. I would thus be allowed to spend approximately 3 percent of what the Vice President spent. The Bureau of the Census also informs me that in 1972, there will be some 139.5 million Americans of voting age in 1972. In other words, I will be able to spend 3 percent of what the Vice President spent while attempting to reach only 2 percent as many voters as he did.

This demonstrates clearly that under the present provisions of the bill, the access of a candidate to the broadcast media would be more than adequate whether or not there is any requirement that the candidate be extended the lowest unit rate.

Therefore, while I was delighted to see the passage of this legislation, I was indeed distressed that the Senate saw fit to interfere in the private economic sector in an area in which I strongly feel that such interference was unnecessary.

VIETNAM EXPENDITURES

Mr. GRAVEL. Mr. President, it becomes increasingly apparent that there will be no more quick dividends from the winding down of Vietnam expenditures—if indeed there ever were any. If the present administration has its way, the price of maintaining our defenses is bound to balloon, for it has never adequately addressed itself to the issues of where the real interests of the United States lie and how the military requirements of true national defense differ from the demands imposed by continuing our present policy of garrisoning troops worldwide.

While the President makes much ado over his new policy of self-help for the countries of Asia, and while he speaks of shifting contingency planning from a posture of preparedness for 2½ to 1½ wars, he nonetheless avoids the hard decisions we must eventually face in reducing the scale of our worldwide commitments. Instead he continues to request troop strengths in excess of 2.5 million and to deploy them at farflung bases around the world despite the nominal retrenchment to a 1½ war strategy.

Nothing in the Nixon doctrine gives me any confidence that this administration has learned the real lessons of the war in Vietnam. It has learned only one kind of lesson: Do it differently next time. Do it by stealth; do it through the corruption of foreign officials. Wage war by air, but not on the ground. Do it by sending American troops, but in civilian clothes. Do it with the CIA—as in Laos—not with army regulars.

But the solution to worldwide military intervention is not disguising it, but stopping it. And the only way to stop it is to reconceive our whole scheme of worldwide objectives such that we do not invite involvement in war through the very means by which we purport to provide for the national defense. This means that we must reduce our troop commitments abroad and cease to play the world's policeman, realizing that certain events in the world—distressing though they may be—are of neutral significance to the well-being of the United States. The only other alternative is to come to be regarded as the world's most notorious outlaw.

What we require for the United States is a whole new concept of Foreign Policy which steers a prudent course of international risk-avoidance, instead of the courting of and preparation for improbable risks. It must bolster at every occasion our respect for, and reliance upon, International Law and Cooperation as peaceful means of settlement, rather than insisting on an American solution that leans heavily on the decisive and lonely use of force.

It is time to admit frankly that we cannot afford, and do not choose any longer to sustain, the role that a succession of presidents have chosen—or claim to have had thrust upon them. Tens of thousands of American dead, hundreds of thousands of Vietnamese dead, and more than $100 billion spent on destruction and devastation have taught us that much.

The dramatic reversal called for cannot, moreover, be bought with belated, piecemeal efficiencies. Such hopeless and half-hearted efforts will only see the so-called "peace dividends" counted on by the American people gobbled up by cost escalation of particular weapons systems, general inflation, and climbing service-pay scales. The only place to go for large savings is the conventional force structure.

First, we should realize that strategic forces—nuclear missiles, submarines, bombers, anti-missile systems, and air defense—though extremely expensive in absolute terms, are only a quarter of our total defense budget. For fiscal year 1972, for example, our total bill for strategic items, including the associated research and development, intelligence, and general overhead, will be about $20 billion out of $76 billion. Percentages are even lower in the manpower area. Strategic force strength for fiscal year 1972 is estimated to be only 139,000 men, or less than 10 percent of the total force level.

Even a fairly wide range of feasible options—ranging from a low posture, stressing a single, sea based retaliatory system, to a program of modernization of all three redundant systems—ICBM, SAC, and polaris—plus ABM and Air Defense—would run only about $6 billion to $8 billion in either direction from the $20 billion already budgeted for strategic defense.

On the other hand, general purpose forces—what we keep in our force structure to cope with threats to allies, to sea lanes, to our various interests in foreign countries, to our supposed interest in preventing political change in client states—are $56 billion. This breaks down to about $22 billion for NATO, about $19 billion for Asia besides Vietnam, about $9 billion for continuing Vietnam expenditures, and about $6 billion for the central strategic reserve and the rest of the world—the so-called "½ war" or "minor contingency."

Reducing our general purpose and support forces not only makes good

budgetary sense; it is the only sane course to follow if we are not to become embroiled in future Vietnams. Already—before we have even succeeded in extracting ourselves from that first tragedy—documentation is becoming available which reveals our deepening involvement in hostilities in Laos.

We must begin now to withdraw from our wide-ranging commitments, to bring our troops home, and to deactivate them. The place to begin, of course, is with a prompt pullback of all our forces in Vietnam. But there are other areas as well where immediate, although more limited, reductions are possible: Air Force personnel in Thailand and Laos, support and headquarters units in Japan, tactical bombing and logistical units in Okinawa, excessive general purpose forces as well as those operating tactical nuclear weapons in Korea, refueling and intelligence units in Taiwan, Southeast Asian support units stationed in the Philippines, and excessive support troops in NATO.

Obviously, long range planning and consultation with our allies will be required for the intelligent paring of forces which we must undertake in order to return to the sane military posture we abandoned a quarter of a century ago. This is a project not of a few months or of a few years, but of a decade. In the next few months I will be developing a more comprehensive program for just such a staged withdrawal. However, this year, in fiscal year 1972, we can make a beginning with reductions in the areas I have already suggested.

What I contemplate for this year is an overall force reduction to a level slightly above 2 million men. Moreover, as of July 1, 1971 it is a requirement of law that these reductions in force strength be made. With the expiration of the draft law last month came also the expiration of the suspension of the military personnel ceiling, which has for a number of years now given the President a free hand in determining troop strength. This free rein of the President to employ, for all practical purposes, unlimited manpower in military adventures, together with his unbridled authority to compel through the draft whoever was unwilling to serve, is what made possible executive escalation and expansion of the war without congressional approval.

But now this suspension has expired, and the legal limit on average active-duty strength of the armed forces is as follows:

Army, 837,000 (10 USC 3201).
Navy, 500,000 (10 USC 5401).
Marine Corps, 400,000 (10 USC 5402).
Air Force, 502,000 (10 USC 8201).

The present force strengths, as preliminarily determined June 30, 1971, are:

Army	1,123,811
Navy	622,890
Marine Corps	212,306
Air Force	755,480

The total difference between these actual figures and the legally authorized levels is 663,181 men. But this figure is not the most relevant one, as the important comparison is between the authorized average strength actually in effect and the authorized average strength which would have been in effect had the draft bill passed before July 1. This comparison yields a somewhat smaller figure, with required service cuts as follows:

Army	137,309
Navy	113,619
Air Force	253,635

No change in Marine Corps Force levels would be necessary, as their present strength is below the authorization. Total cuts would consequently amount to 504,563 men. The remaining average active-duty troop strength would be about 2.05 million men, not as low as we eventually need to go, but a respectable beginning. It is only our relatively recent military excesses and overextensions which might lead some observers to regard this as an unduly low troop strength.

Between the two world wars the Congress limited the number of men who could be inducted or trained in peacetime to 900,000. Perhaps more important, persons inducted into the land forces of the United States during this period could not be employed beyond the limits of the western hemisphere except in the territories and possessions of the United States.

Again, after World War II the size of the peacetime force was severely limited by Congress. Whereas in 1945 active duty personnel had been at an all-time high of 12,124,418, by June 1947 their number was reduced to 1,582,999. Even as the cold war developed in 1947 and 1948, the Congress maintained control over the size of the Armed Forces, setting active-duty personnel ceilings of 837,000 for the Army, 666,000 for the Navy, and 502,000 for the Air Force. It was at the outbreak of the Korean war that these ceilings were suspended, and it was this suspension which remained in effect from 1950 until its expiration this past month.

Some may think that these lower troop levels today would not leave the United States sufficient flexibility to meet a true military emergency, but history does not support that view. On December 13, 1941, less than 1 week after Pearl Harbor was attacked, Congress suspended the 900,000 force ceiling previously in effect. Congressional response was almost as rapid with the outbreak of the Korean war, which began June 25, 1950.

By August 3 the force ceilings were once again suspended.

The more probable effect of scaling down our force levels and undertaking a thoughtful retrenchment in our commitments abroad would be a lessening of the tensions which today make use of our military might in one emergency or another a high probability. Once reduced, our Armed Forces would still be sufficient to meet any challenge to our own national integrity or to aid those allies with whom we truly share common interests. Troop levels of approximately 1.5 million men provided an adequate peacetime force 25 years ago, and there is no reason similar numbers cannot suffice in the era of the electronic battlefield, when military success is less than ever dependent upon how many bodies can be thrown onto the line.

The course I am suggesting is not a return to isolationism, with its refusal to accept responsibility for anyone but oneself. A continued commitment to our policy of worldwide military interventionism would in fact constitute the profoundest abdication of responsibility and resort to lawlessness. Whatever moral force we may have had in the world has been lost over the last two decades, and the only hope of regaining it rests with our decision to return to a policy of collective rather than unilateral military action.

In my estimation, the motive force behind the Mansfield amendment to reduce force levels in Europe was the conviction that unilateral troop cuts are safe, and in fact in our best interest. No Senator or Congressman would vote to place in jeopardy what he thought to be the core of his country's security.

There is the widespread feeling that, just as war preparations are unilateral, arms buildups are imitative, and military assistance levels are responsive, the same geometry applies to downside moves. There is not the perception that our adversaries are implacably aggressive, unappeasable, and unimpressionable.

The decisions we must make are political matters, not matters of expert estimation. They are rough matters, not matters of intricate force calculations. They are diplomatic matters, not strictly military matters. They are matters which we must decide here in the Senate, in the Congress, in order to return this country to a sane defense program and a realistic world posture.

FUNDING FOR OLDER AMERICANS ACT HIGHEST IN ITS HISTORY

Mr. CHURCH. Mr. President, earlier this year there was much gloom in the field of aging, and with justification.

The Administration on Aging—the Federal focal point for 20 million older Americans—was being systematically downgraded by reorganization moves which had the effect of dismantling this unit. Concern was expressed on several fronts about "foot dragging" in connection with preparatory activities for a once-a-decade White House Conference on Aging. And the budget request for programs under the Older Americans Act was cut beyond the bone, $2.5 million below the 1971 appropriation figure.

In March, the Committee on Aging, of which I am chairman, and the Subcommittee on Aging of the Labor and Public Welfare Committee conducted hearings on these issues.

A month later the administration rescinded its original budgetary request, and upped the ante by $10 million—to $39.5 million. Welcome as this action was, it still only represented about 38 percent of the authorized funding level.

In July, the ranking minority member of the Committee on Aging (Mr. PROUTY), several other Members of our committee, and I helped to lead a bipartisan effort to win additional funding under the Older Americans Act. This resulted in a $10.5 million increase by the Senate, raising the funding level to $50 million. Later this amount was pared down to $44.75 million in conference committee.

But the net impact of this action today is that this struggle, spanning 5 months, has resulted in a $15.25 million increase above the administration's original budgetary request of $29.5 million for the Older Americans Act. This represents a 52-percent raise above the initial budget estimate. And this represents the largest appropriation in the history of the Older Americans Act.

This action also has other far-reaching implications. It clearly demonstrates that the field of aging is far too dynamic to be shunted aside. And it also reveals that bipartisan congressional action can obtain more adequate funding for programs now serving more than a million older Americans.

Mr. President, I ask unanimous consent that a table describing the increases in funding for the Older Americans Act be printed in the RECORD.

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

OLDER AMERICANS ACT APPROPRIATIONS

[Dollars in thousands]

	Original fiscal year 1972 budget	Revised fiscal year 1972 budget	Fina appro-priation
Community programs	$5, 350	$9, 000	$12, 000
Planning and operations	4, 000	4, 000	4, 000
Areawide model projects	4, 000	5, 200	5, 200
Research and demonstration	1, 800	2, 800	2, 800
Training	1, 850	3, 000	3, 000
Retired senior volunteer program	5, 000	5, 000	5, 000
Foster grandparents	7, 500	10, 500	12, 750
Total	29, 500	39, 500	43, 750

MIKE PETERSON, OF YATES CENTER, KANS.

Mr. DOLE. Mr. President, the State of Kansas has always had reason to be proud of its young men and has seen them recognized in many ways both within our State and throughout the Nation. The latest young Kansan to receive widespread attention is Mike Peterson, of Yates Center, who is the cover subject of this week's Sports Illustrated.

Mike's story is, I believe, more than just an account of an outstanding young man and his record of honors and achievements. It is also a story of the heartland of America and the people who make it such a wonderplace to live in and a source of great strength and vitality for the entire country.

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 Sports Illustrated, Aug. 9, 1971]

THE GREATEST ATHLETE IN YATES CENTER, KANS.

(By William Johnson)

This is a story about a star and the galaxy in which he shines. It is about the very best all-round athlete in Yates Center, Kansas, the Hay Capital of the World.

You may ask—why? Well, one day a letter arrived at this magazine, unsolicited and buried deep in the envelope thickets of a mailbag, from a Yates Center barber. It was scrawled in ballpoint on lined paper torn from a spiral notebook, and it spoke glowingly of Michael Leon Peterson, 18, Yates Center's "once in a lifetime athlete." The barber wrote of how Mike Peterson, the football star, had been voted the most valuable player in the Tri-Valley League on both offense and defense, how he had scored 103 points and intercepted nine passes, how—as runner, passer, punter, placekicker and punt returner—he had led the Yates Center Wildcats to their first Tri-Valley League championship in history.

The barber wrote of Mike Peterson the basketball star; how he had averaged 21.2 points per game, how he had led Yates Center to its very first Tri-Valley League basketball championship, how Mike had subsequently made "everybody's" Class 2A All-State team in Kansas and was voted the most valuable Class 2A player in all of Kansas.

The barber told how Mike Peterson, the baseball star, last season led the Yates Center American Legion team to its third straight Class B state championship, how he was the No. 1 pitcher with a 9-2 record and a 1.21 ERA, how he batted .398 and how he was chosen to the All-Kansas team. The barber also threw in the fact that Mike Peterson ran a respectable, if not mind-blowing, 440 in track (51.8) and had been a member of Yates Center High School's record-breaking one-mile relay team. The barber failed to mention that Mike Peterson also played the saxophone and was president of the YCHS band.

Yates Center is out on the far prairies of southeast Kansas. It is about 100 miles from Wichita and at the end of an unremarkable two-hour drive from Kansas City, Mo. The roads to Yates Center pass many gnarled groves of blackjack oak and broad fields of soybeans, milo and, of course, hay—as well as a few billboards advertising a miracle fertilizer or plant food with the hardsell words "Put More Jack in Your Beanstalk." As for Yates Center itself, a brochure map of the village was printed some years ago to guide and encourage an onslaught of commerce and industry which never materialized, except for one jacket factory that employs about 90 women. The map indicates that Yates Center is "Midway U.S.A." in that it sits 800 miles from both the Canadian and Mexican borders, and 1,400 miles from both the Pacific and Atlantic shores. The brochure also notes that 17 of the country's 55 largest cities are within one-day trucking distance of Yates Center, and it describes the village as "Crossroads U.S.A." because it is spotted squarely at the intersection of U.S. 54, which streams northeast to Chicago and southwest to El Paso, and U.S. 75, which flows north to Winnipeg and south to Houston.

Inside Yates Center proper, U.S. 75 is called Fry Street and U.S. 54 is called Mary Street. If someday you happen to be motoring along Mary Street on your way from El Paso to Chicago, you may wish to take notice of a small grayish asbestos-shingled house set next to the Standard Oil station. That is the home of the best athlete in Yates Center. And if you happen to glimpse a young blond fellow adrift on the wooden swing dangling from the front porch ceiling, you may want to wave or honk your horn or stop and get his autograph, because that will be Mike Peterson.

Perhaps you will not be awed by him. He is pleasant enough and good-looking, but you will probably not feel overpowered by the physical presence of a living legend. Mike stands but a brave 5'10" tall and weighs no more than a courageous 155 pounds. He is a lean and well-washed boy, with all that is open and innocent about the plains of Kansas showing in his face, in his summer-sky eyes and even in the comb-furrowed bangs that are that are bleached the color of corn from many blazing August days of helping in the hellish, itchy harvest of the celebrated local hay crop. He speaks in a high-pitched voice with the drawling twang of a plainsman. His grammar perhaps owes more to Wyatt Earp than to William Allen White. "It don't matter what game it is, I try to do as good as I can," says Mike Peterson.

They know that around Yates Center, all right. Mike is a paragon there. Some people—Gaylen Rodgers, the high school basketball coach, for one—offer him the ringing classic accolades such as, "If I had a son, I'd want him to be exactly like Mike Peterson." Some people, like Arylene Haynes, pretty wife of a state trooper and current president of the exuberant Yates Center Quarterback Club, are merely very, very complimentary: "Mike is a great player and an even greater person." Clarence Newton, assistant football coach and phys ed teacher at YCHS, awards him a kind of superstatus: "A boy with the talents and attitudes of a Mike Peterson might come along once in a man's coaching career—but more likely never at all." Dick Clasen, editor of the weekly *Yates Center News*, sees young Mike from an even broader perspective: "There is no doubt in my mind that Mike Peterson will be a legend around Yates Center and even Woodson County for years to come. The only thing that could ever stop it is his lack of The Big Head. The boy just will not brag about himself."

That is true. Mike is modest, very modest. In Yates Center that trait seems almost requisite to his prowess at sports: to hear people talk, the lack of The Big Head is perhaps third only behind godliness and cleanliness in the book of virtues. For example, Mike's widowed mother, Doris Peterson, a cheery matronly lady who works for the newspaper, said, "The veterinarian here in town said to me just the other day that to him the nicest thing about Mike is that his honors have not gone to his head. This is the best thing a mother could hear, of course." Jack Gibbs, a friendly sunburned fellow who is an engineer for the Kansas highway department in town, said that he had lived in perhaps half a dozen different towns in his life and that he had yet to see an athlete as modest as Mike Peterson. "Why, I've sat in the barbershop here time and time again," said Gibbs, "talking about things Mike did in games, with Mike setting right there, too. But he don't brag, he don't even help carry the conversation when you're talking about him. Yon can make him smile, but not talk about himself. The Big Head never hit Mike."

The Big Head is not unknown in Yates Center. Wayne Jaynes, an insurance man and P.A. announcer for 20 years at YCHS football games, recalls a classic pre-Peterson case. "This one boy—oh, he was a star, all right—he and his father used to call me up after games and bawl me out for not announcing the kid's plays with more excitement in my voice. They'd chew me out, too, for not giving the boy more adjectives in my write-ups in the paper. Oh, they were a surly lot. But Mike? He's the nicest, most modest boy in town."

Possibly he is. A stranger came to Yates Center recently in a rented car and drove through the green and leafy streets with Mike at his side. Almost everyone walking the sidewalks or driving by peered intently at the rented car, then waved enthusiastically at Mike. The visitor remarked to Mike that he must be a dazzling celebrity indeed if people sought him out even when he was concealed in a strange car. Mike flushed. "Naw, when a car they don't recognize comes into town, people look real close to see who's sittin' in it. When they seen me ridin' with you, they just waved. They'd do it for anyone in town."

Perhaps they would. Yates Center is a snug little island in the Kansas seas. There are 2,178 souls in residence, and their lives are pretty much directly focused on each other. The politico-socioeconomic center of town is the square, a grassy, tree-shadowed

patch of ground graced by a fine old prairie-Victorian grandma of a building, the Woodson County Courthouse. It is a doughty, nostalgic, red-brick pile of the kind too often torn down now and replaced by a cold and up-to-date thing made of tinted glass and glazed beige bricks. The Woodson County Courthouse lends a style and dignity to Yates Center and to the shops and offices and stores lined up across the street around the square. The people on the streets do not hurry. Many of them are farmers in sunclean bib overalls, lounging on benches at the edge of the square. And many of them *do* look up and scrutinize every car that cruises by.

Anonymity is unkown and privacy seems to exist more or less to be invaded. People say that locked doors are a rarity day or night, and most everyone has become accustomed to knowing an enormous amount of detail about everyone else. Yates Center knows who ate supper in the backyard last night, who had a new thermostat installed, who did or did not make his contribution to the Quarterback Club for buying films of the high school games, who takes cream in his coffee. Yates Center knew all about it a year or so ago when Mike Peterson temporarily quit going steady with cheerleader Rhonda Hanson because a friend told him that a steady girl might weaken his concentration on basketball. Yates Center knew all about it this spring when Mike road his beloved Honda motorcycle off a steep drop at the quarry and escaped with a few scratches. Yates Center knew all about it a few weeks ago when Mike's mother ordered him to get his hair cut because it had begun to crowd the tips of his ears.

It is probable that Yates Center would have known all these things even if Mike Peterson *weren't* the best athlete in town. But fame and acclaim have followed at his heels like a devout (though rather small) dog for most of the years of his life in Yates Center.

He began playing in the peewee baseball league at the age of seven, a year before he was really eligible. In his scrapbook there are yellowed clippings from days when Mike Peterson was a mere wisp of a child who still could lead the local midgets to a state baseball title by pitching the same game he won with a two-run homer. Mike has two older brothers, both fair athletes in their day, and two older sisters. His father, Paul Peterson, died three years ago, and the kids of the high school dedicated the yearbook to his memory. He had been many things in his life, the last few being a salesman of cemetery monuments, a school bus driver and the director of Yates Center's summer recreation program. "Paul Peterson was 10, 15 years ahead of his time," says Jack Gibbs. "He was a pitterer and he never cared much about money or having a big house in the suburbs. There are lots of pitterers now, they come out of college that way. They don't care to set the world on fire. Money don't matter. Paul Peterson was that way, a pitterer."

Especially since his father died, Mike Peterson has been the apple of Yates Center's eye, a boy to watch, a boy to emulate. And now his name has come to be a power among the children of the town. Many little boys can see no better future in all the years ahead than to become the world's next Mike Peterson. Some include his name in their prayers, and many young Yates Center mamas habitually use his name to persuade stubborn children to take their naps or wear their galoshes or swallow their rutabagas, because Mike Peterson takes, wears or eats *his*. Few men in town—preachers or politicians or the Rotarian dedicated—have had their pictures in the paper as often as Mike Peterson. There he is—No. 22 leaping for a rebound; No. 24 looking bemused yet rakish in football togs, eye lamp-black and the football Homecoming King's crown. There he is, the boy with the big grin behind the big trophy or the stiff and grim-looking fellow posing in the formal picture with his team. Perhaps no one in town has been talked about as much as Mike Peterson—in the barbershops, the gas stations, at morning coffee sessions in Baker's Drug Store, at lunch at Woody's.

Doesn't being in a constant spotlight bother him a little? No, it does not. "The pressure of being well-known don't get to me," says Mike. "I'm used to it. I know people used to watch me when I was settin' in the bleachers during B team games. They'd watch my leg to see if it was jigglin'. See, I got in the habit of jigglin' my leg before a game, and people'd look at it and they'd say 'Well, Mike's ready for a good game tonight because his leg's goin' real good.' That never bothered me. I just always try to be myself."

Mike's fame has spread, of course, beyond Yates Center. "Sometimes I go over to a town before a game, you know, and I'm on the street and kids I never seen before come up to me and say, 'Hey, why did you come here? We was hoping to win.'" In Garnett and Humboldt and Cherryvale, in Fredonia and Eureka and Neodesha, they know Mike well. His face is familar and so is his jump shot and his quick curve and his famed "limp leg" (not to be confused with his famed jiggling leg) which he used often to maneuver through broken fields for touchdowns. Mike even recalls, reluctantly and red-faced, the night someone from out of town asked him for his autograph. "It was over to Hutchinson during the state basketball tournament, and some kid—must've been a junior, even—come over and asked for an autograph, I tried to talk him out of it for a while, but then I give it to him. Then he said some guys had bet him 50¢ he didn't dare ask me for it. He said, 'But we all think you're a pretty good player, anyway.'"

Besides the clippings from the *Yates Center News*. Mike's scrapbook contains stories from the *Chanute Tribune*, the *Coffeyville Journal* and the *Iola Register*, as well as the *Witchita Eagle*, which relayed word throughout the state of Kansas that "with another player like Mike Peterson, Yates Center would be unstoppable." Among his most prized mementos is a collection of tape casettes, the broadcasts of Yates Center's basketball tournament games as they were beamed out last winter over KKOY in Chanute. Again and again, now in the hot, slow dog days of summer. Mike can sit dangling on his porch swing, his tape recorder blasting at his ear, gazing happily into the past as the authoritative voice of KKOY's Jerry Pryor shouts: ". . . the ball goes to Mike Peterson! He dribbles twice! He's in the corner! He jumps! He shoots. It's *good!* It's good, and *Yates Center regains the lead.* . . . "

So he is canonized in newsprint and on electronic tape. But being a Mike Peterson in a town like Yates Center goes farther than that. For Yates Center has a deep and abiding civic commitment to sports, even an obsession. "This town is so sports-oriented," says Arylene Haynes of the Quarterback Club, "that you'd think that's all there is to do—and maybe it is." Last year the *Yates Center News* frequently printed stories about its teams on Page One with thick black headlines that were two or three times bigger than other front-page headlines such as "Governor to be in County" or "Sheriff's Car Goes Out of Control" or "Horse Killed on Highway." "We print what we think is important," says Dick Clasen, "and even though we got some letters complaining about our empasis on sports stores, we felt they were *damn* important."

Indeed, the whole town habitually mobilizes as if it were going to war when a sports project is under way, and there are countless stories about the Jaycees building baseball bleachers and the Jaycees, the Lions and the American Legion playing benefit games to buy a new P.A. system and whole platoons of town fathers pitching in to carve a sleek new baseball diamond out of a rocky pasture. Just this spring the football coach, Marvin Dodd, let it be known that the team could use a new Gladiator weight-lifting machine—price: $2,575. No sooner said than the town turned out en masse to pick up metal beer cans that could be sold for reprocessing. In a short time there were 76,100 beer cans on the courthouse square, plus another 2,500 returnable beer and pop bottles and hundreds of aluminum TV dinner trays. "I know of no other community in Kansas," says Marvin Dodd, "that would show that kind of spirit in supporting its football team."

So it is no small thing to be a star like Mike Peterson in a town like Yates Center. Even now there are unofficial keepers of his legends all over town, each polishing some unforgettable tale of his prowess for retelling to the wondering children of some future generation. Some will tell of the 1970 football game against Neodesha when Mike, defensive halfback, stole a pass from an enemy's very fingertips and raced 85 yards for a touchdown. And then, in that same tense game, with only seconds remaining and Neodesha having just scored to slip into the lead 22–21, the enemy kicked off to Chuck Mossman, a fleet and sturdy Yates Center halfback who is ranked close to Mike for all-round heroics. Mossman tucked the ball to his chest, looked upfield and saw Mike calmly waving him to his side of the field. Mossman veered toward Mike and Mike set out ahead of him to throw one fierce block that felled the only man who could have put a finger on Chuck Mossman. Mike lay stunned on the ground, but Chuck streaked across for the touchdown that gave Yates Center a splendid 27–22 victory.

Some will tell of the night last winter in nearby Burlington when Mike turned into a blond tornado with a basketball and shattered Yates Center's alltime individual scoring record with 43 points, while the team, inspired, raced on to score 100, yet another record. Some will tell of last year's Legion baseball championship in Ransom when Mike batted 3 for 5 and pitched a seven-hit game to win the title.

Some will recall moments which simply reflect a small but brilliant facet of Mike's skill. Jack Steiner, the barber who wrote the letter about Mike, remembers: "He was a lefty, but the sonuvagun could play second base like a dream. And he was even a catcher! And we didn't have no left-handed mitt for him, so he'd catch wearing a right-handed mitt. He'd have to whip off the mitt to make a throw, but they never stole a base on him, not once."

Editor Dick Clasen recalls: "In a game against Sedan, Mike was the deep man on a punt, and the ball was short. It rolled and rolled. A bunch of their boys gathered around it, but the referee hadn't blown it dead. Suddenly Mike jumped in and—oh, his hands were *so* quick—he snatched up the ball, burst right out of that crowd and went for a touchdown. A little later the same thing happened with a punt and their boys gathered around it again. This time Mike just made a fast little fake toward the ball. My gosh, there must have been six or seven kids from Sedan all floundering around on the ball."

And Jack Gibbs tells in hushed tones of a certain baseball game he remembers: "Mike was playing center field and a guy hit a terrific smash out toward center and Mike started running. We didn't have no fence then and Mike run and run and run. He jumped a little ditch, run across a road, jumped *another* ditch and, by God, he caught that ball for an *out*. There was a light mist falling, too, as I remember. And, yes, I believe that game turned out to be a no-hitter for our pitcher after that, too."

If the village of Yates Center had sprung up in some earlier age of man, the legends of Mike Peterson would even now be depicted indelibly upon the walls of a cave or baked in pictures for all eternity upon the polished side of some great urn. But what now? Will the legend live only as it is passed on by word of mouth through Yates Center barbershops of the future?

Not entirely. There are still men who believe in recording history in a more enduring manner. The Woodson County Historical Society has a fine, sunny museum on Mary Street, not more than half a block east of Mike Peterson's own home. The museum is freshly painted white, and its antique displays sparkle as if they had just been put down by their original owners. The Osage Indian arrowheads and the great old hay sickles and the pie crimpers once manufactured in Yates Center, even the huge old turkey platter owned by town founder Abner Yates himself, all seem in mint condition. Lester Harding, the sun-wrinkled farmer who is president of the historical society, says, "A museum don't need to look like someone's attic, you know."

The society has seen fit to preserve, in framed photographs and monographs, certain events in the past of Woodson County—such as the birth of Buster Keaton in 1895 and the visit of President Rutherford B. Hayes in 1879 and the arrival in the county of Thurlow Lieurance, the composer of the song *Falling Leaves*, in 1885 and, most impressive of all perhaps, the sighting on the night of April 19, 1897 by Captain Alexander Hamilton of a brightly lighted, reddish airship with a cigar-shaped cabin 300 feet long. This, it is recorded, was "UFO #1" in the U.S. annals of unidentified flying objects, and Captain Hamilton swore that there were six "strange" beings aboard and that they dropped a red lasso over the neck of a 3-year-old heifer and floated away with the cow while the captain, his son and a tenant looked on helplessly. The heifer was later found butchered in a neighbor's pasture. At the time Captain Hamilton resided on a farm 10 miles outside of Yates Center, and several citizens of the village signed an affidavit testifying to his veracity shortly after he reported seeing the strange ship.

The collection at the Woodson County Historical Society is, then, maintained with an eye for thoroughness and a respect for detail. A few weeks ago Walter A. Bowers, 72, a member of the society's board of directors, added to the museum's collection a thick scrapbook filled with photographs and newspaper clippings of Mike Peterson's athletic career. Bowers said, "There is no doubt in my mind that Mike Peterson is the greatest athlete ever to perform in 100 years in Yates Center. I felt that we should capture his achievements right now and put him on record at the museum as being the best in our history."

Walter Bowers brings to that judgment of Mike's prowess a bit more insight than the average Yates Center citizen might be able to muster. For even though he is gray-haired and a bit paunchy now, with rimless spectacles and the dignified mien one might expect of a retired engineer from New York, Bowers was once a member of the University of Chicago's world-record two-mile-relay team that was coached by Amos Alonzo Stagg. He was an extremely gifted athlete in a number of other events, too. Indeed, in 1924, Bowers finished 11th in the U.S. Olympic trials for the decathlon.

"I considered myself perhaps the best 145-to-155-pound athlete in the world at that time," says Bowers, with a light, modest chuckle. "Since then I have developed many other interests besides sports, of course. For example, I am right now in the midst of preparing a paper on the life of Michelangelo for delivery to the Rotary Club next week. But I have enough background in sports, I think, to know that Mike Peterson is a brilliant young performer. I knew Red Grange when he was at the University of Illinois and I saw him play often. Mike Peterson has Red Grange's same unearthly capacity for breaking tackles. I saw Walter Eckersall play for the University of Chicago, and he was one of the greatest open-field runners ever to play the game. Mike Peterson has the same footsteps and the same tricks as Walter Eckersall. I have seen every basketball game Mike Peterson played, and many baseball games. There is no doubt in my mind that in the full century that Yates Center has existed there has never—*never*—been a better athlete. And I have seen to it that it is so recorded in the history of this village."

So much for the past. Now what of the future for Yates Center's greatest athlete? Well, despite the high marks issued by Walter Bowers and most everyone else in town, there was no heavy campaign from college recruiters to sign him up. Almost certainly that is because of his slight size. Mike will enroll in the fall at the Kansas State Teachers College at Emporia, and he plans to play basketball and baseball. "I hope someday to get to be a pro baseball player," he says. "I probably ain't fast enough to be a pitcher but I figure with some breaks I could make it as an outfielder. If I don't make that, I'd probably want to coach or something like that."

There is, of course, intense interest in Yates Center in what will happen to Mike now that the magic days of high school heroism are at an end. One fellow who could be a little closer to the truth of it all than others is Gary (Hutch) Dixon, 27, another barber in Yates Center. In 1963, Hutch Dixon was graduated from Yates Center High School, an athlete of great repute. As a quarterback he had made All-League, All-Southeast Kansas and honorable mention All-State. He was one of the few boys in the village ever to have won 17 letters from the sixth grade all through high school—a feat Mike Peterson accomplished, too, of course.

"Well, those were about the greatest years I can remember, those high school games and all," says Hutch. "I was going to go on to college, but things got tight and I decided on a trade school instead and I opened up my barbershop here. I've never regretted staying in Yates Center. Hell, I was Mike Peterson's first coach—in peewee baseball. I think Mike is going to do all right from now on. It'll be hard for him in college, maybe. He's never been away from home, you know. He's used to the way it is in Yates Center where everybody knows him and everybody remembers all his big moments in sports. Mike Peterson's a great man in Yates Center—even I tell my 4-year-old he's gotta take his nap because Mike Peterson takes naps. My little boy will do almost anything to be like Mike Peterson."

And that, whatever happens, is a particular slice of immortality that no one else can ever have. It is reserved for the greatest athlete in the history of the Hay Capital of the World.

AMTRAK IS ON THE TRACK

Mr. PELL. Mr. President, for many years I have been speaking before the Senate about the need to improve rail passenger service. It was because I believed that the public would support fast, efficient, clean rail passenger service that I promoted the high-speed ground transportation program in the mid-sixties.

While in the past Congress I was a strong supporter of congressional action to revitalize rail passenger service, I must admit I was somewhat skeptical about the ability of the National Rail Passenger Service Corporation to provide the level of passenger service that is required in our urban corridors.

I had feared that strain of providing long distance service would detract from the Corporation's efforts in the urban corridors. I was most concerned that trains would not be put where the people were.

I am receiving increasing reports that my initial skepticism was not well founded, and I delighted to note that Amtrak, as the National Rail Passenger Service Corporation is known, is doing an outstanding job in putting rail passenger service back on the track.

Scheduling and ticketing services have improved significantly. More trains are running on schedule, and Amtrak employees seem to imbibe a new spirit of enthusiasm.

Roger Lewis, president of Amtrak, is to be commended for the fine effort being made to revitalize rail passenger service.

AVAILABILITY OF CREDIT FOR RURAL REVITALIZATION

Mr. McCLELLAN. Mr. President, the availability of credit is one of the keys to rural revitalization. It can open the door of opportunity and the promise of the good life in America's heartland.

It can help the millions barely eking out a living there to regain the confidence they need to better their lot.

It can restore the faith of countless others who wish to bring about its renaissance.

Earlier this session, I introduced S. 10 to establish a national policy for rural development and Federal spending preferences to achieve that goal. Forty-three Senators have joined me in cosponsoring this measure, which looks toward industrial expansion and manpower training in areas without an adequate economic base for growth.

Credit is a vital adjunct to such growth. That is why I cosponsored S. 1483—the Farm Credit Act of 1971—which recently passed the Senate. For it would provide an enlarged source of capital for our farmers and modernize their special institutions of credit.

But a new momentary lifeline is needed for the millions of others who also live and work in rural America—and who have limited means of obtaining credit. That is why, Mr. President, I am cosponsoring S. 2223—the Consolidated Farm and Rural Development Act of 1971—which would furnish the sums critically needed for helping our economically withering, depressed countryside rebuild.

The credit system this legislation would create—like its farm counterpart in S. 1483—will help to bring about a national financial commitment needed to accomplish the monumental task of rural development.

NEW YORK STATE CONFERENCE ON ALCOHOLISM

Mr. JAVITS. Mr. President, alcoholism has a disastrous impact on our society. There are 9 million alcoholics and the disease now affects directly or indirectly 36 million Americans. Regrettably, it is

the fourth leading cause of death in this country. The gap between need and services has been recognized by Governor Rockefeller and he has announced a statewide conference to focus attention on the seriousness of the alcoholism problem.

In conservative economic terms, the direct annual cost of the alcoholic public health problem is estimated at $15 billion and in human terms, the personal tragedy is immeasurable.

Among the tragic statistics of alcoholism are: Nearly 2 million arrests are made each year for public drunkenness, accounting for about 40 percent of all nontraffic related arrests; about 50,000 people age 15 and older are killed each year on highways, of which more than half have alcohol in their blood at the time of the accident and 20,000 have alcohol concentrations in their blood which substantially exceed that produced by usual social drinking; another 2 million people are disabled as a result of highway crashes of which at least 500,000 disabling injuries directly involve alcoholic problems; approximately one-third—7,300—of all homicides are alcohol related; and alcoholism is the stated cause of death annually on 11,000 death certificates.

New York State, like much of the Nation, suffers from the enormous personal, social, and economic cost of alcoholism. In New York City, alcoholism accounts for approximately one-third of the city's municipal hospital patients and for an even larger number of patients in mental and tuberculosis institutions.

I commend Governor Rockefeller's action and bring it to the attention of my colleagues and ask unanimous consent that a New York Times article of August 1, 1971, by John Darnton entitled "Governor Announces a Full Conference on Alcoholism" be printed in the RECORD at the conclusion of my remarks.

I believe that the convening of a statewide conference by Governor Rockefeller, which will include representatives from business, labor, major civic groups, and State agencies involved with the problem of alcoholism, can serve as a model to all States. I believe the concept of statewide alcoholism conferences merits the attention of all State governments.

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

GOVERNOR ANNOUNCES A FULL CONFERENCE ON ALCOHOLISM

(By John Darnton)

Governor Rockefeller announced yesterday that he would convene a statewide conference this fall "to call attention to the seriousness of the problems of alcoholism."

Participants in the conference, to be held in New York City, will include representatives from business, labor, major civic groups and state agencies.

The Governor's action was taken in response to a voluminous report entitled "Alcohol Abuse and Alcoholism" prepared during the last year by the Citizens' Committee on the Problems of Alcohol, which was appointed by Mr. Rockefeller.

The study concludes that alcoholism is "a major health problem," wreacking enormous economic loss and personal suffering, that remains largely misunderstood, untreated and ignored.

"Who are these alcoholics? A recent national survey made by the Controller General estimated that 95 percent of them were employable, family-centered individuals and 5 percent persons from skid row. There were three men to every woman alcoholic.

"As concerns education, an estimated 50 percent have attended or graduated from college, an additional 37 percent attended high school and 13 percent more grammar school. As to employment, an estimated 45 percent were professional or managerial workers, 30 percent manual laborers and 25 percent white collar workers."—From a study by the Citizens Committee on the Problems of Alcohol.

It says that the number of alcohols in the state may run as high as 800,000, but concedes the figure is only a crude estimate. The number is based upon extrapolation, since the disease—socially acceptable in its early stages and socially stigmatized in its later stages—is basically unreportable.

The study presents a series of 14 recommendations, most of them concerned with mobilizing the forces of state and local governments in a coordinated effort to attack the illness.

Although alcoholism is difficult to report, the study finds, it is not difficult to trace: it figures in at least half of all highway fatalities, contributes to crime, clogs the jails and the courts, drains profits from industry, destroys marriages and causes suicides.

"The sheer size of the Alcoholism problem in New York State and the costs of all kinds to the alcoholic individual and his family as well as to the community and the employer combine to make alcoholism one of the top health problems in the state and the nation," the report says.

The study from the 27-member advisory committee was requested by the Governor after he voted a bill in April, 1970, that would have established a Temporary State Commission on Alcoholism, on the ground that it violated separation of powers between the executive and legislative branches.

BACKS CITY REPORT

The 208-page document reaches some of the same conclusions as a report on alcoholism in March by the city's Health Service Administration. The report said there might be as many as 300,000 alcoholics in the city alone.

A basic conclusion of the state report, and one which is gaining acceptance in the medical profession, is that alcoholism is an illness, one with psychological and social complications.

As such, the report maintains, it is treatable: it can be diagnosed, arrested and perhaps one day prevented with adequate financial and public support for rehabilitation facilities and research.

A major obstacle, the report makes clear, is an attitude that persists in viewing alcoholism as a "moral disease." This attitude is seen in employers who discharge alcoholics rather than establish program to help them and physicians who are reluctant to admit alcoholics to hospitals.

On a statewide level, the report finds that services for alcoholics are "both fragmentary and inadequate." A portrait emerges of a plethora of departments and agencies—correction, parole, health and welfare, motor vehicles—whose operations are vitally affected by alcoholism but contain little provision for its treatment.

Accordingly, the report concludes that an approach to the "core program" within a single state department, with united support from numerous other departments and complementing programs by local governmental and nongovernmental agencies.

It recommends that the Governor designate the Department of Mental Hygiene as "the single state agency" to coordinate the effort through an Alcoholism Prevention and Recovery Center. It calls for the establishment of a State Advisory Council on Alcoholism to work toward interagency collaboration.

GOALS DEFINED

Three basic goals are outlined: to move the handling of alcoholics into "the mainstream" of medical care, to undertake research into the prevention of alcoholism and to remove the alcoholic from the criminal judicial system into a therapeutic setting.

The committee reached its estimate of the number of alcoholics from a formula "of questionable value" devised in the nineteen-forties by Dr. E. M. Jellinek, who has since recommended its disuse. It applies the incidence of cirrhosis-of-the-liver deaths and a complex of other factors to large populations.

Applying the formula to 1970 census figures for the state population of 17,979,712, the figure reached is 791,107. It is, according to the report, a figure "so vast as to defy the possibility of being reached in treatment if they [the alcoholics] all wanted treatment now."

Statistics derived from reported cases of alcoholism are also unreliable and difficult to compare, the report cautions, because they vary with differences in detection and social acceptability. But more point to an increase.

In 1959, Harrison Trice of Cornell University, estimated alcoholics in the work force, where they are concentrated, at 3 percent. In 1968, the National Council on Alcoholism estimated that 5.3 percent of the work force, in the United States, excluding the military and the self-employed, was alcoholic. The cost to employers was put at $4,276,033,000.

The Rutgers Center of Alcohol Studies has shown a rise in per-capita alcohol consumption among the drinking-age population, from 2.03 gallons in 1947 to 2.45 in 1968. The comparable figures for New York State were 2.40 and 2.95.

The largest proportion of alcoholics, the report states, are "in the early and middle stages of their illness and are still a part of stable life," with both homes and jobs. Only 5 percent are of "the late-stage skid-row type."

But there are plenty of statistics to show the "destructive effect" of excessive drinking on many facets of their lives, such as the following:

An estimated one-fifth of all divorces are related to alcoholism. In one study, 23 to 27 percent of the alcoholics had broken marriages and 18 percent acknowledged a suicide attempt.

Nationally, alcohol is associated with 50 percent of all fatal motor-vehicle accidents. In 1965, 31 percen of close to five million arrests were for public drunkenness and another 10 percent for drunken driving.

TWO STRIKES AGAINST AGING

Mr. CHURCH. Mr. President, a few weeks ago, the House and Senate rejected Senate Resolution 108, which would have disapproved the administration's reorganization plan for establishing a new volunteer agency—ACTION.

The effect of this action was to bring under one umbrella such diverse programs as foster grandparents, Peace Corps, the retired senior volunteer program, Volunteers in Service to America, Active Corps of Executives, and Service Corps of Retired Executives.

For many in the field of aging, the transfer of RSVP and the foster grandparent program from the Administration on Aging to ACTION raised serious concern about the future existence of these programs. For others, this represented another in a series of moves toward the dismantling of AoA—an agency which

has already been downgraded by other organizations.

Even though ACTION has come into being, a recent article by Cyril Brickfield, legislative counsel for National Retired Teachers Association-American Association of Retired Persons, has sounded a cautionary note about the low visibility of aging programs. His counsel, as well as the views expressed by Mr. Bernard Nash—executive director for NRTA-AARP—is worthy of heeding.

Mr. President, I commend the article, entitled "Two Strikes Against Aging", to the Senate and ask unanimous consent that it be printed in the RECORD.

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

TWO STRIKES AGAINST AGING

(By Cyril F. Brickfield)

Once again aging has suffered a defeat in Washington. The House of Representatives has approved the Administration's proposed governmental reorganization plan, a move dealing a double blow to the Administration on Aging. The Senate was expected to concur with this decision.

The new legislation means the transfer of the Foster Grandparent Program and the Retired Senior Volunteer Program from the Administration on Aging to the new National Volunteer Agency.

AARP Executive Director Bernard E. Nash expressed the Association's objections to the legislation in testimony before the House Government Operations Committee, which was exploring the reorganization plan as well as the inadequacy of support for the AoA. Mr. Nash said that from its inception, AoA has been unable to fulfill the provisions and goals the Congress set for it, through lack of money, manpower and executive branch support.

Mr. Nash said: "Congress intended that AoA should become a powerful, creative and independent agency within the Department of Health, Education and Welfare, providing a central voice within government to insure that older Americans, who have contributed so much to our society, might continue to participate fully in its benefits. That goal has not been achieved. Instead of renewed efforts to accomplish this goal, we have seen a syphoning away of funds, a reduction in status and now the proposed dismantling of the AoA structure by moving two of its most important programs to a new agency. What remains is a facade, a symbol of concern—an agency with an impressive title, Administration on Aging, but with very little to administer."

The Foster Grandparent Program today is the only identifiable program now operational within AoA with an amended budget request of $10.5 million. The Retired Senior Volunteer Program, which is not yet operational, has an amended budget request of $5 million. If they are placed in a new agency along with such programs as Peace Corps, Vista, Teachers Corps, SCORE, their potential impact and individual identity will be overshadowed by these larger programs, Mr. Nash asserted.

The Association opposes the removal of these two programs for numerous reasons, he continued. The Foster Grandparent Program is not a volunteer program: Those who participated are paid the minimum Federal wage in most facilities, which provides a sense of contribution as well as economic and psychological uplift. The program is highly regarded and universally applauded. It has received extensive coverage by the media and has been praised on the floor of Congress. If this program is submerged in a new department which encompasses such programs as the Peace Corps, Vista and the Teachers Corps, it will lose the advantage of the separate identity, both in terms of what it is doing for the older persons and for the special group of children the program serves.

Transferring it, Mr. Nash pointed out, will make it more difficult for the aging to feel acceptable in a multifunctional, multigenerational agency.

AoA needs operating programs if it is to be effective as a spokesman and as an instrument for coordinating programs of other governmental agencies.

The provision of services to and the utilization of older persons is a new and specialized area. Shortages of trained manpower was a subject for Congressional inquiry two years ago. Transferring AoA programs would require a duplication of staff and field structure that would greatly increase the operational costs of the program without an increase in its function.

Mr. Nash told the committee: "We stand ready to document any of the above statements or to give additional rationale for our position that it would be a grave mistake for both this Administration and our nation to transfer these programs at this time. The arguments submitted in previous years when consideration was being given to the transfer of the Foster Grandparent Program to OEO [Office of Economic Opportunity] and to the Labor Department are still valid. Both Congress and the operating agencies recognize the importance of consolidating and strengthening programs for the aging within AoA. Such moves were earlier considered and rejected. We trust this Administration will do likewise."

Many Congressmen sympathized with AARP's position, but they felt that the overall merits of the Administration's proposal outweighed the setbacks it would inflict upon the field of aging. In this light, the reorganization plan was approved.

THE LONGSHOREMEN'S STRIKE

Mr. PACKWOOD. Mr. President, the Northwest longshore strike, which has virtually crippled shipping into and out of my State of Oregon, is now entering its sixth week. Irreparable damage is being suffered by those industries which are dependent on shipping for their very existence, among which are our agricultural and lumber industries, the foundation of Oregon's economy. Every business and every person in the State is hurt either directly or indirectly, because of the snowball effect the work stoppage has had.

As a firm supporter of the free collective bargaining process, I have opposed Government intervention, and have been especially reluctant to see Congress step in on an ad hoc basis time after time after time. The Senate Labor Committee, on which I serve, has had before it for the last 18 months legislation to provide permanent procedures for dealing with emergency transportation labor disputes. I am sad to say that in that entire time, only 1 day of hearings has been held on this legislation, and as of now, no additional hearings have been scheduled.

I have personally written both Mr. Harry Bridges, president of the International Longshoremen's and Warehouseman's Union, and Mr. Edward Flynn, president of the Pacific Maritime Association, to urge their return to bargaining on the coastwide issues. I wrote these gentlemen again with 23 of my Senate colleagues, to emphasize my concern and to reiterate my hope that coastwide negotiations will be resumed immediately. Today I have written President Nixon to urge that he employ every means and authority at his disposal to bring the parties back to the bargaining table without further delay.

In response to this crisis, the Portland City Council has just passed resolution No. 30948, bringing to President Nixon's attention the irreparable loss to Oregon's economy resulting from the sustained dock strike, and urging his immediate action to bring the strike to a halt. Because of the timeliness and urgency of this situation, I ask unanimous consent to have the city council's resolution printed at this point in the RECORD.

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

RESOLUTION No. 30948

From the Portland, Oregon, City Council to the President of the United States:

Mr. President:

Whereas, the entire Pacific Coast longshore and maritime industries have been paralyzed since July 1, 1971, by a strike growing out of a collective bargaining dispute between Pacific Maritime Association and International Longshoremen's and Warehousemen's Union, and

Whereas, the City of Portland and its Port is a major port facility on the Pacific Coast, is the leading dry cargo port on the Pacific Coast, and is involved in extensive foreign trade and commerce, and

Whereas, the Port of Portland is the major port facility for the storage and movement of grain, lumber, and other essential commodities moving in foreign commerce and is vital to the extensive international trade of the Pacific Northwest and of our Nation, and

Whereas, a bumper crop of grain is now being harvested in the Pacific Northwest, storage facilities are at or near maximum capacity because of the inability to ship such grain to regular foreign customers, which foreign markets are vital to the entire farming industry which comprises a major aspect of the economy of the region and of the Nation, and

Whereas, the current harvest of grain is in imminent danger of being lost because of the absence of storage facilities, and

Whereas, grain stock piles in foreign countries which normally purchase this grain are dangerously low, and

Whereas, such foreign markets may within a matter of days be forced to turn to sources in other countries on a potentially permanent basis, and

Whereas, no collective bargaining is scheduled between the parties to the current dispute and there is no immediate prospect that they will, or are attempting to, resolve their differences,

Now, therefore, be it resolved that the City Council of the City of Portland:

1. Respectfully calls to your attention the imminent and irreparable loss of the vast grain crop now in the field, the imminent and potentially permanent loss of foreign markets which are vital to the health and economy of an entire industry, to our regional economy, and to the balance of payments of our Nation, all of which therefore imperil the national health and safety; and

2. Urgently requests that you immediately invoke the powers available to you as President under Sections 206–210 of the Taft-Hartley Act by taking the following action:

(a) Immediately convening a Board of Inquiry to inquire into the issues involved in the dispute and to prepare a written report to you at once; and

(b) Upon receipt of such report, directing the Attorney General of the United States immediately to seek an injunction for the 60-day period prescribed in the Taft-

Hartley Act for the purpose of returning the parties to collective bargaining in order to settle their differences without further irreparable injury to an entire industry and the economy of the Pacific Northwest, and further imperiling the national health and safety.

ROCKETDYNE SELECTION FOR REUSABLE SPACE SHUTTLE

Mr. CHILES. Mr. President, events in the last few days concerning the NASA selection of Rocketdyne for negotiations leading to prime contract for the final design and manufacture of a reusable space shuttle engine have taken a turn that I feel warrants immediate congressional attention.

I ask unanimous consent that a copy of a telegram to the Comptroller General from Mr. Bruce N. Torell, president of Pratt & Whitney Aircraft Division, calling on GAO to investigate the selection of the award, be printed at this point in the RECORD.

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

AUGUST 3, 1971.

ELMER B. STAATS,
Comptroller General,
General Accounting Office,
Washington, D.C.:

Pratt & Whitney Aircraft Division of United Aircraft Corporation hereby protests the selection of the Rocketdyne Division of North American Rockwell for negotiations leading to a prime contract for the final design and manufacture of a reusable space shuttle main engine pursuant to RFP SSME–70–1 issued by the National Aeronautics & Space Administration on March 1, 1971. The bases among others for this protest are briefly stated below. They will be elaborated on in a forthcoming statement to your office.

First, Pratt & Whitney believes that the source selection was based upon a disregard of the objective of the RFP which is as follows: "The objective of the space shuttle engine program is to provide a high performance, safe, reliable, cost-effective main engine for the reusable space shuttle vehicle."

Second, in view of the confirmed, very narrow margin between Pratt & Whitney and Rocketdyne engine proposals, NASA failed to conduct proper "written or oral discussions" within the meaning of 10 U.S.C. § 2304(g).

Thirdly, Pratt & Whitney believes that its technical proposal was clearly entitled to a superior technical evaluation to the technical proposal of Rocketdyne.

Fourth, and in addition to what it believes to be a superior technical proposal, Pratt & Whitney has been informed that the source evaluation board found Pratt & Whitney's proposed costs to be the lowest.

Fifth, NASA failed to give proper consideration to Pratt & Whitney's test-proven flight weight design and greater experience, thus substantially increasing technical and cost risks.

Pratt & Whitney requests that your office notify NASA immediately of this protest and that your office request NASA to withhold award of any contract pursuant to RFP SSME–70–1 until a decision on this protest has been rendered by your office. Copies of this telegram have been sent to the contracting officer and the Administrator, National Aeronautics & Space Administration.

Pratt & Whitney has retained Eldon H. Crowell and W. Stanfield Johnson of the Washington law firm of Reavis, Pogue, Neal & Rose to represent it in connection with this protest, Pratt & Whitney will file a detailed brief in support of this protest as soon as possible.

BRUCE N. TORRELL,
President, Pratt & Whitney Aircraft Division, United Aircraft Corp., East Hartford, Conn.

Mr. CHILES. Mr. President, my concern about the selection by NASA is shared by several other Members of the Senate. I ask unanimous consent to have printed at this point in the RECORD a letter signed by Senators GURNEY, SPARKMAN, ELLENDER, BAKER, EASTLAND, LONG, BROCK, and myself, calling on James C. Fletcher, the Administrator for NASA, to submit to a complete GAO review concerning the awarding of this contract.

I certainly feel that the enormity of such a contract warrants a thorough investigation to see that all procedures and requirements were fully complied with and adhered to.

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

LAWTON CHILES, U.S. SENATE,
Washington, D.C., August 3, 1971.

Hon. JAMES C. FLETCHER,
Administrator, National Aeronautics and Space Administration, Washington, D.C.

MY DEAR MR. FLETCHER: In further reference to the Space Shuttle engine procurement discussed in our letter of July 14, 1971, we are advised that Pratt & Whitney Aircraft has filed a protest with the General Accounting Office over the National Aeronautics and Space Administration's selection last month of Rocketdyne as its negotiating contractor for the Space Shuttle Engine. We are advised that NASA is presently engaged in negotiations with the selected source and that a contract award has not yet been made. We also understand that the source selection process is the subject of an investigation by the Comptroller General.

We believe that this NASA procurement, being of such extraordinary significance, should not be committed irrevocably to any offeror until a complete GAO review has been conducted. The award of a contract of such dimension (approximately $500 million) is too important to the competitors, to State and Regional economies, and the individuals whose employment may be at stake, to permit contractural commitments on the Governments' part without careful review.

In addition, in view of recent experiences with major procurements, we wish to be reassured that proper precautions are being taken to minimize the risk of a cost over-run. We believe that the General Accounting Office should have the opportunity—before the fact—to study this question.

Accordingly, we request that no award of the Space Shuttle engine contract be made until the General Accounting Office investigation is complete. Since approximately eight years of contract performance is projected and since your negotiations are not complete, the investment of a relatively short period of time for review and reconsideration seems prudent.

We would appreciate a response to this request at your earliest convenience.

Sincerely,
Edward J. Gurney, John J. Sparkman, Allen J. Ellender, Howard H. Baker, Jr., James O. Eastland, Lawton M. Chiles, James B. Allen, Russell B. Long, William E. Brock.

NEW YORK CITY DRUG PROGRAM

Mr. JAVITS. Mr. President, in order better to understand the need for an increased effort at the Federal level for funding the tragic problem of drug abuse and addiction in the United States, I commend to the attention of Senators portions of the excellent, constructive testimony of Graham S. Finney, commissioner of the Addiction Services Agency of the city of New York, before the Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare, of which I am the ranking minority member, on Wednesday, August 4, 1971. I ask unanimous consent that a summary of New York City's immediate requirements and their immediate capacity to utilize Federal funds for drug programs be included in the RECORD at the conclusion of my remarks.

Mr. President, these drug program proposals total $21 million. However, I wish Senators to realize that the city of New York currently budgets $90.9 million toward the treatment, rehabilitation, and prevention of drug abuse and the $21 million is the additional amount for drug programs which would immediately be effectively utilized. Of the currently budgeted $90.9 million, $5.94 million is Federal funds. Another $2.55 million comes to the city via the model cities program. The balance, $82.4 million, more than 90 percent of the total, represents city and State funds which cannot be stretched further even though efforts to curb and cure addiction are this city's No. 1 priority at the present time.

I would note that despite this effort New York City still reaches only a small percentage of its estimated addict population. Twenty thousand narcotics addicts and drug abusers are in treatment in all modalities out of a total population of more than five times that number, 100,000 addicts.

The urgent critical need for substantially increased Federal funding are substantiated by the numerous indicators of unmet demand:

Addicts continue to apply for welfare in growing numbers, roughly 1,000 new applicants per month.

Eight thousand unsolicited names are on the waiting list for methadone maintenance programs.

Two hundred individuals are being detoxified each week in our prison system where perhaps 50 percent of the total detained population has a severe drug problem.

Youth constantly seek entry into drug-free programs offering hope and rehabilitation.

Three thousand veterans are returned to New York each month with an estimated 300 of them likely carriers of dangerous drug habits.

In closing, it should be noted that more than 1,200 narcotics-related deaths occurred last year in New York City and narcotics deaths remain the largest single cause of death in the 15- to 35-year-old age group in our city.

Mr. President, the special tragedy of the veteran-addict has made addiction a national issue. It is urgent that Federal funding for drug programs receive the highest national priority.

There being no objection, the sum-

mary was ordered to be printed in the RECORD, as follows:

NEW YORK CITY PROPOSALS FOR FEDERAL FUNDING

1. Expansion of methadone maintenance program	$5.0 million
2. Expansion of drug-free community-based rehabilitation	3.0 million
3. Detoxification services (ambulatory narcotics detoxification, barbiturate detoxification)	5.3 million
4. Research and development	1.2 million
Drug antagonists	$500,000
Methadone leading to abstinence	500,000
Evaluation of the therapeutic community	200,000
5. Training and education	1.0 million
Training institute	750,000
Multi-media community education program	250.000
6. Job development, training, and supportive work for former addicts	.5 million
7. Veterans programs	5.0 million
Total	21.0 million

The question here is whether we can afford *not* to undertake a vigorous and substantially increased effort in the field of drugs. The question further is whether we do not need also to increase our commitments to the solutions of the problems which under-lie drug abuse.

Congressional leadership is required not only to reach a very quick verdict on an emergency program to combat drug abuse but also in building sensible approaches in the fields of housing, poverty, education, job training, and other areas which are part and parcel to the solution of drug problems.

As I say in my City, I hope mine will be the agency which disappears first. Short of a miracle, this will not, unfortunately, occur in the next three years. But let us take as our clear goal the eventual eradication of the Federal agency which we today would form and, with it, the drug scourge which threatens the very fabric of American society at the present time.

OPPOSITION TO COURT BAN ON "DIXIE"

Mr. ALLEN. Mr. President, on July 26, 1971, a U.S. district court judge in a case involving the S. R. Butler High School in Huntsville, Ala. banned display of the flag of the Confederate States of America in that school and in all schools under the jurisdiction of the Huntsville Board of Education. In addition, the judge prohibited the playing or singing the musical composition "Dixie" at school assemblies and pep rallies. The decisions, by its language and effect, also bans school use or display of "symbols," "regalia," and "indicia" of the Confederate States of America such as the nickname "Rebels" for athletic teams. If the court order is permitted to stand, the principles involved will have application in practically every school in the South.

The court based its decision on conclusions which are unsupported by factual evidence or by sound reasoning. For example, the judge jumped to these conclusions:

First. The Conferedate battle flag has become a symbol "of white racism in general."

Second. It has become "a symbol of resistance to school integration."

Third. The significance of the flag of the Confederate States of America is the same as the Black Panther flag. Therefore, "none of these flags are constitutionally permissible in a unitary school system where both white and black students attend school together."

Fourth. The display of Confederate flags, Confederate symbols, regalia, and indicia in a unitary school system "is no way to eliminate racial discrimination 'root and branch'."

Fifth. These symbols express, "the school board's or its employees' desire to maintain segregated schools," which desire is unorthodox and contrary to prescribed judicial dogma.

Sixth. Disturbances have arisen at S. R. Butler High School "because of use of Confederate regalia" presumably uniforms, "including the Confederate battle flag."

Mr. President, let us first consider the unsubstantiated charge and ridiculous conclusion that the Confederate battle flag has become a symbol of "white racism in general."

This "racism" charge is pure bunk. The people in the United States are getting fed up with this racist label. The Civil Rights Commission and other commisions and irresponsible individuals have charged that our Nation and all of its institutions are "racist." The term is a propaganda smear label and it has no place in serious discussions of school issues. But, if the charge were true, would not it follow that the U.S. flag is also a symbol of racism? Are we to believe that Federal district courts have the power to ban the display of the U.S. flag and playing and singing "America" in public schools because they are "racist" symbols. The proposition is absurd.

Mr. President, let us turn now to the ridiculous charge that the Confederate battle flag has become a symbol of resistance to school integration. Massive school integration, when effected by compulsory crosstown busing of children, is resisted throughout the United States. What symbols of resistance do they use in New York City where the ultraliberal New York Times magazine is objective enough to print a highly critical article on integration entitled "Close to Midnight for New York Schools." Quoting from this article, it was said that—

> And although ministers and rabbis whose own children go or have gone to private schools are now making the matter a moral issue, the parents who withdraw their children from the city public schools are not to be criticized for it. *There is nothing admirable or truly humanitarian about people who are prepared deliberately and consciously to sacrifice their children for the sake of their political principles.* (Emphasis supplied.)

The point is that resistance to unreasonable, irrational, school plans that dehumanize little children by treating them as lifeless digits in a mechanistic formula for mixing races in disregard of educational considerations, is not unreasonable. Neither is it unconstitutional. No court in the United States has the power to suppress opposition of citizens to brutal and dehumanizing court decrees effecting the health and welfare of children. It does not matter how that opposition is communicated—by words, symbols, songs, flags, banners, placards, speeches, peaceable assembly, petitions, or by votes. Since when did courts have the power to outlaw these means of communication.

Mr. President, what can be said of Federal judges who, by reason of ignorance or malice, equate the flag of the Confederate States of America with the Black Panther flag. I cannot find words to adequately express my contempt. But, to say that the flag of the Confederacy is not "constitutionally permissible" where white and black students attend school together is a monstrous, gratuitous, and contemptible insult and vicious judicial tyranny. There are only a very few schools remaining in the South where white and black students are not in attendance together. It is nauseating to think of Federal judges asserting the power to ban display of the Confederate flag and singing "Dixie" in schools located in the South and for that matter in all schools in the Nation where white and black students attend schools together.

In seeking a comparison for such a decree, one must turn to Hitler's Germany and Communist Russia where flags, symbols, books, portraits, statutes, customs, traditions, and beliefs were squelched by decree with the same impunity as Federal courts today squelch children within the grasp of their power. If this valid analogy does not serve to make U.S. citizens aware of the fangs of suppression inherent in the Federal judicial dictatorship, nothing will. The arrogance of some Federal judges hastens the day when the people will demand a constitutional amendment to make these supercilious, black-robed tyrants answerable to the people.

Now let us consider the silly "root and branch" mumbo-jumbo invoked by the court to mask the sadistic judicial underpinnings of the decree. The court states that retention of Confederate symbols, songs, regalia, and indicia in a unitary school system is no way to eliminate racial discrimination "root and branch." The converse being that to eliminate Confederate symbols, songs, regalia, and indicia is the way to eliminate racial discrimination "root and branch."

Mr. President, I think we may profit by examining just what might be included in the term Confederate regalia, symbol, and indicia. Hundreds of schools throughout the South are named to honor the memory of illustrious Confederate leaders such as Jefferson Davis, Robert E. Lee, and a host of others. These schools contain portraits of these men in their halls and their statues on the school grounds. Our state history textbooks recognize and pay homage to the courage, valor, leadership qualities, and exemplary lives of these leaders. Our states declare school holidays to honor and perpetuate the memory of these men. The athletic teams of these schools including the University of Mississippi and hundreds of high schools have adopted the nickname "Rebels," and their ath-

letic teams and student bodies are inspired by the nickname. Any people who are not proud of their past have little to look forward to in the future.

If the ruling in the Huntsville, Ala. case, and the Louisiana case, upon which it is predicated, are constitutionally sound, it would mean that Federal judges have the power to proscribe names of public schools; to censor textbooks; to abolish Confederate holidays; to proscribe songs sung at pep rallies; to forbid school band members from wearing colorful Confederate type uniforms and Confederate regalia; and, of course, the courts could, as in the instant case, proscribe certain tunes and songs such as "Dixie," in the school assemblies and at athletic events sponsored by the schools.

Mr. President, let us dwell for just a moment on banning the tune "Dixie." It is interesting to note that the tune was composed by Daniel Decatur Emmett. He was born in Ohio and lived there most of his life. He composed the song "Dixie" in 1859 for performance in a minstrel show. It was originally known as the "Hurrah Song."

In this connection, it is also interesting to note that on April 10, 1865, following Lee's surrender at Appomatox, numerous citizens and several bands proceeded to the White House to serenade President Lincoln. On this occasion, Lincoln told the assemblage that he considered "Dixie" one of the best tunes he had ever heard. He claimed that the South had attempted to appropriate the tune but that it had been fairly captured and that it was now the lawful prize of the Union. He thereupon requested the bands to play "Dixie," which they did.

Mr. President, this decision is astounding. Such massive Federal censorship is downright frightening. Just a few weeks ago the U.S. Supreme Court cited with approval this statement of constitutional principle:

> If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion. . . . *Board of Education* v. *Barnette,* 319 U.S. 624, 642 (1943).

It is ironic that the principle was invoked to deny power in the Florida Legislature to require a schoolteacher to subscribe to the following affirmation:

> I do not believe in the overthrow of the government of the United States or of the State of Florida by force or violence.

But note the ironic contrast. Local school boards cannot deny employment to teachers who may believe in and advocate violent overthrow of the Government. Yet, they are compelled to suppress the use or display of words, dress, tunes, and songs which a Federal court may consider symbolic of mental or emotional opposition to certain Federal court decrees. From the standpoint of banning words such as the nickname "Rebels" on athletic jackets, compare the four-letter obscenity permitted on the jacket of one communicating his opposition to the draft. See Cohen against California, decided by the Supreme Court of the United States June 7, 1971.

Mr. President, I have been unable to find another instance in the history of our Nation where a Federal court has banned as unconstitutional the playing of any musical composition or singing any particular song.

Remember, all of the suppressions I have mentioned are based on the theory that they are necessary to abolish segregation in the schools, "root and branch." The order, therefore, applies to schools located in the southern region of the United States where roughly one-third of the population of our Nation resides.

Mr. President, will the real champions of freedom of speech and expression stand up? I hope that the U.S. Supreme Court believes in the substance and not the semantics in the statement:

> That no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion.

Mr. President, I have urged Gov. George C. Wallace to appeal this decision and I trust that Governors of all Southern States will join in getting this decision reversed by the Supreme Court of the United States.

EQUAL RIGHTS FOR WOMEN

Mr. MILLER. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the joint resolution, which I introduced, proposing an amendment to the Constitution relating to equal rights for women.

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

S.J. RES. 138

Proposing an amendment to the Constitution of the United States relating to equal rights for 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:

"ARTICLE—

"SECTION 1. Equality of rights and responsibilities under the law with respect to opportunities and conditions of education and employment shall not be abridged by the United States or by any State on account of sex. Nor shall any State deny, on account of sex, the equal protection of its laws to any person within its jurisdiction. This article shall not impair the validity of any law of the United States or any State which is essential to enable women to exercise their rights or to perform their responsibilities as homemakers or mothers.

"SEC. 2. The Congress shall have power to enforce by appropriate legislation, the provisions of his article.

"SEC. 3. This amendment shall take effect one year after the date of ratification."

"JAP" INSCORE, OF MOSCOW, IDAHO

Mr. CHURCH. Mr. President, on July 25, Idaho lost one of its most colorful, prominent, and effective political figures, J. R. "Jap" Inscore of Moscow. I rise today to pay tribute to his memory.

In these days when campaigns are run by polls, computers, sloganeering, and media, Jap Inscore remained an authentic figure in the world of politics. To Jap, politics meant people—their problems, their needs, their dreams.

Yet Jap lived in a political world, and he understood power. Don Watkins, a commentator for the Intermountain Observer in Boise, summed it up well:

> Like all really effective, behind-the-scenes powers in politics, Jap was unassuming and always abided by the rules. His word was unquestioned. He understood all the subtleties and nuances so vital in the brutal political world of giant political egos. He worked hard at his avocation day in and day out through the year. He was always helping the "little guy" in the party.

Mr. President, I ask unanimous consent that Don Watkins' article from the Observer, two news articles, and an editorial from the Lewiston Morning Tribune be printed in the RECORD.

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

[From the (Boise, Idaho) Intermountain Observer, July 31, 1971]

SO-LONG, JAP

(By Don Watkins)

J. R. (Jap) Inscore, who died Sunday in Moscow at 65, was the last of his political breed in Idaho.

He was an old-fashioned political "boss" in the best sense of the word. Two other practitioners who fell in this category were the late Tom Boise of Lewiston, a Democrat as was Jap, and Lloyd Adams, a Rexburg attorney and Republican.

None will be replaced. Modern-day political operatives play a different game with different rules and different values. They are media-oriented, vote manipulators. Jap and his counterparts were people-oriented.

To the last, though failing health slowed his mobility, Jap's political acumen was keen as ever.

Right up to last year's campaigns, no Democratic candidate would think of passing through northern Idaho without paying a vist to Jap. This includes Gov. Cecil D. Andrus, who this week said, "He was more like a father to me than a political ally." Nonetheless, Andrus is more aware than anyone of the votes Jap delivered not only in last fall's election, but also in the 1966 gubernatorial campaign.

Another close friend and political associate is former U.S. Congressman Compton I. White, who conducted Wednesday's funeral services for Inscore.

Not only candidates, but newsmen and political PR guys considered Jap a reliable political weather vane. His astute judgment and uncluttered mind made no allowance for fancifulness. He was realistic and thoroughly professional.

A total abstainer ("I've drunk your share and mine"), Jap was quick to pour a belt of bourbon for a visitor, but he stuck with copious quantities of black coffee and the solace of an always-lit pipe while he talked politics. He was soft-spoken, but given to cuss words picked up in his early days as a logging camp worker.

Like all really effective behind-the-scenes powers in politics, Jap was unassuming and always abided by the rules. His word was unquestioned. He understood all of the subtleties and nuances so vital in the brutal world of giant political egos. He worked hard at his avocation day in and day out through the year. He was always helping the "little people" in the party.

The list of presidents, senators, congressmen, governors and lesser officials who counted Jap Inscore as a friend and ally is a long one.

I, like dozens of others who love the game

of politics, will miss those long, stimulating sessions over coffee and booze in the hospitable kitchen of Jap and Lillian Inscore.

[From the Lewiston (Idaho) Morning Tribune, July 26, 1971]

J. R. "JAP" INSCORE DIES AT MOSCOW

Moscow.—J. R. "Jap" Inscore, a Democratic party leader and power in north Idaho politics for some 35 years, died of a heart attack Sunday at 5:30 a.m. at Gritman Hospital where he was admitted Saturday night. He was 65.

Inscore, Democratic state committeeman from Latah County, was the acknowledged power in the Central Committee in recent years and previously held the same control in Benewah County.

He had suffered two heart attacks in recent years and had been in ill health since.

At Boise, Gov. Cecil D. Andrus said he felt "a keen personal loss" on learning of Inscore's death. "He was more like a father than a political ally," the Democratic governor said.

Although he never ran for public office, Inscore served as treasurer of the Benewah County Democratic Central Committee from 1940 to 1957. He became active in the party in 1935. After moving to Moscow in 1957 he was elected state committeeman from Latah County.

Born Sept. 10, 1905, at Mount Airy, N.C., Inscore came to north Idaho with his parents when he was 9. The family returned to North Carolina for a short time and returned to Benewah County when he was 12.

Young Inscore went to work as a flunkie in a logging camp at Sanders and then worked as a logger and in sawmills for a number of years.

In 1927 he was pilot of a logging boat on the Columbia River and was there during the time Grand Coulee Dam was under construction. He married Lillian Elliott at Spokane June 29, 1935. Inscore operated several businesses in the Tensed, Worley and Plummer areas of Benewah County for the next 22 years.

In 1957 Inscore moved to Moscow where he built the Hillcrest Motel and operated it until 1966, when he retired because of his health.

Last April he returned to business, purchasing and operating the Royal Motor Inn at Moscow.

He was a member of the Odd Fellows Lodge at Plummer and the Elks Lodge at St. Maries.

Survivors include his widow, at home; a son, David A. Inscore, and a daughter, Janet R. Inscore, both of Moscow; his mother, Mrs. Sena Inscore, Tensed; three sisters, Mrs. Antone (Ruth) Nelson, Tensed, Mrs. Bruce (Audrey) Scott, Spokane, and Mrs. Lynn Haynes, Enida.

The funeral will be Wednesday at 10 a.m. at Short's Chapel. Compton I. White Jr., Clark Fork, former Democratic congressman from Idaho's First District, will conduct the service.

Pallbearers will include Ondrus and State Sen. John Mix, D-Moscow. U.S. Senator Frank Church, D-Idaho, will be an honorary pallbearer.

Burial will be at Tekoa, Wash.

[From Lewiston (Ida.) Morning Tribune, July 29, 1971]

STATE'S DEMOCRATS PAY TRIBUTE TO LEWISTON AREA PARTY STRONG MAN

(By Bill Hall)

Moscow.—There were two things that J. R. "Jap" Inscore of Moscow especially loved—Democrats and the sight of the patchwork Palouse hills spread out before the picture window of his split level home.

Wednesday some of the most prominent Democrats in Idaho—including Gov. Cecil D. Andrus—joined an affectionate caravan at Moscow for an hour's drive to a little country cemetery at Tekoa, just over the Idaho line into Washington. They buried Inscore there in a plot looking out over a Palouse panorama of rolling fields of ripe, bronze grain and patches of evergreen.

Inscore's only official title was that of Democratic state committeeman from Latah County. But from that base—and earlier in a similar Benewah County position—he was one of the movers and shapers who organized and campaigned for scores of Democratic candidates. He died Sunday of a heart ailment at the age of 65. And, one last time—Wednesday, the party faithful—many of them now in prominent public office—came to pay their respects.

Andrus, who described Inscore as "more like a father than a political ally," was a pallbearer. The other five pallbearers were Gordon Law of Moscow, former Latah County Democratic chairman; State Sen. John Mix of Moscow; Daniel Pilkington, immediate past Latah County chairman and now state purchasing agent under Andrus; plus friends Dennis Sumner and Roy L. Simons of Moscow.

Also present were Idaho Atty. Gen. Anthony Park, Idaho State Supt. D. F. Engelking, State Treasurer Marjorie Ruth Moon, all of Boise, and William Brauner of Caldwell, the unsuccessful Democratic candidate for First District Congress in the last election.

HONORARY PALLBEARERS

The honorary pallbears included, former Gov. Charles Gossett of Boise; Joe McCarter of Corral, state Democratic chairman; E. T. Waters, immediate past state Democratic chairman; Harry Wall of Lewiston, immediate past Democratic national committeeman; Calvin Wright of Boise, the 1950 Democratic candidate for governor and currently Idaho director of the Internal Revenue Service; former Latah County Sheriff R. C. Lange; former State Sen. Joe Garry of Tensed; John Bender of Boise, state commissioner of law enforcement; Ernest Gaffney of Plummer, a former legislator and former member of the State Highway Board; Dr. A. R. McCabe, St. Maries; Cecil Lovel, Moscow, and Cotty Lowry, Boise.

Idaho Democratic Sen. Frank Church and Boise attorney Carl Burke, who managed three statewide campaigns for Church, also were honorary pallbearers, but unable to attend. Church sent in his place his Boise office assistant, Mrs. Clareene Wharry.

REPUBLICAN

One prominent Republican was present, Eldon W. "Dick" Smith of Rexburg, former state senator, former member of the State Board of Education and a former candidate for Second District Congress and the governorship, flew to Moscow for the funeral. "I liked Jap," he explained. Former First Deputy District Democratic Congressman Compton I. White Jr. of Clarks Fork delivered the eulogy during services at Short's Funeral Chapel at Moscow. He explained that Inscore had heard him do the same thing at an earlier funeral and requested that the former congressman also speak for him.

White mentioned Inscore's special attention to young politicians trying to get elected on small budgets. He said that when he first ran for public office, he would find a $100 bill in his pocket every time he left Inscore's home.

"I don't know how it got there," White said, "but that was a lot of money and it would buy enough gas for a few more days of campaigning.

White said that Inscore worked and pleaded for projects in the area from Coeur d'Alene to Lewiston, "but never asked a personal favor."

White described Inscore as a kind man, noting that he once overheard him scolding his dog, Rusty, for misbehaving by threatening to unplug the dog's heating pad.

The former congressman mused that "if there is a political situation that can develop where he is now, he's going to be right in the middle of it." Dr. Stanley Thomas, director of the campus Christian Center at the University of Idaho, told the gathering at the funeral chapel that, "in a democracy, politics is the lifeblood of the country . . . and Jap Inscore was a basic cog in the wheel that helps our democracy run."

White put it another way: "No man ever loved a country more."

After the graveside services, Inscore's friends gathered at his home, with its view of the rolling Palouse hills and with the American flag flying from the porch railing where he used to raise it every day.

[From the Lewiston Morning Tribune, Lewiston, Idaho, Editorial, July 26, 1971.]

J. R. INSCORE: ALWAYS IN CONTROL

The coffee pot was almost always perking in the Moscow kitchen of J. R. Inscore, the Democratic party's most powerful leader in that section of Idaho. And the coffee talk seldom varied from politics, for that was Jap Inscore's passion.

Jap Inscore, who died yesterday, used his political power quietly on the surface and, as his health failed, not as aggressively as he would have liked. But Democrats in Latah County, where he controlled the central committee for years, and in Benewah County, where he was a legend of patronage, always felt his presence. Even when there was an intra-party rift, his detractors had to acknowledge that Jap was in control.

Democrats in office at Boise and Washington, D.C., seldom passed through Moscow without making the Inscore coffee stop. They came not only to seek his advice and to test the political wind in his realm, but to recharge their own political juices when the campaign wasn't going too well. For in his presence the candidate always found enough optimism to make the serious game of politics seem worthwhile.

It was at the height of a campaign when the light would burn long into the night in the Inscore kitchen. When the Inscore passion was most intensely felt, and the Democratic party appeared invincible and eternal.—J.C.

THE NEED FOR EQUITY—WAGE BOARD LEGISLATION

Mr. PELL. Mr. President. I rise today, as I have many times in the past, to ask equity and justice for the 675,000 wage grade employees employed by the Federal Government and for a measure of relief for the nonappropriated fund employees working in the Department of Defense and the Veterans' Administration.

H.R. 9092, a bill to provide such an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, provides many of the sorely needed answers to the problems of the wage board workers in this State and the Nation.

Senators will recall that during the last session, the Congress enacted H.R. 17809, a similar bill which was a compromise reached in Conference between the House and Senate versions. Unfortunately, the President vetoed the bill.

The difficulties endured by the wage board workers in my own State of Rhode Island, as well as throughout the entire Nation have remained unresolved too long.

The ability of the wage board worker to effect his wages and working conditions is sorely limited. These workers also suffer from the same inflation, job

insecurity, and spiraling prices as in other segments of the economy.

I do not believe Congress by delaying action on wage board reform legislation, should allow the wage board worker to become a sacrifice to the administration's ineffective effort to control inflation.

Mr. President, it would be my hope that the Post Office and Civil Service Committee would move H.R. 9092 to the Senate floor for our consideration in the fall.

The often forgotten wage board employee has waited long enough for long overdue improvements in the system used for setting his wages.

EMERGENCY EMPLOYMENT ACT

Mr. KENNEDY. Mr. President, I simply want to call the attention of the Senate to what I believe is the direct violation of the authorizing legislation under the Secretary of Labor's guidelines for the distribution of the funds for the Emergency Employment Act.

I think I should begin by noting that the administration pronouncements on behalf of the Emergency Employment Act since its passage contrast sharply with its refusal to endorse the measure before it had passed both Houses of Congress.

The Nation's unemployment hovered at the 6-percent mark for nearly the first 8 months of this year. Today, it rose once more from 5.6 percent to 5.8 percent and the administration has claimed a victory. In my own State of Massachusetts, industrial unemployment is at its highest point since the end of the depression in 1940 with a total of 184,600 out of work.

Yet throughout this session, the administration testified time and again in the Senate and in the House that it opposed the emergency legislation which I and other Senators had introduced to provide public service jobs for the unemployed. The Secretary of Labor testified in person at the first hearing of The Employment, Manpower, and Poverty Subcommittee that the President would in all likelihood veto such a bill.

That is the background of this administration's attitude toward aiding the more than 5.3 million persons who are out of work. That is the background of this administration's attitude toward the Emergency Employment Act. Only after the bill had passed both Houses of Congress and was in Congress did the administration announce that it would not veto the measure.

Now the Secretary of Labor has issued regulations and guidelines which may exceed his authority.

The law specifically includes among eligible applicants "units of Federal, State, and general local government." Yet, the Secretary has violated that mandate by announcing his intention to deny the status of eligible applicants to any city with less than a population of 75,000. And he has further opted to prejudice the interests of small towns by rejecting even the possibility that a consortium of small towns might apply as a single sponsor.

I find it hard to understand the Secretary's rationale for denying even this option to small towns and I find it even more difficult to understand how Public Law 54 gives him such an option.

However, the lateness of the session and the dire need to get some funds out to the unemployed means that there will be no time for a conference. For that reason, I have decided not to offer any amendment to this legislation but to indicate my strong feeling that the announced intentions of the Secretary unwisely and in an unauthorized manner prejudice the interest of local communities. I would hope that he would open the eligibility status to all cities that meet the other requirements of the law.

THE PUBLIC HOUSING PROGRAM

Mr. MONDALE. Mr. President, communities, large and small, are growing more and more concerned by a recent slowdown in activity by HUD's public housing program.

At this time 500,000 units have been applied for under the public housing program but no final action has been taken on any of these applications.

Long-standing delay in construction of badly needed units can be attributed primarily to the lack of funds which the administration has made available for this program.

But the recent slowdown appears to be related to a number of administrative factors such as the establishment of the HUD area offices, the freeze on available development funds, circular A–95 which requires clearance of all housing development to conform with comprehensive planning and a lack of personnel devoted to public housing production within the Department of Housing and Urban Development.

While community officials—and the poor—have been remarkably patient through all the delays resulting from the lack of funds and staff, they certainly do not want needless redtape to take up the scarce resources which are available.

And undoubtedly the overburdened taxpayer does not want to see his money wasted on a needless shuffling of papers.

Unfortunately, a new decision by HUD would recall all current public housing applications where a site has not been approved in accordance with the housing site guidelines.

In many large metropolitan areas, housing site guidelines are necessary to ensure the economic and social well-being of the community.

But for many smaller communities these guidelines do not apply at all. According to the newly announced HUD decisions, however, both small and large cities must resubmit their applications.

For local housing officials, this is an unnecessary waste of time and money. For HUD, it will mean more obstacles before any housing can be built.

In applications where the new site criteria is necessary I think there should be ways to include such without returning all applications to the local communities. The housing authorities could be asked to supply an addendum to the original application or else this could be taken care of when HUD reviews the site that has been selected.

Senator PROXMIRE, Senator WILLIAMS, Senator CRANSTON, and I have written to HUD about all of these matters. We think its important that public housing applications be moved along as quickly and efficiently as possible. Toward this end, we have asked that HUD consider the development of a separate, less complicated review process for small, nonmetropolitan housing authorities.

I would like to share with my colleagues in the Senate, our letter to HUD which fully describes these problems.

Mr. President, I ask unanimous consent that the letter be printed in full at this point in the RECORD.

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

U.S. SENATE,
Washington, D.C., August 6, 1971.

Hon. EUGENE A. GULLEDGE,
Assistant Secretary for Mortgage Credit, FHA Commissioner, Department of Housing and Urban Development, HUD Building, Washington, D.C.

DEAR MR. GULLEDGE: Within the last few weeks we have become increasingly disturbed about what appears to be "slowing-down" in the production activity in the public housing program. Our constituents report to us that badly-needed construction for low income families is just not moving as it should. This report comes from both large and small communities.

The causes for this "slowing-down" appear to be related to the establishment of the HUD area offices, the freeze on available development funds, the issuance of the A–95 circular requiring clearance of all housing development for conformance with comprehensive planning—and most recently, the recall by HUD of all public housing applications where a site has not been approved to review them for conformance with the new housing site guidelines. Also, we note in the testimony of Secretary Romney in the House of Representatives last week and before the Senate Hearing and Urban Affairs Subcommittee this week, the statement that a major reason for not moving faster on public housing production is the lack of sufficient HUD personnel in the public housing production area.

We would like to express to you our serious concern about any slow down in public housing production activity. In particular, we would like to have your appraisal relative to the new site reviews, as to how much time such reviews will take; and what a local housing authority can anticipate in terms of a time schedule. We would like your judgment as to whether a separate, and perhaps less complicated site review process might be instituted for small communities in non-metropolitan areas.

We would greatly appreciate a response to us:

First, your judgment as to an adequate level of HUD personnel in the public housing production area, and your general judgment as to how fast the Department can move to implement the backlog of public housing production demand.

Second, your judgment as to the time which will be required to complete a site review for a local housing authority; and whether it might be feasible to develop a separate, less complicated review process for small, nonmetropolitan housing authorities.

We will look forward to your early response on these matters.

Sincerely yours,

WALTER F. MONDALE,
ALAN CRANSTON,
WILLIAM PROXMIRE,
HARRISON A. WILLIAMS,
U.S. Senators.

NDEA TITLE VI FOREIGN LANGUAGE AND AREA STUDIES PROGRAM

Mr. EAGLETON. Mr. President, I am pleased that S. 659 authorizes the continuation of an educational program of great interest to me and of great value to the Nation—the NDEA title VI foreign language and area studies program. President Nixon's recent announcement of efforts to normalize relations with the People's Republic of China is illustrative of the fact that the United States is facing an era of increased involvement with other world areas, not only in terms of foreign affairs concerns, but in many of our basic activities as a nation—trade, education, science, business, cultural activities, and so forth. The United States must be prepared for this era by developing an adequate supply of highly trained foreign language and area studies scholars who can assist the government and the private and professional sectors in their international roles and activities. Equally important, a larger number of teachers and students at all levels, but especially at the undergraduate level, must be provided improved instruction in foreign area studies to become an informed and literate citizenry in world affairs.

The title VI program has been the most significant and catalytic element in the advances the United States has made in acquiring such foreign language and area studies expertise. The training of our limited numbers of experts in areas of critical importance to the country, such as Eastern Europe, the Soviet Union, and Asian areas, has been largely effected through the NDEA title VI program.

However, the country's needs in the international studies field are growing beyond this highly specialized cadre. Institutions that are concerned with the production and training of teachers and professionals in fields other than international studies need access to foreign language and area studies resources. These are often the smaller, undergraduate liberal arts institutions which cannot compete for the specialized funding of the traditional NDEA title VI program.

The need to apply international perspective to American educational curriculum as a whole, at all levels, is becoming increasingly clear. The education and study of minorities and subculture groups is a problem that is not unique to the United States. Much could be learned by applying a cross-cultural approach to a number of educational problems and issues. The need for international cooperation on major problems like the pollution of the oceans and the air, neither of which belong to any one nation, seems evident. What we could learn from foreign education systems, urban planners, and health planners could be of great value to U.S. professionals in these fields, as well as eliminating the duplication of work and research.

The development of foreign language and area studies and international studies at the undergraduate level may provide these future professionals—the lawyers, doctors, teachers, and businessmen—with perhaps the only opportunities they will have for training in, or exposure to, a foreign culture.

The need, therefore, is twofold, and S. 659 does address this need: First, to develop the highly trained and specialized cadre of foreign language and area studies scholars who serve the Nation and Government agencies by carrying out invaluable and critical research on foreign areas of the world; and two, to assist in the development of foreign language and area studies and international studies resources at a number of other areas of concern in the U.S. educational system—primarily in the undergraduate and teacher-training areas.

Support in S. 659 given to the undergraduate component of this program will enable a number of smaller, liberal arts institutions to have the opportunity to develop these resources and training capabilities. These are the institutions that produce a large number of the Nation's future teachers, Government agency employees and businessmen.

In addition, support of undergraduate level activities will serve to strengthen graduate level training in the foreign area and international studies field. It will give undergraduates an opportunity to begin their training and to become involved in the field at an earlier stage. They will be more adequately prepared for possible future graduate level training since it takes a number of years simply to acquire sufficient competence in the several languages usually required for the study of one world area.

Washington University in St. Louis, Mo., is one of the relatively few institutions which has received funds for both graduate and undergraduate activities in this field. It has been a leader in educating specialists at the Language and Area Studies Center for Chinese and Japanese Studies, under the direction of Dr. Stanley Spector, one of the Nation's most distinguished Asian scholars. However, Washington University has also provided undergraduates with fundamental training in these and other areas of foreign studies, and has worked extensively with other educational institutions and with world affairs groups in the St. Louis area. It aptly demonstrates the value of a broader title VI program as envisioned by S. 659.

Mr. President, at a time when we seek greater international understanding and when the interdependence of so many aspects of life ranging from commerce to the very air we breathe is becoming increasingly evident, the vital program embodied in NDEA title VI needs to be given more financial and legislative support. I believe S. 659 is well designed to accomplish that end.

THE PROBLEM OF DRUG ABUSE

Mr. THURMOND. Mr. President, it is encouraging to note that the great problem of drug abuse and addiction is receiving increased attention throughout our Nation. Solutions to this haunting dilemma are more apt to be found when more and more people are better informed.

I was pleased to see that a major newspaper in my home State, the Greenville, S.C., News, published a special section dealing with the drug problem.

The section opens with a nine-chapter introduction and an indepth analysis written by Alton Blakeslee, the Associated Press science editor. It is followed by articles written by Douglas Mauldin, of the Greenville News Columbia Bureau; Aubrey Bowie, the Greenville News editorial writer; Jack Norris, news staff writer; Dr. J. F. Hall, superintendent of the Greeenville County School District; Margaret Williams, staff writer; and Stan Shealy, the Greenville News Greenwood Bureau.

Mr. President, this material was published in the Greenville News of July 30. I ask unanimous consent that it be printed in the RECORD.

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

WHAT YOU CAN DO ABOUT DANGEROUS DRUGS

CHAPTER 1. DRUG SCENE CONTINUES TO CHANGE

(Once in a small town in Europe, it is said, a man told an untruth about a friend. He was repeating some slanderous gossip, which acquired more credence because he learned the gossip was untrue, and was repeating it. Then the man went to his friend and apologized and asked, "How can I make amends?" And his friend, whose reputation and business had been grievously injured, said: "Suppose you took a goose and pulled out all its feathers, and then let the wind carry away the feathers. Then, suppose you searched to find every single feather, and put each back exactly where it had been. Then, you would have made amends.—A fable, cited by Ellen Afterman, deputy director, Division of Community Organization, Illinois State Drug Abuse Program, concerning what irreparable harm can be done to youths if officials and adults tell either more or less than the truth about dangerous drugs.)

(A physician, treating an 18-year-old girl for hepatitis, a liver infection, and for a skin abscess, both caused by infection from a needle with which she had been shooting "speed," inquired: "Didn't anybody tell you this stuff was no good?" And she replied, "Yes, but they told me so much other garbage, who's going to believe it?"

(By Alton Blakeslee, Associated Press science editor)

It came along like an explosion—this spreading use and abuse of drugs that affect the human mind.

Suddenly, a few years ago, there rose a seeming popular rage among young people to smoke marijuana or "pot," to take "trips" with LSD, to shoot "speed" and heroin, to go on mental voyages with drugs named mescaline and peyote, and to "pop" pep pills, or to take "downers."

Puzzled parents, some frightened also, became confronted with a totally strange "drug scene." A few reacted hysterically; others sought to understand the appeal of mind-influencing drugs and to combat its dangers.

The drug scene continues, and continues to change.

Use of marijuana is still increasing. Attitudes toward it are changing, as indicated by a trend to reduce legal penalties for using it.

But—ominously—use of heroin, which can be really bad news, is increasing, including among high school and even some grammar school students. Each year hundreds of American teen-agers are dying from overdoses of heroin.

Heroin has moved to the suburbs. And the drug culture has spread to rural areas.

The real drug scene involves millions of Americans, not just youths taking hallucinogenic drugs, but also adults who are abusing alcohol and tobacco and sleeping and pep-pills and tranquilizers to get through their day. The line of difference between abuse of one chemical or another can be very thin indeed.

It also involves thousands of young people who are in or recently out of jail for having possessed or perhaps having pushed drugs, mainly marijuana, which they may have rightly or wrongly considered to be safe and acceptable.

On the positive side: Now there is much that parents and teachers and concerned communities can do to deal with the challenge of dangerous drugs, and to succor youthful drug casualties. This contrasts with the hand-wringing of a few years back when adults felt helpless, or made panicky jumps for quick solutions. Youths are helping each other, through "hot lines" and rap (talk) sessions, and community programs are stressing prevention and treatment in a variety of ways.

This Associated Press survey sought advice from authorities as to what can or should be done concerning dangerous drugs, particularly concerning some main questions:

How can you steer children away from dangerous drugs; how can you tell if someone is smoking marijuana or using other drugs; why did the great turn-on with drugs come along anyhow; just what are the different drugs; should marijuana or other drugs be legalized?

And they offer some advice, such as:

Scare techniques usually don't work. . . . Parents get innocently into trouble if they insist marijuana is a narcotic (which it isn't) because then children tend not to believe anything they say. . . . Many young people don't know as much as they think they do about different drugs, especially heroin. . . . Smoking pot is not an inevitable first step to shooting heroin. . . . nor is pot all so innocent as often depicted. . . .

To meet the drug challenge, those closest to the drug problem suggest:

Learn the facts about drugs . . . listen to what your children and other youths are really saying . . . keep your cool . . . learn about community resources . . . get involved . . . don't fib about drugs to make them out worse or better than they are . . . look upon drug use and abuse as a symptom and not the cause of some trouble in our society.

CHAPTER 2. HOW BIG IS THE DRUG SCENE?

They call it "horse" and "smack" and the "Big H" and by other names.

It is heroin, a derivative of opium. And its use and abuse are spreading now, even into grammar school. It is addictive. It is illegal and expensive, costing $5 to $50 or more a day to buy, and crime or prostitution are main sources to supply the money. It produces a feeling of sleepy contentment, until that wears off and the physical need arises to have it again.

Speaking frankly, authorities say they can only make guesses about the extent of abuse of various drugs—there simply are not accurate figures on such illegal activity.

But they can point to trends. One is that what becomes popular in college soon drifts down to high schools, and even into grammar schools where the very young may adopt a drug which the college students surrendered as being too dangerous—that word didn't come down yet along with the drug.

Other trends: Increasing drug abuse, as with alcohol, pep pills, barbiturates, and marijuana, in industry. And a not insignificant number of housewives take heroin, at least in parts of this country, and more are "diet freaks" abusing the amphetamines or pep pills to dull their appetite for food.

Here are some estimates of use of different drugs:

Heroin: Perhaps 200,000 Americans are now using it, possibly 100,000 of them in New York City alone, "but the figures could be higher," says John Finlator, deputy director of the Bureau of Narcotics and Dangerous Drugs. "We are seeing heroin all over, in affluent suburbs and in high schools. Kids still are very much ignorant about its dangers, like its addictive quality."

Marijuana: A survey conducted for the National Institute of Mental Health shows almost one-third of college students had tried pot, with some 14 percent using it regularly. Another estimate is that 12 million to 20 million Americans have tried marijuana at least once. The World Health Organization estimates that more than 200 million people around the world use marijuana regularly.

Marijuana is used by medical school students and by servicemen in Vietnam, where heroin also is indulged, say various reports. These drugs are said to be used on off-duty hours, not under combat situations.

LSD: Less use now on college campuses; more apparently than a couple of years ago in high schools, or even among younger students.

Barbiturates: Abuse reaching down more into grammar school.

Amphetamines: Widely abused, by adults and children. Some reports say "speed" or methamphetamine, a powerful drug, is a big problem.

There are some telltale signs when drugs are being used or abused. But authorities warn against anyone making himself a self-appointed, suspicious detective, since the same physical signs can also be produced by illness or by medicines properly prescribed.

One sign is a break in the usual pattern of a person's life, but again this could stem from other reasons such as the depressive feelings of adolescent years. Reddened eyes could indicate use of pot—or the eye infection conjunctivitis.

Pep pills can make a person highly active and gay—so can some good news. Barbituates may make the user appear drunk or more relaxed, good-humored. Heroin users often appear sleepy, lethargic.

But do not make yourself a snoop, attributing any of these physical signs to "drugs" before excluding other reasons—don't jump to easy conclusions.

CHAPTER 3. IMPORTANT FACTS ABOUT DRUGS

Wise parents should lead from strength of fact and knowledge in discussing drugs intelligently and effectively with their children.

To do so, they must know what the various mind-influencing drugs are, how they differ from one another, what each kind of drug does or doesn't do. Young people have raced far ahead of most parents in acquiring a lore of basic information, although many of them also have serious gaps in their information.

This survey is concerned with four main classes of drugs—those that produce hallucinations; the stimulant drugs; the depressant drugs, and narcotics.

Marijuana: As generally used in this country, marijuana is a mild drug producing a feeling of relaxed well-being, a "high," and sometimes fantasies. It is NOT a narcotic—although so classed under some law—and it does NOT lead to physical dependence or addiction to it. It may lead to psychological dependence, or desire, however.

Under influence of marijuana, time stretches out, distances and sounds are magnified, and reflexes are slowed, which could mean a hazard in driving a car.

It is not true that marijuana is a first step to going on to hard drugs like heroin. This sometimes happens, but nothing inherent in marijuana leads to stronger drugs. What may frequently happen is that pushers in a neighborhood are selling both types of drugs, so it's easier to experiment with a stronger one.

LSD: By far this is the most potent hallucinogen. With this synthetic chemical, a dose no larger than the point of a pin is enough to send most people off on amazing "trips" within their own minds, with emotional experiences and observations greatly magnified. Some people react with anxiety, and a few have been fatally injured in belief they were invulnerable to the real world. No physical dependence develops, but psychological dependence may.

Other hallucinogens include mescaline, from the button of a small cactus plant, peyote or mescal, whose effects are milder than those from LSD; peyote itself, which is milder than mescaline; psilocybin from a Mexican mushroom; morning glory seeds capable of producing some fantasy experiences; and synthetics such as DMT and STP.

Barbiturates and depressants: Many people become physically and psychologically dependent upon barbiturates for sleep, to combat anxiety or tensions, or to experience highs. Some say these drugs make them feel more alive, or capable of facing daily or special situations. A combination with alcohol can kill. These are the "downer" drugs. Prolonged use can impair judgment and intellectual performance.

Amphetamines and stimulants: Overuse and abuse of these pep-up pills induce a sense of good feeling, of boundless energy and of never feeling tired—but there comes a time of physical and emotional payoff. Methamphetamine or "speed" is especially potent, particularly when injected.

Heroin and other narcotics: Opium, used perhaps from Stone Age time, was an original drug to ease pain and block out emotional reactions. Then came morphine, a medical pain-killer, and then heroin, which has no medical use but which is one of the more awesome drugs of abuse now. It produces both physical and psychological dependence. Heroin users may become "hooked" after using the drug daily for a week or so.

Glue sniffing: Children may sniff airplane glue, gasoline or other toxic vapors, for the dizzy reaction they receive. What they don't know is that for many years, industries have gone to great pains to ventilate plants where products with such poisonous vapors are made, to protect the health of employes.

CHAPTER 4. FUSES OF TODAY'S DRUG EXPLOSION

"Our earth is degenerate . . . children no longer obey their parents."

This plaintive observation was inscribed in stone by an Egyptian priest 6,000 years ago. Every generation since then, parents have likely voiced similar complaints, objecting that youngsters are rude, unappreciative of their parents' contributions, or clucking over their tastes and styles in costumes and music—and hair.

Now parents have a new concern—why should so many youngsters be experimenting with if not adopting drugs that influence the mind?

There are no simple answers—it is a complex phenomenon. Various experts offer a variety of reasons and speculations, and a few suggest there are as many reasons for abusing drugs as there are people abusing them. Similarly, they think, there are just as varied reasons why some people become alcoholics, or stuff themselves with food.

The reasons, or excuses, for drug abuses vary widely . . . a form of rebellion . . . one manifestation of the uncertain, unsettled adolescent seeking to learn "Who am I?" . . . a way of forgetting worries and hurts, and boredom and frustration . . . a means to hit back at parents . . . a way of experiencing love for others . . . a mental and emotional adventure . . . a key to escape dismal reality . . . curiosity . . . pressure from one's peers and the need to go along and to belong and not to be "chicken" . . . doubts whether mankind has any future anyhow . . . the presence and voices of persuasive evangelists touting the attractions of different drugs . . .

American society is drug-obsessed. In 1970, physicians and pharmacists turned out more

than 225 million prescriptions for drugs that affect the mind—stimulants, tranquilizers, antidepressants, sedatives and others—compared with 167 million in 1965, by one estimate.

Adults were the main consumers of these chemicals. * * *

CHAPTER 5. MIND DRUGS HAVE APPEAL

To cope intelligently with the problems of drugs, parents need to know more about the appeal they have for young people.

Here is how, in one survey, college students described their reactions to mind drugs.

"I could lose all my worries and imagine many things . . ."

"The mind is magnificently delighted by very simple situations or memoirs . . ."

Drug "are our only means of feeling love (in the general, perhaps Christian sense) in this debacle of self-destruction. It is a return to Eden."

"I have stopped taking drugs . . . It became all too easy to 'groove' on something . . . without ever coming to terms with real problems, without ever really thinking. The borders of illusion and reality became hazy . . ."

"I consider it now a part of the growing up process. It was an answer. It no longer is. I am still overwhelmed by the madness that is my country, but I must find another way of coming to terms with it."

For some users, "it is a way of hitting back at parents, to shock them, loosen them up a bit," says a West Coast college student. "Taking drugs marks an external rejection of middle class values and society in general."

A psychiatrist agrees that for some young people, including high schoolers, "it is fun to see their parents get put on. With drugs, they have something with which to get their parents enraged and incensed. The kids can send their parents into spasms. Taking drugs is one way of tweaking the old man's nose."

Many users of pot or other drugs simply find them enjoyable, as others do with alcohol. For some, it is a way of turning off emotional hurts, or for making up for feelings of inadequacy in school or at home. Some youngsters have low self-esteem and inability to establish close relationships, and adopt the attitude. "Why should I care if I hurt myself." say Jeanne Cherbenau who directs a drug education and treatment program out of the YMCA in San Diego, Calif.

Marijuana, LSD, and other drugs users say, also can offer escape from boredom, the complaint "there is nothing to do," even in the midst of plenty and affluence, or perhaps because of boredom with that affluence. "The world seems dull lots of times; we're overtitillated," a student remarks.

Dr. Mitchell Balter of the National Institute of Mental Health estimates that about one-third of those who use drugs experiment with them for kicks, another third out of curosity, and one-third because they seek or hope for insights into themselves, to be or to feel more creative.

"Many young people feel that options in life are not open to them. Drugs represent a kind of withdrawal from society, which is too impersonal to them," says Dr. Leonard S. Zegans, Yale University psychiatrist.

"Drugs represent a breakdown in or withdrawal from society's competitive emphasis. You just can't compete in the drug state. They don't want to get into the dominance game that marks our society. They would rather get pleasures in ways in which they don't have to compete against certain values."

And, says Dr. Charles Winick of the American Social Health Association, "a young man who may face the possibility of having his head blown off in Vietnam is hardly likely to be dissuaded from drug use by being told he will 'go out of his head' by taking hallucinogens."

"The 'now' generation does not want to delay its gratification, especially since it has little confidence in its ability to change the world in the future," Dr. Winick adds.

The appeal of LSD, say various users, is that it brings a much more heightened if distorted perception, one that promises deeper insights into the inner world of feeling and consciousness. Some call it "instant paradise" or "instant analysis" of one's self. Some users say they often feel more creative—even though they may create nothing or fail to paint or play music better than when not under the drug's influence.

CHAPTER 6. HUMAN COSTS OF MIND DRUGS

"I've had to pick up the pieces of boys and girls in trouble from drugs. It isn't pleasant," says Dr. Dana L. Farnsworth, psychiatrist and director of University Health Services at Harvard University.

One mother speaks: "I know what it is to talk my son down from a bad LSD trip, to have him sleep for three days straight after a high on speed . . . I know what it is to watch him become completely paranoid, to hold a 17-year-old 'child' in my arms and let him cry . . . all this from a boy who was outgoing, lovable, fun-loving . . ."

Just how many young people and adults also get into trouble through use of mind-influencing drugs is not known. Abuse of alcohol, the progenitor perhaps of drugs that affect the mind, has resulted in some 6,000,000 or more alcoholics in the United States alone.

Young people are more easily injured than their elders by hallucinogenic and other drugs, authorities agree. They have a "yet-uncrystallized system of personality," and some of those who turn to drugs "may have unstable personalities to begin with"—they might have gotten along all right if they hadn't added the burden of the influence of mind drugs.

People vary in susceptibility to diseases, like flu, and often "the kids who shouldn't use drugs are the ones most likely to do so and become hurt, to become odd man out," says Dr. Herbert D. Kleber of Yale University.

Measuring the real effects from drugs bought on the street is complicated by the fact they are very often adulterated, or vary in quality and potency. A stick of marijuana may be only alfalfa, or marijuana laced with LSD or strychnine.

One of the great harms concerning marijuana was that for decades it was misrepresented as being extremely dangerous and a cause of crime and rape and bizarre behavior. When young people discovered this was not true, they tended not to believe official warning about other drugs, like heroin and LSD, which are far more dangerous, and they tended to use them.

This is not to say that marijuana has never hurt anyone, as some of its advocates insist.

A recent assessment is given in the report, "Marijuana and Health," issued by the National Institute of Mental Health, with comments from Dr. Bertram S. Brown, director of NIMH:

"The bulk of healthy young people, with short-term use of the drug, will have no deleterious effects although a few of them will . . . and . . . in high enough doses, a psychotic episode can occur in everybody."

"The health picture with respect to marijuana must at present be regarded as fragmentary and clearly incomplete . . . Many of the most important questions regarding the implications of long-term, chronic use will require significant periods of time to answer."

No evidence yet links marijuana with birth defects of babies born to users, or with lung cancer from smoking pot.

Marijuana "is a relatively minor contributor to major crimes and violence in any country in the world in which it is used."

But there is "increasing evidence that frequent, heavy use of marijuana is correlated with a loss of interest in conventional goals and the development of a kind of lethargy."

"It is generally conceded that marijuana does not necessarily lead directly" to use of stronger drugs. "On a worldwide basis there is little evidence of a progression from the use of marijuana to that of opiates or hallucinogens."

The casualty rate from LSD is far higher and more apparent than any from marijuana. Bad trips of freak-outs have sent a small parade of youths to hospitals with panic reactions, or with psychotic episodes that last days, weeks or months.

LSD has driven some few persons to suicide, and LSD-inspired fantasies have led a few to death by jumping out windows or walking on a highway in the belief they could fly or where invisible.

Other drugs are not always as safe and innocent as devotees picture them. Morning glory seeds have been reported to have caused anxiety and psychotic reactions sometimes. Barbiturates can be lethal. Pep pills can take a toll of mind and body.

CHAPTER 7. LISTEN . . . LEARN . . . KEEP YOUR COOL

Now there is much the individual can do to prevent or reduce human injury from abuse of the mind drugs.

There are community and government programs, and teenagers themselves are taking constructive action through telephone "hotlines" for consultation and advice.

Lessons have been learned from past mistakes, as, for example, relying on a one-shot warning about drugs in the school auditorium—the kids saw through that kind of rather superficial concern. Today there is less hysteria, and less moralizing on the very real drug problem.

Before looking at specific programs, consider some advice from specialists in various fields:

Keep your cool.

Listen, carefully, to what your children or young people are really saying.

Learn the facts about drugs, and share them with youngsters.

In discipline, be firm but fair.

If your children are actually becoming dependent or hooked on drugs, you likely need outside counsel and help.

Just possibly, drug abuse may be in part a passing fad. Certainly it's something middle class citizens paid little attention to until things like marijuana and heroin moved out of ghettos into the suburbs.

Just possibly, "the young themselves will lead us out, through some attitudinal change," says John Finlator, deputy director of the Bureau of Narcotics and Dangerous Drugs. "We may hope that the young people will take a more serious look at some of the really dangerous drugs, and make better judgments about them."

In concern over harmful drugs, set realistic goals, and "don't pretend you're going to wipe out drugs," says Peter Hammond, executive director of the National Coordinating Council on Drug Abuse Education and Information, Inc.

On things NOT to do, Finlator and others caution against spying on children, or monitoring their telephone conversations, for children will hate that, and you for doing it. They feel that trying to scare children away from drugs is not usually very effective either.

Listen to what children and youths are saying, discuss matters with them, and thus build stronger bridges of understanding with them, the specialists advise. It's pretty bad if your children become fearful to tell you their troubles—and turn to others to unburden—for fear you will criticize before trying to understand what happened, or to try to help them.

Talking with them, they add, doesn't mean

you approve of what they did. As for taking of drugs, that action means something, and parents should try to fathom what it does mean, says Dr. Dana Farnsworth, Harvard University psychiatrist.

Beginning at a very young age, "we should teach children respect for drugs of all kinds, even aspirin (which can kill by overdose)," Finlator says. "We should teach them to take drugs only as needed. We cannot wait until children reach an age of decision about drugs. We should tell them that if they take marijuana, they may get into trouble, that taking LSD might put them in a hospital.

"It would be best if our schools developed programs teaching respect for drugs in general, or in particular. But if a high school, for example, suddenly puts on a program on drug abuse only, youngsters will laugh at it."

As for discipline, youths want authority but not tyranny, the specialists say. They tell, also, of many youths who say they would not have become addicted to heroin if they had felt their parents had really been concerned about them, and had set strict standards.

Dr. Richard Blum, Stanford University psychologists, thinks "we have to make parents comfortable in being parents, that it's all right at times to say, 'No.' If they go get flak at times when they say 'No' that's one price of being a parent."

Parents need to set examples. As one youth said, "I don't know why people get excited when I use drugs—my old man's been hung up on martinis for years."

CHAPTER 8. DRUG PROBLEMS: TAKING ACTION

"If you are not part of the solution, you are part of the problem."

Citing that saying, the National Center for Youth Outreach Workers in Chicago is doing what its name implies—seeking more effective ways of helping youngsters in or near trouble from drugs or other cause.

Founded by the National Board of the YMCA, Youth Outreach is recruiting and training youth workers who focus not upon a building but the neighborhood—in city, suburb or rural area—where the youths are, and enlist the support of all community agencies and resources. It stresses correction of causes of youthful difficulties.

It is one example of increasing action programs now to prevent tragedy from problems such as drug abuse, or to help those who have fallen into trouble. Your own community has or could have some of these same resources.

Like flowers blossoming in spring "hotlines" and crash pads and drop-in centers and free clinics have sprouted over the nation. They are mostly self-help units run by young people from teen-age up. Some have backup support from professionals in medicine, education and social agencies, churches, and service clubs. Some have the cooperative understanding of legal authorities. Other centers or facilities are harassed by local authorities in the suspicion sometimes that "hippies" are up to no good.

In New Haven, Conn., a private project called Number 9 is an easy-going, informal "youth crisis intervention center" run by young people. It's a storefront where youngsters can "rap" or talk about what interests or bothers them; it has a crash pad for drug users to sleep in emergencies, and an arts lab for painting and working with clay, leather or other materials.

"Basically, we've found that kids have an intuitive sense of how to help other kids," says Ted Clark who at 26 was a co-founder of Number 9, so named from a Beatles song, "Revolution Number 9."

"As examples of institutions for the young, self-help programs have implications for the primary prevention of drug abuse that may be more profound than any other effort including the expenditure of millions of dollars on drug education curricula in school systems," says Dr. Matthew Dumont, assistant commissioner for drug rehabilitation in Massachusetts. These programs are informal, readily accessible, not concerned with protocol, and their focus is on health and immediate needs, he points out.

Youngsters use "hotlines" not just to discuss drug problems, but other matters bothering them. And adults sometimes tune in, also, to learn from youths what they think the real problems are, or what the solutions might be, or what should be done.

Skipping across the country, one finds these among a wide variety of action programs in education or treatment of drug problems:

In Washington, D.C., the Black Man's Development Center, seeking to wean addicts off heroin and also the substitute drug, methadone, and to train them for jobs . . . In Phoenix, Ariz., an integrated approach—CODAC, standing for Community Organization for Drug Abuse Control—including a "hotline," a round-the-clock emergency center for help without fear of arrest, high school students explaining drug perils to still younger students, and an educational and talk-out program for parents.

In New York, Encounter seeks to prevent youths from graduating from soft or mild drugs to the hard drugs . . . In major cities are such treatment centers as Synanon, Daytop Village, Odyssey House, Phoenix House, Halfway Houses, Satori, to help heroin or other drug users quit through live-in or outpatient facilities or other programs offering phychotherapy, methadone, or combinations.

Multiple approaches are needed since reasons for drug addiction vary.

For helpful information on drugs and drug programs, there are the National Clearinghouse for Drug Abuse Information of the National Institute of Mental Health, Rockville, Md.; the National Coordinating Council on Drug Abuse Education and Information, Inc., Washington, D.C., and the Bureau of Narcotics and Dangerous Drugs, also in Washington.

CHAPTER 9. DRUG LAWS AND THE FUTURE

Laws governing use and abuse of mind drugs are changing. In general, they are reducing the penalty just for having marijuana, and they are hitting harder at drug pushers.

Until May 1971, simple possession of marijuana for personal use was a felony under federal law. Conviction mean a jail term of two to 10 years, and loss of voting rights, and a permanent blot on your record.

Now, simple possession on the first offense has been reduced to a misdemeanor. The youthful offender can be placed on probation and if conditions are properly fulfilled, there is no public record of the arrest. But repeated offenses bring terms in prison.

State laws vary widely, so parents should apprise themselves of what they are. They range from Nebraska's most lenient law now of seven days in jail for possession of marijuana to Texas where for years the sentence has been two years to life imprisonment. More than half the states have recently amended laws to be less severe about marijuana. In federal law, possession of LSD, which is far more potent a drug for personal use was in 1968 made a misdemeanor having before that been no federal crime at all.

The new federal laws slams down hard on the professional drug pusher, especially of hard narcotics. For the first offense, the sentence can be a minimum of 10 years, and a maximum of life imprisonment and a prescribed maximum fine of up to $100,000, and forfeiture of all profits from the illegal selling and the pusher might lose personal assets such as his house. The second offense sort of doubles the penalties—except of course that the pusher has only one life to serve up.

Meanwhile, a debate zips along whether marijuana should or shouldn't be made a legalized drug. Proponents argue that it is usually mild, that it isn't a narcotic nor an addictive drug, that one should be allowed to enjoy what he enjoys, that it offers a way to relax and fantasize, that content and quality could be legally controlled.

Opponents to legalizing marijuana say: Not enough is known of effects from long-term use; if we have six million alcoholics or rum-heads, why should we risk also having "X" millions of pot-heads? . . . Legalization might bring "quality control" as with other drugs but also the illegal invitation to sell something more potent at a premium . . . How many alcoholics, it is asked, would turn to pot instead of drink for the relief or rewards they find in drink?

What is agreed upon, from both points of view, is that pot most likely is here to stay.

The legalization argument extends to other drugs as well—as, for example, that there might be less crime if heroin were legally available for those hooked upon it, or wanting to be weaned from it. Here, a counter view is that more people might become dependent upon mind drugs, less attentive to their best roles in life.

Many more mind-influencing drugs are bound to come along, most from the continuing scientific search to develop drugs that truly can help people, others from bootleg laboratories, authorities predict.

Meanwhile, research continues to determine the long-term effects from using marijuana, and to fix the place in treating heroin addicts, or at least some of them, with methadone, a synthetic narcotic that appeases the hunger for opiates without producing the high that heroin brings. A search continues for other substitute or antagonist drugs. And so does research into many other phases of the total drug problem.

Questions and issues about most of the mind-influencing drugs burn in fires of emotion and opinion. Scientific research promises to produce the facts to help the public deal more effectively in the future with a plethora of drugs.

NO QUICK REMEDY TO PROBLEM, COMMITTEE SAYS

(By Douglas Mauldin)

COLUMBIA.—Nine men in South Carolina have been on drugs for nearly a year now with no hope of withdrawing any time soon.

The nine aren't hooked on drugs, but they are addicted to seeking information about them.

They are members of a special study committee created by the General Assembly and given permanent status just this year to make a "full and complete study" of the illicit drug traffic and use in South Carolina.

The committee is composed of three state senators, three state representatives and three gubernatorial appointees which include a prominent Columbia businessman, a black doctor and a college student.

With over 40 meetings under its belt and more down the road, the committee has set a legislative record in the number of sessions and in the zeal with which it has gone after the drug problem.

It has been to every corner of the state gathering information and material, listening to drug users, pushers, addicts, former addicts, convicts, psychiatrists, educators, medical doctors, and law enforcement officials.

They have had every angle of the drug problem under a microscope and still admit that they know very little about the growing problem.

In its interim report earlier this year to the legislature, ending an initial phase of its work, the committee reported that it was "enlightened but amazed and appalled at the extent of the drug abuse in South Carolina.

"Any preconceived panaceas held by members of the committee," the report stated,

"were dispelled as they probed into the eerie and incredible environs of today's drug world and its inhabitants.

"As a result, the frustration level increased when it realized that no easy, quick remedy was available," the report said.

On the contrary, the committee said, it was confronted with a "complex, complicated and multifaceted problem to which it must supply new and comprehensive legislation, revised and innovative educational approaches and develop treatment and aftercare programs that meet the needs and rehabilitation requirements of drug-dependent persons.

"The danger is no longer on the doorstep," the committee warned, "but is already in the home, in the school, in the community. . ."

Use of illegal drugs and misuse of legal drugs, the committee found, are "modern day stigmas, born out of a fast-paced technological world and its pressures and characteristics of a developing life style affecting every generation.

"Drug abuse," said the committee, "is like a cancerous growth which may be impossible to eradicate from society once its vicious tentacles are rooted within the communities."

The committee pointed an accusing finger at inadequate educational programs, a complete lack of facilities to treat drug addicts, a dearth of rehabilitation programs, disjointed efforts to deal with the drug problem at state and local levels and fragmented and disoriented law enforcement efforts in the control of drugs and narcotics.

The first committee recommendation calling for a complete and comprehensive redrafting of state drug and narcotic laws coupled with the repeal of existing drug acts dealing with stimulant and depressant drugs has already been carried out with little or no opposition.

The new drug act which emerged deals with the first time, experimental drug users and sellers more compassionately, while cracking down hard on the professional and persistent traffickers and tightening the avenues by which drugs can be obtained.

The new act, just now filtering down into the criminal justice system, also provides avenues for drug users and sellers to seek court-approved treatment and rehabilitation for their addiction problems.

The establishment in the governor's office of a commissioner of narcotics and controlled substances—another recommendation from the committee—is designed to bring coordination of effort in education, communications and law enforcement in the drug field at all levels of government.

The problem of drug education, the committee said, must be solved through administrative rather than legislative action and "total community concern and commitment.

"If there is any hope at all for this social problem," the committee observed, "it is by placing greater emphasis on the education and treatment rehabilitation approach."

A mammoth educational program to cut across all classes of society regardless of ethnic or economic characteristics was strongly urged by the committee.

"In today's fast-moving, highly industrialized and technocratic society," warned the committee, "any home at any time can be stunned into the realization that drugs, either the hard or the recreational variety is ominously present."

"It is doubtful," the study group went on, "that the traditional processes of education as we know it will secure the most satisfactory and effective results especially with young people."

The committee also dealt a critical word to those with simplistic and immediate answers to such a complex problem.

"In no other phase of the drug problem," said the committee, "has there been such a legion of experts so ready and eager to impart their instant wisdom on this most difficult and complex social problem."

The result has been, the report continued, that "well meaning purveyors have made more difficult the task of informed, knowledgeable and authoritative sources to convince, particularly young people of the nature and effect of all drugs and narcotics."

The committee called for central co-ordination of the dissemination of information on drugs and narcotics without further widening of any generation or credibility gaps.

Such information, said the committee, must be uniform, consistent and authoritative "unblemished by individual attitudes and biases."

"The purveyor must be credible and must be an individual who has the respect and confidence of his listeners."

In the field of treatment, the committee found there are few if any hospitals which admit drug addicts and none provide necessary after-care programs: to strengthen the addicts' ability to resist return to the habit.

Even the few compassionate physicians and psychiatrists who treat addicts in their offices have no follow-up programs and the addicts are turned out to repeat the tragic pattern, the committee said.

The committee is exploring various approaches to providing rehabilitation services in South Carolina "to supply socially accepted crutches to meet the needs of these varied inadequate personalities.

"Obviously intensive after care programs for drug dependent persons are vital if their confidence and self-reliance is to be restored," the committee concluded.

Concerning law enforcement, the committee found "efforts as they relate to drug and narcotic control quite fragmented and disoriented, often with only slight coordination and minimal cooperation."

The committee pointed to a "desperate and immediate" need for a central coordinator to whom the police network of the state at all levels would be responsive.

Creation of a special drug control unit within the South Carolina Law Enforcement Division (SLED) was the response to this criticism.

Without central direction, the committee said, "there is a deplorable waste of the available talent, resources and manpower to effectively combat the drug problem."

Heading up the drug committee has been hard driving chairman, Sen. Ralph Gasque, D-Marion. Rep. Nick A. Theodore, D-Greenville is vice chairman.

Legislative members also include Sens. Robert B. Scarborough, D-Charleston and James M. Morris, D-Clarendon, and Reps. Marshall C. Cain, R-Aiken and Butler C. Derrick, D-Edgefield.

Appointees of the governor are R. Roy Pearce, a Columbia food broker; Barry W. Knobel, a University of South Carolina law student from Anderson; and Dr. C. Eugene Stephenson of Columbia.

SENATOR GASQUE SAYS OF DRUG PROBLEM: IT'S LIKE WRESTLING WITH A SEA MONSTER

(By Douglas Mauldin)

COLUMBIA.—Coming to grips with the drug abuse problem in South Carolina is like wrestling with some giant sea monster, according to a veteran legislator who heads up a special legislative study committee on the subject.

"It's just like a damned octopus," observed frank-spoken Sen. Ralph Gasque, a 58-year-old Marion attorney. "It will swallow you up. You don't really know if you're doing any good or not. We hope we are."

Gasque has piloted the nine-member Drug Study Committee through over 40 investigative, probing sessions which has so far produced a new drug and narcotics control law and the first efforts to coordinate and direct a concerted attack against the drug problem.

The Marion Democrat, who surprised many legislative observers by his devotion to his drug committee duties said, "It's a very engrossing subject and it requires a lot of study to try to get yourself acquainted with the problem, to try to become knowledgeable to any degree at all."

Gasque sees a monumental task before his committee and before the state itself to come to grips with the drug octopus which is spreading its tentacles deeper into the social fiber, perhaps to the point, some fear that there will be no stopping it.

The first step in the assault on drugs, the senator believes and the committee concurred, will be a massive educational program involving all segments and institutions in society.

"Education should be the beginning point," Gasque said. "We have to educate everyone. We have no educational program at all, none at all to speak of. That should be the beginning point to try to deter these youngsters from drugs of all kinds."

But Gasque quickly points out that the parents of the youngsters must be educated first so they can teach their offspring.

"I don't think these parents can go out on Saturday night and get polluted on alcohol of any kind, and on Sunday morning tell Johnny that he shouldn't smoke pot (marijuana) because it's bad for you. How can a parent do that?" Gasque asks.

"Children already equate marijuana to beer. If daddy can get polluted on weekends with beer parties," the reasoning of the young people goes, "why can't they have pot parties?"

What educational tack the state should take is one of the problems that the Gasque committee wants to resolve as it continues its study of the drug problem.

"We are going to study the best educational programs in the United States and try to take the best of all of them and design one to fit the needs of South Carolina," Gasque said.

The committee will emphasize that education must come first, the chairman said, then treatment for the already hooked, vocational training for these needing it to return as productive members of soicety.

"We're going to have to educate to head this thing off," Gasque stresses. "If people want drugs and they are not educated, they're going to get them.

"We're not going to dry up the market. We're never going to be able to eliminate alcohol. We're never going to be able to eliminate drugs."

"Education and law enforcement won't stop it. In fact, I can't foresee any stoppage. We hope to contain it at the present level and turn it back. We don't want to see it continue to grow by leaps and bounds as it is growing."

Gasque said the goal should be to stop as many as possible from using drugs and have programs to point youngsters to and to tell them that drugs are bad and should be avoided either as a lark or as an experiment.

Gasque, neither drinks nor smokes and is fond of saying that he finds neither of those vices necessary for pleasure.

"Of course alcohol is the principal evil now by far," he offers, "but if drugs continue to gain as they have they could be the most serious thing that we have.

"Alcohol just affects the victim or immediate members of his family, but drugs affect us all in that they make criminals out of so many.

"Drugs make prostitutes out of fine young girls, robbers out of fine young men (to feed their habit) and the public becomes the victims of their crimes.

"It presents a real serious problem, one which we must cope with to the best of our ability."

"We on the committee want to treat the addicts, to eliminate the pushers from the streets, to punish and get rid of them, but

we want to treat the addict and restore him to society if at all possible."

Gasque drops the blame for drug use among the young at the doorstep of parents who are "overpermissive" and "neglect" their children, who are inclined to give them too much too soon in a "society now that's looking for different kinds of thrills, looking for new kicks."

The senator rings up a "no sale" on the youthful view that marijuana can be equated to beer and that pot is not harmful or habit forming.

"Marijuana is definitely habit-forming and there is no question but that it leads to use of hard drugs," Gasque said.

When they don't continue to get the high or thrill off marijuana, Gasque reasons, "they then turn to other things. This has been the evidence before the committee.

"We are of the opinion that it leads on to other drugs and public crimes. It is something which we should not tolerate."

Intolerance, however, does not mean putting every youthful drug offender in jail, Gasque quickly adds, particularly in view of the absence of substantial medical evidence that marijuana is harmful to the users.

"Rather we should expunge the record, don't count it as criminal offenses and have them amend their ways and go on and straighten out," Gasque said, reflecting the enlightened view on drugs.

"If we reached out and grabbed all the boys and girls who smoke pot, we wouldn't have room in our prisons for them. We don't feel we are justified in making criminals out of them and blighting their future unless we had more evidence to go on than we have."

Gasque readily acknowledges that liquor is legal and has disastrous results on society while remaining socially acceptable, but he said it cannot be used as an argument or excuse for making use of grass legal.

"Presently alcohol is more of a detriment and more of a danger and more harmful than marijuana," Gasque argues, "but can we afford another evil such as alcoholics? Ten million alcoholics in the United States is enough. We don't need ten million dope addicts."

Of the committee's accomplishments thus far, Gasque is most proud of the new comprehensive law dealing with narcotics and drugs, hammered out in dozens of committee sessions and patterned somewhat after the new federal drug statutes.

Gasque feels the new act gives a great deal of protection to the public from drug pushers with severe penalties and upgrading of some offenses to felony proportions.

It also gives a great deal of protection to the youthful offenders who Gasque says "may just set out on a lark and get caught with a group of other people or using maybe marijuana for the first time or soft drugs.

"It would deal with them of course as first offenders and it would permit the court to expunge the record and keep a lot of young innocent people who are certainly not criminals and not drug addicts from having a criminal record which would follow them throughout their lives."

For other drug offenders, it would leave with the court the option of either sending them to prison or committing them to treatment centers either inside or outside the state.

Gasque said he is "definitely opposed" to legalizing marijuana although some of his committee members were "lukewarm" and not firmly convinced at first on this point.

The committee ended up, however, firmly convinced that pot should not be legalized.

South Carolina, like other states, was caught unprepared for the sudden surge in drug use, Gasque believes, and is just now beginning to take hold of the problem.

Heretofore, Gasque believes, the drug problem was swept under the carpet as long as it didn't touch the well-heled in the social fabric.

"We know heroin has been used by the blacks for a long time," Gasque comments. "As long as it stayed in the black community, as long as it stayed in the people in lower economic brackets, we didn't bother with it. But when it moved upstairs and when those in the upper income brackets, the children of lawyers, politicians, doctors, leading citizens, when their sons and daughters started using it, then we recognized the problem and not until then."

The state's naivete and unfamiliarity about drugs and its resultant unpreparedness to deal with the problem was reflected everywhere, even in law enforcement, Gasque said.

Law officers didn't know rabbit tobacco from marijuana as indeed vast numbers of the public and even members of the study committee itself didn't, Gasque said.

"It's just that none of us have been educated to the problem. It was thrust upon us before we were prepared for it."

Gasque has no quarrel with law enforcement in its efforts to date and says officers are working hard to control drugs, and when they are more knowledgeable and have more expertise will do a better job.

The Gasque committee feels it is helpless to do anything about the conditions which contribute to drug use, the abject poverty in the black ghettos and poor white communities and the harshness of life that prods the unstable into seeking escape from reality.

"We just don't have the funds to eliminate poverty so we can eliminate drugs," the senator said. "The state is doing a great deal to eliminate poverty, doing all it can reasonably do at the present time."

As for the committee, Gasque sees "no end to the challenge of the work which we will be required to do. We will continue to meet. There will be no lessening of our efforts. We have just commenced work and we've got a long ways to go."

McLeese Coordinates Program Aimed at Drug Control in S.C.

(By Douglas Mauldin)

COLUMBIA.—A road map to lead South Carolina to an effective drug control program is being drawn up by the state's newest and smallest units.

Donald G. "Ike" McLeese, the newly appointed commissioner of Narcotics and Controlled Substances is the chief mapper in an attempt to coordinate what has been a fragmented state approach to control of drug use and abuse.

McLeese, former home secretary for U.S. Sen. Ernest F. Hollings was tapped by Gov. John C. West to head up the new office within the State Planning and Grants Division, itself part of the governor's office.

The 26-year-old McLeese, a native of Anderson, was already working for West when he was given the newly created post last month.

"Our first priority," McLeese said, "is to put on paper a comprehensive statewide drug abuse plan. The function of each agency will be specifically detailed. That way we will know where we're going and how we're going to get there.

"Once we get the state plan—and we will have it by Aug. 1—we hope it will be as comprehensive and as explicit as there is in the nation."

McLeese has launched vigorously into his new job with an office in the Wade Hampton Office Building here and a staff of one assistant, Barry Knobel, a university law school student who serves on the Legislative Drug Study Committee.

McLeese had already spent a week in Washington to develop rapport with federal agencies concerned with drug control and to make appeals for available federal assistance.

Then he spent a week in Florida to study the workings of the Florida Drug Control Program hoping to pick up some pointers and to profit from any mistakes Florida made.

Creation of the Commissioner of Narcotics and Controlled Substances came out of a recommendation of the Drug Study Committee which had met with Governor West about the drug program.

The governor was known to be concerned about the lack of coordination about drug control and was not able to get seven state agencies concerned in one way or another to agree on which should coordinate it.

Involved were the Department of Corrections, Commission on Alcoholism, Vocational Rehabilitation, Mental Health Commission, State Department of Education, State Board of Health and the State Law Enforcement Division (SLED).

One of the first things McLeese did upon assuming his new role was to confer with heads of these agencies to discuss the direction—or lack of direction—the state was taking.

McLeese says the first year of his office will be mainly spent trying to coordinate the state effort in drug control including contacts with larger metropolitan areas like Greenville, to inform them of state services available and of the necessity to cooperate.

"There has got to be a smooth delivery of funds and services from Washington to Columbia and to Greenvile and other areas," he said.

A person who turns himself in for rehabilitation or vocational training must be able to get smooth handling, McLeese said.

The state plan now being prepared will deal with prevention, education (including mass communications) law enforcement, rehabilitation and overall coordination of administration.

"The purpose of the state plan is to systematically organize ourselves and overcome fragmentation and overlapping services and have a way of knowing where we are going and how we're going to get there and who's going to drive the vehicle," McLeese said.

McLeese, who got a degree in speech and drama at Anderson College prior to studying political science at the University of South Carolina, says he intends to keep his office small.

"I don't intend to build another state agency or bureaucracy," he promises. "We intend to use the in-house expertise of the other seven agencies and merely serve as the administrator and coordinator."

McLeese has asked the Law Enforcement Assistance Program (LEAP) under the Justice Department for an $85,000 grant to run his office, help set up a scholarship program at state universities and to conduct a test program to determine public attitudes toward drugs.

The Graduate program, for which some state funds will be requested will be aimed at getting students involved in the drug program and in using graduate level students to compile much needed research on drugs.

If the mass media program is successful, it will be expanded statewide to correct any misconceptions the public has about drugs.

McLeese considers it "unrealistic" to say drugs can be eliminated but says, "we're trying to look at it from the overall picture, both from the enforcement standpoint and from the prevention and rehabilitation standpoint."

One of the responsibilities given the commissioner was coordination of law enforcement from the local to the state level as far as drug laws are concerned.

The State Law Enforcement Division

(SLED) was assigned the job under the law of enforcing state drug laws, a duty formerly of the state Board of Health.

The Board of Health will retain an inspector to check on drugs at legal outlets such as drug stores, drug warehouses and other legitimate places where drugs are housed.

McLeese said SLED will continue its longstanding policy of cooridnating any moves into a city or county with local authorities.

"The Board of Health was spread out in trying to do enforcement work and trying to check hospitals, which was its primary mission," McLeese said.

PICKENS JAYCEES SPONSOR DRUG EDUCATION PROGRAM

PICKENS.—"If drugs are bad for you then why do people take them?" That's a difficult question to answer; but suppose you were a police officer and giving a talk to a group of third graders and a nine year old asked that question.

It has happened more than once to Sgt. Randal Stewart of the Pickens County sheriff's office, who since last fall has been making the rounds at local high schools and elementary schools giving drug talks.

Stewart, who is also head of the Pickens County Drug Abuse Committee, does not claim to be "an expert" on drugs. He has had one correspondence course from the National Law Enforcement Academy on drug abuse. Since 1969 he has been a sheriff's deputy and since the fall he has been asked hundreds of questions about drugs.

Stewart, 30, says that even nine-year-olds show an interest in the drug culture and are quite knowledgeable about drugs. He said that for his experience the adults don't seem to know very much about the drug culture and the types of drugs.

His talks began as a local Jaycee project. During the past three years, the number of drug cases here have increased, making the 13th Judicial Circuit of which Pickens County is part, one of the leading drug abuse areas.

It was this infamous claim that spurred the jaycees here to sponsor a drug abuse education program. As a member of the Jaycees, Stewart found himself lecturing on drugs. He and Sheriff David Stone have appeared before hundreds of church, civic and school groups, showing drug movies, and giving brief talks about drugs.

Stewart says he trys to give only the facts about drug abuse, but this is often difficult because of the questions such as "How does marijuana taste? What is the difference between a yellow jacket pill and a black beauty pill? And why do people even take drugs?"

Stewart said that he believes that drug users begin as curiosity seekers looking for a new experience or they are young people in rebellion or defiance of their parents.

He said that drug cases have been made throughout the county and not just in the college town of Clemson.

The reasons for Stewart's work with drug talks is cited by the Pickens Jaycees as an effort to educate the public about drug abuse and to push for strong drug laws.

It was the Pickens chapter who introduced a measure at the state jaycee meeting to go out into the community and make the public aware of the drug problem and to instruct local chapters on how to pressure for stronger drug-control legislature.

GREENVILLE MAY BE BECOMING ILLEGAL DRUG CENTER

By Aubrey Bowie

Greenville has more than its share of the entire drug bag. Heroin, marijuana, LSD and a virtual rainbow of pills are all circulating widely in the Piedmont's major metropolitan area, and, according to the most informed sources, in increasing quantities.

The actual amount of illegal drug activity in the Greenville area is impossible to measure. Yet, there is enough solid evidence to indicate to law enforcement, the medical profession and other concerned citizens that a serious drug problem does exist locally.

The growing number of arrests involving drugs is one tangible signpost. Records in the circuit solicitor's office show that 135 drug cases were made by county officers last year. Corresponding figures for the City of Greenville alone list 97 persons arrested on 118 drug charges in 1970, as compared to 14 persons on 19 charges in 1968.

Through April of this year city officers already had arrested 47 individuals on 55 drug charges. And since then there have been several massive drug raids to place the number of arrests at mid-year well over 1970's total.

Law enforcement officers point out that the entire range of illegal drugs can be found on the local scene. Detective John Cooper of the City Narcotics Squad said, for example, that, marijuana has found its way into every Greenville high school and in 40 to 50 percent of the junior high schools.

The major concern of law enforcement, however, is over the growing sale and use of heroin. All the local officers involved in narcotics control agree that heroin traffic in the Greenville area is continuing to rise substantially.

They have good reason to be worried. "Crimes of theft increase in relation to the amount of heroin traffic," said Johnny Mack Brown, circuit criminal investigator. The officers view the rising local crime rate, higher last year than any other South Carolina city, as a direct result of the drug problem, especially heroin.

Brown said that heroin has the most direct relation to crime because of the cost involved in using it. A single bag sells in Greenville for $6 with the average addict needing from six to eight bags a day to feed his habit.

County Sheriff J. R. Martin and other officers are forced to admit by the weight of the evidence that Greenville is becoming a major dirtribution center for illegal drugs. Circuit Solicitor Thomas W. Greene is convinced that Greenville's geographical location between Charlotte and Atlanta and a lack of coordination among local narcotics agents are the prime reasons for the increase in Greenville's drug traffic.

Area doctors back up the opinion of law enforcement officials on the scope of the drug problem, and the fact that it has creeped from the black community into all stratas of life. One psychiatrist estimated that at least 150 persons "who have had some experience with heroin" went through medical channels in Greenville last year. He said most of his patients are from middle income families but "some of our worst cases are from high income families".

Dr. John P. Taylor, a leader in the Community Organization for Drug Abuse Control (CODAC), believes that as many as 10 to 15 percent of Greenville's young people—13 to 23 years old—have a serious problem with drugs, other than alcohol.

The young people themselves, interviewed in city parks and in area schools, concede that drugs are "very easy" to obtain. The most frequently mentioned items in a Sunday afternoon discussion of the local drug scene with a group of young people in Cleveland Park were "psychedelics," or hallucinogens, such as mescaline, LSD, psilocybin and marijuana. One girl noted that Greenville is famous for its scag, or heroin.

Heroin, however, apparently is not yet a staple drug of the park people. But neither is its use confined, as in previous years, to blacks. Observations by doctors indicate its spread into upper and middle income levels of the community.

Black leaders point out that while heroin has been the "heavy drug" among their people for years, use now runs the entire drug gamut from heroin to marijuana and pills. By any standard of measurement, the dilemma of what to do about drugs obviously has grown to the proportion of a community-wide problem.

And the community is slowly gearing up to deal with it. There are signs that concern over the problem may be moving from the talk to the action stage. Until recently numerous local efforts to provide treatment and education in the drug field have been disjointed and isolated.

The push by a number of local citizens, working together under CODAC, for a concerted anti-drug front have resulted in legislation to establish a Greenville County Commission for Drug Abuse Control. The commission will serve as a general overseer of drug-related projects with authority to receive and spend funds for a totally coordinated program.

The Greenville Area Mental Health Center has recently initiated a methadone withdrawal program, a first for this area, to aid addicts in ending their dependence on heroin and other narcotics. The program includes a two-week withdrawal eased by oral doses of methadone and supplemented by group therapy sessions. Cost to the individual addict is nominal.

In the area of law enforcement Solicitor Greene is continuing his efforts to establish a countywide narcotics unit, employing the present narcotics agents under one central umbrella. A committee has been set up to study the feasibility of such a unit, which Greene and other officers believe would obtain "phenomenal" additional results in the area of drug law enforcement.

The wheels are beginning to turn. The final result, of course, will have to be measured in terms of total community commitment to effectively crack down on drugs and the underlying social problems that promote their use.

Many doctors and specialists, such as radiologist Robert C. McLane, view drug abuse as a "symptom of a sickness of society." There appears to be opposing reasons which encourage drug use among young people from both high income and low income families.

In one case youngsters are no longer faced with the challenge of overcoming material insecurity. Because they "have it all" they seem to have lost the ability to find pleasure from ordinary experience.

In the other case, especially among many blacks, drugs offer an alternative to material security. For many low income youngsters in Greenville the lack of opportunity to achieve material success is a little easier to take when hidden behind a narcotics-induced fog.

The challenge to the Greenville community is in solving the social problems which produce a drug culture growing from these two extremes. It will not be easily or quickly accomplished because it involves a change of community attitudes, a reordering of priorities.

The hopeful sign, from the viewpoint of the drug-hooked young person is that the community cares enough to make the effort. The significant step is that the problem has been recognized and is being faced realistically.

A JUNKY WILL STEAL FROM ANYBODY

(By Jack Norris)

At 15 he smoked his first joint of marijuana.

At 17 he began to mainline heroin.

Now at 20 he's trying to shake heroin addiction.

For two weeks now, thanks to involvement in several programs of a rehabilitative nature, the last of which have utilized Methadone, he's been "clean;" not taking either heroin or Methadone.

"If you've got enough willpower and some outside help you can stop it. I'm going to stop it this time or else—!" he said.

He doesn't believe anybody should start taking drugs, but at present he says he doesn't regret his experience because he thinks he's now able to resist the craving, and that he's learned a great deal.

Did he ever start anyone else on the road to heroin addiction?

"Well, yes, I have passed a few bags for free to someone who hadn't used it," he said. "At the time you feel like it's the right thing to do for a friend, and besides they're running around with a crowd that's using it and pretty soon they're going to get some from somebody anyway. But now I wouldn't give some to a person who had never used it. I wouldn't even sell it to them."

He sat in a restaurant booth and talked with this reporter about heroin addiction recently because, he said, he really wants to prevent others from getting hooked.

He didn't answer many questions about those who sell heroin and about how many dealers there are in Greenville but said it's easy to buy it here.

"There are 10 who sell it in one group, but it might not be healthy to talk about things like that. There is a syndicate and the roots of the syndicate aren't here," he said.

He said marijuana, barbiturates, LSD, heroin and other drugs are sold in the Greenville area.

He prefers to use the term "dealer" and not "pusher" in referring to one who sells heroin. Besides, there is a difference and pushers operate only in the big cities, he said.

He said dealers in heroin respond only to the demand for the product, adding that the pusher will give it to a person until he becomes hooked.

"I first started taking it on weekends, then the weekends got longer and began to last through Monday, and pretty soon I was shooting it every day," he said.

He said that it takes a person who is mainlining (injecting a solution of heroin directly into a vein) three to four weeks to learn that he's become addicted and cannot stop taking herion.

He made a distinction between the heroin addict and the junky, explaining that he thinks the junky phase is the final stage of heroin addiction when a person loses all sense of right and wrong.

Admitting that he lost some character along the way, he said he never lost all of his moral sense.

"I became an addict but I never stole from my family or my friends. A junky will steal from anybody," he declared.

Discussing the sensations of heroin-taking, Joe reported that many users say the initial rush of the drug into the brain is the "best" part of taking it.

"It's like something suddenly is spinning you around," he asserted.

He said that some addicts compare the shooting of heroin to the pleasure of sex, but that because, in addition, the heroin user loses all sense of worry and frustration, many prefer heroin to sex.

He said there are a number of levels of being "stoned," and that another desired sensation comes after someone has had an overdose and been roused.

"Right after you're waked up you have a sort of ultimate feeling. You know you're stoned and you may be scared but you never felt better. When I've come out of an overdose somebody could be beating me to death with a baseball bat, but I wouldn't have known or minded it," he said.

He said he has had overdoses of heroin 13 times.

"Anyone who knows anything much about it will be with some other persons when he takes it, and I've seldom been with a group when somebody hadn't taken an overdose," he said.

"But you don't need to have a doctor or anything like that to treat you," he added. "You can press a person on the chest or inject a saline solution into a vein, or give artificial respiration. The thing about heroin is that it relaxes you utterly and completely."

"The heart is a muscle and it's possible but very unlikely that it will get so relaxed that it will just stop.

"Usually it takes a tremendous overdose to kill you. My best friend was killed from an overdose but he committed suicide that way."

He said that after a little experimentation an individual knows how much heroin to take in various circumstances. If you're working you just take a little so you can feel good; but if you've got some time off you can take enough to get stoned and really enjoy it, he said.

He said heroin does not, generally speaking, create mental images, rather depending on its ability to relax the individual utterly and take away all worries and frustrations.

"But as soon as one fix wears off you begin to worry about how and when you're going to get the "next one," he said.

"One psychiatrist told me a theory about how heroin works, that it's the only thing that ever activates a special 'pleasure center,' in the brain. Before you take heroin the 'pleasure center' has been dormant. But once you take it you always keep somewhere back in your mind the recollection of how activating that center makes you feel. Heroin is physically addictive, but more than that it's psychologically addictive," he said.

He belives that methadone given to the addict over a period of two weeks in steadily diminishing quantities can help break the addiction if supportive therapy is also given during the period, and additional therapy is furnished for an extended period, perhaps lasting for as long as two years.

He said that one can get a strong "high" on methadone, but that it is easier to "get off" methadone than heroin.

One essential thing the addict must do if he wants to stop using heroin is to cease association with everyone who is taking the drug or other drugs, he said.

"If you're trying to get off heroin and you continue to go around with junkies you just can't make it," he observed.

Efforts are being made here to operate programs where persons trying to stop taking heroin may get together regularly to help each other in controlling the addiction, he reported.

The program would be somewhat similar to that used by alcoholics (Alcoholics Anonymous) but could scarcely result in integrated groups as the heroin user would tend to "look down upon the alcoholic," he said.

He said he has been "wiped out," from drinking alcoholic beverages several times, but the sensation does not compare with being "stoned," on heroin.

He discussed the belief of many individuals that the use of marijuana may lead to the use of stronger drugs.

"I'm not saying that using marijuana leads to using other drugs," he said. "But the same people who sell it also sell the others. If you legalized marijuana it would take it out of the hands of the black market people. And if young persons could get marijuana without having to associate with these people I doubt that they would get on harder drugs."

After a person smokes marijuana he is frequently offered barbiturates or LSD by the same group who introduced him to marijuana, he added.

"Very few persons remain on LSD alone for long," he said.

The young man who nearly finished high school, and has been working for a company in Greenville almost a year, says it's fortunate that Greenville has programs now which can help the heroin addict who wishes to be able to resist if not cure his craving. But he knows that being "clean" for just two weeks isn't time enough to know if he can make it or not.

He works, hopes, and urges other young persons to never try the most addictive drug in the world.

New Commission To Guide Antidrug Fight

There has been a lot of talk and speculation about the desirability of unifying some of the efforts against drug abuse in Greenville County.

A number of local citizens have been working for more than a year to bring leaders of drug education, rehabilitation, treatment and law enforcement programs together in a coordinated drive.

Soon a brand new government commission will be taking on the tasks of guiding the multi-model efforts.

Appointment of a Greenville County Commission for Drug Abuse Control was authorized last month by the General Assembly.

The act requires the commission to cooperate in implementation of a state plan for control of narcotics and drug abuse in relation to law enforcement, drug education and treatment and rehabilitation of drug dependent persons. The commission also will formulate and administer a narcotic and drug education program for the community and "insure uniformity, reliability and credibility of drug information."

It may acquire land, spend money, cooperate with the Community Organization for Drug Abuse Control (CODAC) and support other drug-related programs other than alcohol programs, to further its purposes.

The nine commissioners, appointed upon recommendation of Greenville city and county councils and CODAC, will serve without compensation but may hire a director and other personnel to carry on full-time activities.

The commission approach was taken after CODAC and other community leaders determined that creation of an officially recognized body would be needed so that public funds could be used to hire personnel and provide programs and facilities.

The relationship between the commission, the director, CODAC and individual drug programs is under discussion.

Meanwhile, the City of Greenville approved use of the building that formerly housed the McBee Avenue branch of the library as the community's first permanent center for drug information, counseling and other activities.

The center will be operated under the auspices of Project Hope, a pioneer drug rehabilitation program in the community, and CODAC. The city allocated $5,000 to improve the building.

A suggestion by Circuit Solicitor Thomas Greene and action by county council have led to creation of a committee to study the feasibility of a countywide narcotics investigation unit. Some observers feel a countywide unit would result in better enforcement of drug laws.

Leaders in the program coordination movement are trying to enlist persons familiar with the drug scene from several vantage points into the process of plotting the community's strategy in combatting drug abuse.

Schools Stress Drug Education

(By Dr. J. F. Hall)

The School District of Greenville County has a definite commitment to the health education of the youth of our district and, recognizing the necessity of a well-planned prevention program in the area of drug abuse, has dedicated itself to developing and implementing an effective approach to drug education throughout the Greenville County schools.

When one seeks to examine the problem of drug abuse among school youth, he finds very little empirical data available. A major

survey conducted in 1969 by Walter T. Kimes of the South Carolina Commission on Alcoholism indicated that drug abuse among Greenville senior high youth at that time was not yet a serious problem. Since that time the drug abuse picture in the total community has reflected an increase in the number of arrests related to drug violations and an increase in the number of persons seeking treatment for drug abuse problems. It is logical that overall community trends would be reflected in the student community. Parents, students and teachers voiced this concern and stated a need for drug education emphasizing prevention.

The school district responded to this community concern and in September 1970 initiated planning for a comprehensive drug education program. The district chose to take a "methodical approach" to drug abuse education, emphasizing integration of drug education into the existing curriculum rather than a "crash program." The Drug Education Steering Committee, representing all areas of instruction and including students, was appointed and given release time, to participate in a one-week drug education workshop sponsored by the State Department of Education.

The committee developed a seven session seminar project, funded by the board of trustees and the Appalachian Planning Commission, to train a drug education team in each of the secondary schools. These teams were charged with developing and implementing local school efforts. The school district also collaborated with Liberty Corporation in sponsoring a pilot program to evaluate the effectiveness of the Lockhead Drug Decision Program. The Drug Education Steering Committee has also worked closely with the Community Organization for Drug Abuse Control (CODAC). Many experts were consulted throughout the year as the district developed its drug education program.

In the fall a pilot program emphasizing small group techniques will be introduced in two schools. There will also be other experimental programs. The peer group and the family unit will be extremely important in our drug education efforts for the coming year.

We are vitally concerned with the welfare of the young people of our county and nation and hope that we can join with parents and other citizens in successfully dealing with these serious problems.

REPRESENTATIVE THEODORE SAYS: LACK OF KNOWLEDGE IS PART OF DRUG PROBLEM

(By Douglas Mauldin)

COLUMBIA.—Rep. Nick A. Theodore of Greenville says serving on the state Legislative Drug Study Committee has been "mind expanding" and left him with an acute awareness of the state's needs in this area.

"I can truthfully say that this has caused more thought and even anxiety than I would have ever anticipated," the committee vice-chairman said.

"During the sessions and even now," he said, "I can appreciate the problems which exist and confront the public today.

"In some instances where I have known the individuals who were arrested for violating drug laws, naturally my anxieties have become even more acute.

"I'd have to say that my experiences on the drug committee have been mind expanding, a result of a great deal of reflection about South Carolina and its people."

The Greenville insurance executive and veteran of many legislative study committees said serving on the drug group "would have to be the most revealing and enlightening experience I've ever had in my legislative career."

"From the time we began some 10 months ago, my impressions about the drug and narcotics problem in South Carolina have been greatly revised," Theodore said.

"Initially all of the substances in my mind were lumped together into one bag as actually our state law at the time also treated control of these substances.

"However, now that we have met over 40 times, I find that there are degrees of drugs and narcotics, and as the strength of the substance increases, so should the penalty and the treatment."

Theodore considers it "fortunate" that the new law passed at the behest of the committee assigns various drugs and narcotics to schedules.

"I truthfully feel that we can say now that the penalty fits the crime," the lawmaker said.

Theodore said the nine committee members all agreed that the drug pusher should have more severe penalties than the users "who in many cases are found to be a pawn in the hands of a mercenary individual."

Theodore feels that part of the problem in today's society is a lack of public knowledge and understanding of the drug threat.

A father himself with small children, Theodore observes, "it's difficult for parents and adults to advise young people about drugs when in many instances the younger citizen might have a greater in-depth knowledge of the problem."

Service on the committee, Theodore said, made him realize that South Carolina, like other states, does not have facilities to assist people with real drug hangups.

For that reason, he said, he feels it a challenge not only to the committee but to the legislature and to the public to provide avenues of assistance and rehabilitation to those genuinely needing it.

"We have to look at drug abuse intelligently and objectively," Theodore observes. "While I feel like certain individuals can be helped, the scope of correcting the problem is a multi-pronged attack.

"We need detoxification centers, resident houses where individuals can receive therapy in order to develop a new life style and centers where heroin addicts can kick their habits.

"In my judgment, we're behind the problem. However, I feel like now that we've written a new code for drugs and narcotics we can as a state proceed to educate people in hopes that the ounce of prevention will be enough to head off the pound of cure.

Theodore said the state is trying to improve the social climate and economic conditions so that people will not be dependent on drugs or other artificial aids to help them meet life head-on.

"We will always have problems and the individual will be compelled to encounter them day-by-day," Theodore said.

"Our most important task is to educate our people that the problem must be met without assistance from a false escape."

MAYOR HELLER SAYS DRUGS EATING AWAY AT FIBER OF NATION

Greenville Mayor Max Heller has called for a total effort on the part of all citizens to combat the "tragic magic" of drugs.

"We must face this tragedy squarely," he said, "we cannot do it by wishful thinking."

Mayor Heller said drug abuse is "eating away at the very fiber of our nation."

"The problem," he asserted, "will not go away by itself. It will take more than a mayor and council. It will take more than a police department. It will take every man and woman, every church and synagogue, every civic organization, every teacher, every pupil, every school, every parent and every child.

"It will take us, every single one of us, to rid ourselves of the self-destruction of our young and old."

LAURENS COUNTY MOVES TO COMBAT PROBLEM

(By Margaret Williams)

LAURENS.—Most law enforcement officers, school officials, physicians and others concerned with the problem of drug abuse are in agreement that it does not exist in Laurens County to the extent that it does in more metropolitan areas of the state.

According to reliable sources, drugs can be obtained in Laurens County "with very little effort" by users. There have been no reported deaths from an overdose of drugs.

The police chiefs of Laurens and Clinton say there have been instances of violations of the state drug laws, but not to the extent that it is of major concern.

Chief B. B. Ballard of Clinton does not believe that the "soft" approach some groups are advocating for drug control is the answer to the problem, and he does not favor revising the drug laws.

When asked to what extent drug problems exist on the Presbyterian College campus, Ballard said, "There is drug use among the students. We have had some drug cases that have come from the college."

Chief Ballard said it would be hard to predict if the drug problem at colleges and universities has reached its peak. "This remains to be seen," he said.

Drug abuse has not been a "big problem" for Laurens police, Chief J. W. Power said. The city has made several cases against violators of the drug laws, the chief added, but drug abuse is not extensive in Laurens.

Chief Power thinks drug abuse will increase and that law enforcement officers must be trained to deal with drug users. The chief sees to it that the men on his force attend programs and take specialized courses that will better equip them to deal with the problem.

Sheriff R. Eugene Johnson said he considers drug abuse the number one problem facing law enforcement officers today. "Pushers of hard narcotics have been apprehended in Laurens County," he said. Drug abuse and crimes committed in conjunction with drug use are on the increase and are adding to the dilemma of law enforcement officers in their approach to drug control, he said. According to Sheriff Johnson, county officers are learning as much about drug abuse as fast as they can, and hope to keep drug traffic at a minimum in Laurens County.

An organized effort in the county to solve the drug problem through education has been undertaken by Carolina Educational Services, Incorporated, in Laurens. Gene Wilson, president, says, "Education is the answer, for it makes sense to eliminate the problem before it exists."

Most of the churches in Laurens County are involved individually in some type of educational or counseling programs concerning drugs. At the present the only available services for assistance to drug users is the family doctor, ministers, or the county health department.

JOHNNY CASH TALKS ABOUT DRUG ADDICTION

A poem written by singer Johnny Cash while he was struggling to overcome his addiction to drugs is published in the August issue of Redbook magazine.

Describing how it felt to be on drugs, Cash said, "There are all those beautiful visions, all right, and those realizations and feelings of love and awareness. But when you come down off it, you pass that line from ecstasy to horror.

"You go down the other side of that whole thing, and the going down ain't worth the coming up. Here's something. I wrote this poem when I was quitting that says the way I felt about it:

"Are there ruined regions of the mind
Where reasons didn't reach to draw the line.
Where the brain was pounded by some drug
And gave in a till a hole was finally dug?
And who can know what part is the hole
And who can say what it does to the soul?"

Cash said he still worries that he might have damaged his brain with pills and that he still has nightmares about them. "Even after three years off drugs, at least once a

week I'll have a horrible nightmare . . . Kids say that drugs turn them on to love, but I'll tell you, there's no such thing as love when you're on drugs."

PHARMACIST SAYS DRUG FAD FADING, BUT MANY ADDICTS LEFT IN ITS WAKE

(By Stan Shealy)

GREENWOOD.—Pharmacists have the responsibility of knowing and keeping the public informed about the dangers of drug abuse, says John Hughes, chief pharmacist of Self Memorial Hospital.

But he believes "pharmacists in the state are not nearly doing the job."

Hughes says ministers can talk about it from the moral standpoint, and law enforcement officers can talk from the legal standpoint. But the pharmacist is the expert when it comes to drugs, and he is the one who should have the facts and present them to the public, Hughes says.

Hughes is a recent graduate of the University of South Carolina School of Pharmacy. During his senior year, his class of over 50 students made talks across the state about drug abuse.

They went out in groups of three. "We didn't try to scare people. We just gave them the facts," Hughes said. The groups made over 100 talks to students from the first grade, to high school, to college, and also to church groups, youth groups, PTA's and others.

Their message to children was simple—don't take drugs. Don't accept anything from strangers.

To the high school and college audiences the message was more complicated—explaining the types of drugs and their effects. They injected rats to illustrate the point. Most of the audiences were receptive to the information, Hughes said.

A question and answer period was conducted after the presentations. In the high schools, the questions were most pointed—questions such as "how can you tell us marijuana will hurt us if you've never tried it?"

Hughes explained that marijuana contains a chemical which remains in the body for eight days. "We don't know what it can do. We do know that the body has reverse tolerance to it. It takes less to get you high the more you smoke it."

Hughes says he won't moralize about drugs. "If we want to inform the people about drugs, we've get to talk facts. The 'now generation' won't listen to a bunch of bull. If you don't talk facts, they don't listen."

Although there is no way to measure how much good the talks did, Hughes feels that the public should be informed. He has been in Greenwood for only a month, but he says when he is more settled here, he plans to continue his talks on drug abuse, to any group wanting to hear it.

Hughes says that Greenwood is in "a precarious position" in the middle of drug abuse populous areas. It is only two and a half hours from Atlanta, which Hughes says is the center of drug traffic. It is only 50 minutes from Greenville, where drug traffic is increasing, and only an hour and twenty minutes from Columbia.

Hughes feels that the drug "fad is fading," that much of the glamour of taking drugs is gone. "But it has left behind thousands and thousands of addicts. And it's not only teenagers," Hughes said. Tranquilizers and pep pills are also being abused by the housewife and the businessman, he added.

"The first thing we've got to realize is that we've got a drug problem in South Carolina. It's not just something we read about. And I strongly feel that the pharmacist has a responsibility to go to the citizen and inform him. He should find out what the citizen wants to know and give him the facts."

Hughes said ignorance of drugs increases the danger. And he said the most dangerous thing is that youngsters who get illegal drugs have no idea what they're purchasing and taking.

NEW SOUTH CAROLINA DRUG LAW: PUSHERS FACE STIFFER PENALTIES

(By Douglas Mauldin)

COLUMBIA.—Anyone running afoul of South Carolina's new drug and narcotics control laws will find that the rules of the ball game have changed.

Generally the penalties for first time users and possessors of drugs and narcotics have been softened in an attempt to salvage the young from lives of continued use and possibly more serious criminal pursuits.

At the same time, the professional traffickers who sell drugs and narcotics for the pure profit in it will find themselves facing stiffer fines and longer jail terms.

Violations of the old drugs laws, which have been replaced by the new, were regarded as misdemeanors and there was a patchwork of punishments provided.

But under the new law, certain of the drug offenses have been classified as felonies, a more serious type of crime with accompanying severe sentences and in many cases no chance for suspension of sentences or for probationary terms by sympathetic judges.

Now the first-time marijuana offender may find that instead of going to jail or paying a fine as in the past, he may get the opportunity to redeem himself without being saddled with a criminal record for the rest of his life.

A first offense conviction of selling narcotics, LSD or heroin, however could mean a sentence of up to 15 years or a $25,000 fine or both in the judge's discretion.

The new act is intended, its framers say, to place South Carolina in a better position to combat drug abuse, a growing problem.

The act provides stiffened penalties for drug traffickers whose primary motivation is to make money while applying lesser penalties to offenders who are primarily users but not sellers.

The act classifies all narcotics and other types of drugs of abuse into five schedules, organizing according to the potential seriousness of abuse. Penalties for trafficking are graduated according to the classification of the drug involved.

The new act, recommended by a legislative study committee, was designed to complement a new federal act to provide an interlocking framework of federal and state laws which will permit more effective control of drug abuse problems.

The tougher penalties under the new law are for making, distributing, dispensing or possession with intent to distribute, dispense or make controlled substances. They now come under the heading of felonies.

A first offense involving narcotics or LSD can bring a defendant up to 15 years in jail or a $25,000 fine or both.

A second time loser faces not less than 5 years nor more than 30 years in jail or $50,000, or both. There could be no suspension of the sentence nor probated sentence.

For a third offense the violator could get from 15 to 30 years and-or a $50,000 fine without suspension or probation allowed.

Sale or distribution of narcotics or LSD to persons under 18 are felonies punishable by up to 20 years in jail and-or up to $30,000 fines. No suspension or probation is provided.

Selling or distributing other drugs to minors under 18 is classified now as a misdemeanor subject to prison terms of up to ten years and-or fines up to $10,000.

Jail terms range from five to 20 years and fines from $5,000 to $20,000 for possession, manufacture or dispensing of opiate type drugs which go from a misdemeanor for first offenses to felonies for second and subsequent offenses without benefit of suspension of the sentence of probation.

Simple possession of narcotics or LSD for one's own use calls for a first offense penalty of up to two years and-or a $5,000 fine. A second offense becomes a penalty punishable by three years or up to $5,000 or both while subsequent violations can bring up to four years and-or $10,000 fines.

Simple possession of other drugs for one's own use becomes a misdemeanor with prison time ranging from six months to a year and fines from $1,000 to $2,000, or both.

Possession of small quantities of marijuana or hashish are regarded by the new law as misdemeanors. A first offense penalty is up to three months or $100 or both, subsequent offenses go from up to six months or $200 or both.

One catch, however is that possession of more than one ounce of marijuana, usually smoked as cigarettes, or ten grams of hashish can bring sentences of up to five years.

Probation granted by the court to seek treatment and rehabilitation is possible for first time offenders of drug laws involving marijuana, stimulant, depressant or hallucinogenic drugs.

Another feature of the new law provides immunity from criminal prosecution for anyone addicted to or dependent upon narcotics or dangerous drugs as they seek advice for their problem.

Such persons would be free to seek treatment and rehabilitation from medical sources, hospitals, college or university counselors or guidance counselors in public schools without fear of arrest or of being reported to law enforcement authorities for prosecution as a drug law violator.

The new law also takes steps to close the sources of legal drugs destined for illegal use by clamping tighter restrictions on inspections of inventories of wholesale and retail drug outlets and such other sources as hospitals, doctor's offices and nursing homes where drugs are commonly stored.

HEROIN SUPPLY PLENTIFUL

WASHINGTON.—Despite recent large seizures here and abroad, the supply of heroin is still plentiful and prices have not changed appreciably, says the United States' top narcotics law enforcer.

John E. Ingersoll, director of the Bureau of Narcotics and Dangerous Drugs, said most of the heroin entering the country is processed in France from Turkish opium, but an increasing amount is coming from Southeast Asia.

CLEAR CUTTING IN NATIONAL FORESTS OF WYOMING

Mr. McGEE. Mr. President, for several years I have pressed for the appointment of a blue-ribbon commission to study clear cutting in the national forests of Wyoming. As my colleagues know, I have more recently become concerned with the entire scope of clear cutting—that is, the removal of substantially if not all of the trees in a given area—in all of our great national forests. The practice is one which needs more concentrated study. This fact, I believe, is borne out by a recently published study instituted by the Forest Service on four of the high mountain national forests of my State.

Repeatedly throughout this study, Mr. President, the special Wyoming Forest Study Team comments on the need for more information on which to base future value judgments. This is true, not only in the case of these four forests, but of all our public forest lands.

My bill (S. 1592) would authorize such a study by a special interdisciplinary commission equipped to get the data

needed and make the judgments necessary. For now, however, I consider the Wyoming Forest Study Team's report, "Forest Management in Wyoming," to be an effective report, bearing some valid recommendations which should be acted upon, and soon.

I ask unanimous consent that the report of the Wyoming Forest Study Team be printed in the RECORD.

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

FOREST MANAGEMENT IN WYOMING

TIMBER HARVEST AND THE ENVIRONMENT ON THE TETON, BRIDGER, SHOSHONE, AND BIGHORN NATIONAL FORESTS

WYOMING FOREST STUDY TEAM

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ACKNOWLEDGMENT

We are grateful to the people, too numerous to name here, who participated in the formulation of this report. We greatly appreciate the expert and timely services of members of the staff of the Rocky Mountain and Intermountain Forest Service Regional Offices and the Pacific Southwest, Intermountain, and Rocky Mountain Forest and Range Experiment Stations. We sincerely thank May E. Huddleston for editorial help.

(NOTE.—Figures referred to are not printed in the RECORD.)

INTRODUCTION

In recent years, forest management practices, notably clearcutting, on four National Forests in Wyoming, have been a focus for controversy. Strong criticism has been heard in letters, news articles, and public statements. The issues are important for the owners of these lands—the American people—and for the Forest Service—the agency assigned to protect and manage them in the public interest.

In response to public concern, the Regional Foresters of Regions 2 and 4, who administer these four Wyoming Forests, appointed a team to analyze the various problems. We, the study team, all scientists or resource managers, are members of the Forest Service, but not directly responsible for on-the-ground management. Our charge was to review timber management practices on the Bighorn and Shoshone National Forests of Region 2, with headquarters in Denver, and on the Teton and Bridger National Forests of Region 4, with headquarters in Ogden. Our instructions were (1) to explore fully the concerns and apprehensions of individuals and organizations in Wyoming, (2) to conduct the study in accordance with section 102 of the National Environmental Policy Act of 1969 (Public Law 91-190, January 1, 1970), and (3) to report our findings candidly—to "tell it like it is"—and recommend any needed changes in management practices.

In making our analysis, we relied on two principal sources of information. One was a combination of the field examination, review of pertinent plans and policies, and gathering of statements from employees at Regional, Forest, and Ranger District levels. The other was verbal and written communication with individuals who spoke as representatives of a wide variety of organizations, companies, and local governments, and who also expressed their own strictly personal viewpoints. We also employed Mr. Arthur L. Roe, Consulting Forester and a member of the Forestry School Staff, University of Montana, to make an independent evaluation of silvicultural practices.

We made air and ground observations of timber management practices on all four Forests during July 1970, accompanied by Forest Service personnel. As a group, we spent about 2 hours air time and 2 or 3 days field travel on each Forest; some individual followup visits were also made.

Most of the Forest Service employees we talked to expressed strong attachment to the land and a personal and professional pride in striving toward excellence in stewardship. We encountered no attempt to disquise the existence or magnitude of land management errors. Our discussions and the written statements we received expressing individual points of view provided a broad and relatively unguarded critique of Forest Service management practices. Many of the criticisms in this report and the suggestions for needed changes came from Forest employees.

These first contacts with people—Forest Service people—gave us considerable insight into the depth of concern by individuals. Even so, we were not quite prepared for what developed during the next 2 months as we followed through in our contacts with people outside the Forest Service.

Our visits developed in a free and unstructured style. Outfitters, guides, doctors, lawyers, businessmen, politicians, home builders, artists, dude ranchers, government officials, retirees, newsmen, loggers, hunters, foresters, and a generous assortment of others gave their time and attention, and often their hospitality, to a study team with a seemingly impossible task. Opinions, facts, recommendations, and condemnations flowed from individuals and groups in great variety—motivated by a variety of concerns, emotions, and prejudices, including the prevailing mood of the nation to exercise the right to question. If all this could be put to music, there might be a horrendous discord, except for one common chord—the resolve to assure proper management of forest land resources.

This land of Wyoming is home to a hardy stock. Residents seemingly thrive on bucking the elements and on the physical exhaustion of back-country exploration. In communities throughout the study area sometimes hundreds of miles apart, but apparently still welded by the pioneer spirit, people spoke freely and repeatedly of their feeling for the land—"this is my country."

The concerned individuals were not always those of the "old guard." Young men and women—some in the early years of their careers, some just beyond apprenticeship in family enterprises, some still doing college and graduate work—vigorously participated in dialogues with us.

Opinions varied widely, even in groups representing a single organization. Although these opinions were frustrating to analyze, our encounters with people were refreshing. We were impressed by the independence we recognized in so many individuals.

This grassroots approach to problem examination gave us a sense of personal involvement. Corresponding with interested persons was the springboard to our learning the magnitude and depth of concerns. The written statements we received were accompanied by requests for person-to-person discussions. We visited with a kindly gentleman in a church, with a smartly dressed lady in a dingy hotel meeting room, with a mayor in the town hall, with a convalescent in a hospital solarium. We talked with dude ranchers out on the ranch, with conservation groups at "downtown" meetings, with timber industry men in the woods or at the plant site, with homeowners at their summer home sites, and with both appointed and elected officials at their offices or wherever we found them. Occasionally, these concerned people took us to see examples of the timber harvesting activities that had aroused their concern.

Not all the opinions expressed were in opposition to Forest Service timber management practices. Some fully supported past and recent management actions and current plans. Not all opposition protested the same forest management activities—some opposed clearcutting and roadbuilding, some opposed roadbuilding but not clearcutting, and some recommended intensive timber production on designated areas only. And not all expressions of discontent were related to Wyoming timber management—other National Forests, summer home permits, grazing management, recreation facilities, and wilderness management all came in for some comment. This wide range of interests and concerns we saw as part of an overriding issue—the people want the Forest Service to be sensitive to their needs, to their interests, and to their desire to participate in decisionmaking.

The views we heard were essential in giving us the necessary perspective on timber management practices on the four Forests. The impressions and testimony we gathered are synthesized to the best of our ability in the pages of this report. We recognize that the Forests have a wealth of resources important to people in Wyoming and elsewhere, in both consumptive and nonconsumptive values. There is little doubt that we have not explored all the ramifications of the problem of using these resources wisely. Knowledge and understanding of social, cultural, economic, and environmental forces are basic to achieving long-term multiple use benefits. Admittedly there are limits to our capabilities. We have not undertaken to evaluate the broad social and economic aspects of the National Forest System programs in Wyoming. We hope, nevertheless, to have clarified, within the scope of our combined competence, some specific problems of management. Thus we have taken a few steps toward the vital communication that is so necessary between a public agency and the people it serves.

PART I: PEOPLE ARE CONCERNED ABOUT FOREST VALUES

Our investigation of forest management in Wyoming confirms that a confrontation has developed between residents of the State and the Federal agency charged with protecting the public interest in National Forest lands. In essence, the criticism we heard is that the Forest Service has given priority to timber production, whereas it should have given priority to watershed, wildlife, recreation, and scenic values; that is, to preserving the quality of the environment. This criticism is implicit in a variety of specific protests against Forest Service activities, such as clearcutting, road construction, handling of logging residues, and efforts at regeneration of harvested areas. Public confidence in the ability of the Forest Service to manage the Forests has suffered. The Service is accused of lack of knowledge, lack of understanding, and lack of response to the wishes of the people of Wyoming and of the Nation.

These accusations pose important ques-

tions: Has there been or is there likely to be permanent or avoidable temporary damage to a resource? Can the Forest Service involve people by informing them and using their abilities and thus increase public confidence? The solutions for these problems are not simple and cannot be stated briefly. An overview of the problems and certain broad recommendations are presented now, however, as a foundation for the discussions and more specific recommendations in Parts II and III.

HISTORICAL BACKGROUND

Dissatisfaction with Forest management in Wyoming is of recent origin. Until the late 1950's and early 1960's there was little timber management in the State. Forest Service management, beginning in the early 1900's, started with a fire protection program. Until the 1950's, timber cutting was chiefly for railroad crossties, sporadically harvested from many of the more accessible stands of lodgepole pine (the local term is "tie-hacking"). Small volumes of timber were also cut for lumber, posts, and poles. These were mostly "highgrading" operations using horses and small machines and removing only the bigger and better trees. Also, starting in the 1930's and continuing until the mid-1960's, insect control programs were carried out. Generally these were regarded as holding actions: their purpose—to protect timber values until market demands would permit harvesting and subsequent establishment of new stands of trees. These activities apparently had general public support; at least, they did not provoke criticism from noncommercial user groups.

By the late 1950's, new developments in harvesting and milling technology, together with increased demands for lumber supplies, altered the economic picture for lodgepole pine timber from these Forests. National Forest manager saw the opportunity to convert old deteriorating forests to young vigorous ones. Conversion would prevent further losses to insects and disease and at the same time contribute to the public welfare by creating new jobs and by helping to supply lumber needed for accelerated housing construction. Most people welcomed the changed social and economic outlook as an improvement. On this positive basis, the lumber industry, encouraged by the Forest Service, quickly built timber processing plants at key locations adjacent to these National Forests. Shortly thereafter, hundreds of acres of lodgepole pine and some spruce forests were being clearcut in large units, mills were operating at full capacity, and plans were being made to expand timber harvesting to the sustained yield levels indicated by timber inventory information.

By about 1965, the apparently unforeseen visual impacts of clearcut timber harvesting reached the public. The result was organized opposition. The belief became widespread that continued harvesting of timber in the high altitude forests of Wyoming would have serious adverse effects on soil, water, fish and wildlife, and landscape values. This belief took on special currency with the rapidly increasing public attention to environmental quality during the late 1960's.

Northern Wyoming is singularly blessed with magnificent landscapes and rich resources of water and wildlife; many residents consider these the essentials of a quality environment. For some, even minor change is degradation, and timber harvest produces more than minor changes.

In the view of many people in Wyoming, timber harvesting as practiced on the four Forests represents overemphasis on timber production goals at the expense of other resource values. We were told repeatedly that the wildlife and scenic resources of northern Wyoming are nationally significant, whereas the timber resource is only locally important.

THE DIRECTION OF CURRENT FOREST MANAGEMENT

Much of the criticism we heard was directed to specific logging practices. Nevertheless, it was evident that even if timber harvesting were done in the best possible way there would still be some public opposition to any timber harvest on these four Wyoming Forests. Opinions were confusingly contradictory. We were told that Forest Service timber sale programs respond to industry demands and mill capacities without regard to sustained yield, and conversely, that vast tracts of valuable timber are being wasted in locations where the Forest Service has restricted harvest to avoid conflicts with other resource uses. We heard that continuation of present cutting would cause a loss of tax base and jobs when the timber was gone. Then we heard that any cutback in sales volume would be a waste of valuable resources and cause reduced tax base and jobs. We were told that the Organic Act of 1897 and the Multiple Use Sustained Yield Act of 1960[1] require the Forest Service to authorize timber harvest on Forest lands; we heard also that timber havest in Wyoming is economically unsound regardless of its effect on other resource values. Attitudes crystallized into three main positions: (1) that Wyoming timber is already over-harvested, (2) that overreaction to criticism is causing underharvest, with serious economic effects and (3) that there should be no timber harvest in the Wyoming National Forests.

We believe that public concern about overharvest is an understandable reaction to visible evidence on the ground. The appearance of overharvest in many places is created by timber management practices that were uncoordinated or in conflict with the protection of other resource values, as we will illustrate in later sections of this report. We found much evidence of good management, but we also found indications of serious shortcomings. There was some evident damage to wildlife habitat and to soil stability. More frequently, a potential for such damage was clear, although no evidence of damage could be found. Damage to the scenic quality of the landscape, however, was unmistakable.

Four examples, one on each of the four Forests (figs. 1–4), are representative of what we found. The conflict between timber and other values is evident. These operations, carried out some years ago, have been roundly criticized, not only by the public but also by members of the timber industry and the Forest Service. Careless harvesting and incomplete rehabilitation have created the impression that only timber values were considered. We believe that there have been inadequacies in planning, in execution, and in evaluation of management actions on all four of the Wyoming Forests, and that the evidence justifies concern for the future. The results of present actions will not be clear for some years, and it is important that past errors should not be repeated.

The possibility of overreaction leading to underharvest is hard to evaluate. Undoubtedly, current multiple use planning is more comprehensive than past planning has been. As it brings greater concern for quality in land management, it will also make future timber sales more expensive. Whether added costs will bring about a reduction in the amount of wood harvested is not yet clear.

Finally, we believe that prohibition of timber harvest, although worthy of consideration, is neither necessary nor desirable. Each of the Forests has allowed logging in areas that would have been better left uncut; each has allowed some cutting with apparent disregard for other values and other resources; and each has experienced some regeneration failure. Nevertheless, each Forest has areas of timber production potential where management for wood production is proper. Moreover, even where the timber production potential is low, cutting can be a useful land management option. Timber harvesting cannot be done invisibly, but it need not be a desecration. Generally, harvesting can be done without impairing other values if management practices are appropriate. It can enhance other values. Timber harvest, including clearcutting, can be successfully used to improve wildlife habitat and water yield. Forests can be managed for environmental quality as well as for wood products.

THE SOURCES OF MANAGEMENT DEFICIENCIES

When citizens criticize the actions of public agencies, there is always a tendency to blame the administrators. Seldom, however, is this simplistic approach justified. We have no wish to gloss over or excuse management errors. Neverthless, we must point out that many of these resulted from conditions outside the control of the Regional Foresters and personnel of the individual Forests, or from policies believed to be in accord with public opinion at the time. Lack of information from research and lack of manpower for fact gathering and sale administration on the Forests were also contributing factors.

A primary target of protest, the apparent overharvest of timber, was partly a response to Federal law and USDA regulations that the Forest Service harvest timber to satisfy an obvious public need. It is apparent now that the estimates of allowable cut were partly based on over-optimistic assumptions as to the amount of growth on forested lands that was suitable, available, and economically feasible to harvest. Since much of the forested land in certain parts of Wyoming is unloggable under present technology, the cut was concentrated in the area that could be logged.

Concurrently, the use of timber cutting as a means of control of bark beetle infestation led to logging where no logging should have been done. The experience of the past 10 years has demonstrated that this logging was largely a vain effort but at one time it appeared to be a logical extension of Forest Service policies aimed at forest protection.

The frequent failure to apply the principles of landscape design in layout of cuttings is criticized in this report. Only a few training opportunities in landscape architecture related to forestry programs are now available, however. Although the Forest Service employs more landscape architects than any other Federal agency, none of these four Forests have them. The Forests cannot make completely effective use of the landscape architects in the Regional Offices because of distance and scheduling difficulties.

The most apparent cause of the management weaknesses we observed was the lack of adequate multiple use planning. Commonly this deficiency stemmed from the lack of basic inventory information about the land and about people's needs. Good multiple use plans can be prepared only when sound resource and ecological data, and reliable information about social, economic, and environmental values and needs are available.

[1] The Multiple Use—Sustained Yield Act of 1960 (16 U.S.C. 528–531) provides that decisions be made ". . . with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output." (Section 4(a)). It defines sustained yield as ". . . the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the national forests without impairment of the productivity of the land." (Section 4(b)).

Counsel from the public and interested organizations is an essential part of this information. Only on this basis can management objectives be properly established and coordinating decisions made in each facet of the management program.

Inadequate planning has sometimes been accompanied by inattention to existing guidelines for execution of management programs. Guidelines have been neglected in such matters as closure of temporary roads, treatment of logging residue, and efforts at insuring regeneration in cutover areas. We found frequently that problems could have been avoided had the man on the ground simply done "what ought to be done."

A search for the deeper cause of this kind of neglect brings us to the problem of staffing and financing. "We don't have enough well-trained people or enough money to do a quality job of timber management" was, in essence, the message we heard from on-the-ground Forest Service people. The basis for this contention was convincingly demonstrated. Job-load calculations on time requirements and judgments of level of competency needed to perform quality work have missed the mark. We learned that employees with inadequate training and experience in silviculture and multiple use coordination were making the field decisions on sale layouts and harvesting practices because Forest Service officers who have the proper background are burdened with too many other essential duties to give detailed attention to this work. In sale administration, we were told, and our observation confirmed, that competent people were overburdened with work, or inadequately prepared employees were doing this important job. Finally, we found that none of the Forests had an employee trained in landscape architecture, and that all were short handed in such important disciplines as wildlife biology, soils, and hydrology.

The staffing problem and the associated problem of frequent transfer of personnel on the Forests have led to another important weakness in management. Evaluation of past actions has been insufficient to detect errors, correct them promptly, and avoid their repetition. A man who has his hands full with future assignments is not likely to look closely at past actions. It is clear, however, that there has been a general failure to provide for the necessary time to look at what has been done and at the results after some years have passed. Especially in the area of regeneration was this deficiency noticeable: evaluation of past failures with natural regeneration would have led to planting in many areas that are still bare, and similar evaluations of plantings would also have been helpful.

Among the probable causes of management deficiencies we must also include timber sale policies and contract requirements that have led to harvest without adequate provision for land restoration and regeneration. We have made no specific evaluation of these except as they relate to forest practices discussed later in the report. It is clear, however, that land restoration and regeneration costs were sometimes not covered by the value of the timber sold.

THE FUTURE COURSE OF FOREST STEWARDSHIP

Obviously, some uncertainty exists in the public mind as to the future of the Forests. We must say, however, that to a large extent, management weaknesses are already recognized by the Forest Service and measures are being taken to correct them. This report evaluates these actions and suggests ways in which they should be speeded up and reinforced.

The two Regional Foresters have provided Multiple Use Management Guides. Within these frameworks, each of the four Forests has progressed in multiple use planning during the past decade. But, the rate of progress varies and no Forest has attained the refinement needed to assure that all values and needs are adequately reflected and properly blended.

The Forests are obviously responding to the need for improvement. But the lack of adequate staffing is a stumbling block in their efforts to accomplish the complex job of planning while carrying out current administrative and protective duties. We concluded that there is urgent necessity to refine, revise, and update existing multiple use plans. The effort to do this within the present organization and staffing framework cannot succeed without additional financing or some reduction in existing programs. Time and capability to evaluate and analyze forest management alternatives are simply not available.

The Forest Service must strive to increase public confidence and trust. This will not be achieved by rhetoric, but will require repeated demonstration that declarations for quality in management are actually appearing as physical accomplishment on the ground. Results of effective multiple use planning are beginning to show on the land in some places. The Forest Service should not expect, however, that confidence and trust will be strengthened quickly. Neither should the public expect that new management direction will appear instantly and completely in all activities. It is imperative, however, that open communication be maintained between the Forest Service and the public and that statements and actions of every Forest Service employee meet the highest standards of professional competence.

BASIC RECOMMENDATIONS

As a result of our investigations, we present the following broad recommendations for future action. In later sections, more specific recommendations are found following discussion of management practices.

The importance of wildlife, recreation, and scenic quality as key values should be recognized in every management decision on the National Forests of Wyoming.

Multiple use planning should be a team effort, using inputs from Forest Service specialists in all appropriate areas of knowledge, and from interested citizens and organizations as well. Therefore:

Plans reflecting these inputs should be clearly stated and announced to the public in an understandable form.

Agreed-upon plans should be fully implemented in a manner clearly evident to the public.

The effectiveness of planning should be periodically evaluated and the results reported to the public.

Needs for adequate staffing for the development, implementation, and evaluation of plans should be explicitly stated in Forest Service budget requests.

Every member of the Forest Service should be committed to the principles of high-quality multiple use management and to the urgent necessity for putting these principles into practice.

PART II: PEOPLE ARE CONCERNED ABOUT THE EFFECTS OF TIMBER HARVEST

In Part I, we have outlined the primary concerns of this report. In Part II we explore the problems more fully and specifically. Clear-cutting requires road construction, produces logging residue, and must be followed by regeneration. Although they are closely linked, the particular problems associated with these practices are conveniently discussed separately.

Our aim in this discussion is not to place blame for the mistakes of the past but to learn from them. This report would have little value, however, if specific illustrations were not given. Many of the examples cited here are negative, because these make their point most clearly and dramatically. Yet it would be inaccurate and an injustice to much excellent management on the Forests to report only negative observations. We found harvests that were made carefully and respected the surroundings and forest values other than timber. We found roads well designed and well related to desirable access for generalized use. We found logging areas that showed evidence of high-level cleanup of wood residues. We found cuttings on which regeneration has been good and forest cover is being returned. In short, we found a substantially higher quality of management than the public criticism implies.

CLEARCUTTING

Clearcutting, the harvesting method that has been used almost exclusively in lodgepole pine, and frequently in Engelmann spruce, is the overwhelming focal point of concern about National Forest management in Wyoming.

Almost without exception, critics protested the size of clearcuts. Forest Service personnel agreed that many cuts had been too large, and even the loggers, who would presumably benefit from large cuts, did not advocate the extensive openings created by some of the older timber sales. Another common theme was damage—real, potential, or suspected—that clearcuts might do to watersheds, wildlife habitats, recreational opportunities, and scenic values.

Criticism on purely esthetic grounds was also very common. Much objection was expressed to the devastated appearance of cutting areas, centering particularly on logging debris and roads. The shape and location of clearcuts also drew criticism.

A fairly large number of people stated that clearcutting was not really necesary and suggested that other harvest techniques might be used instead. Very commonly, we heard the concurrent observation that clearcutting can only be defended on economic grounds: it was said to be the only way the low-yield forests of Wyoming can be logged at a profit.

Many Forest Service employees participated in or suggested the criticisms we have described. In various ways, however, they also expressed another concern—that past misuse of the technique might result in the loss of clearcutting as a silvicultural option. Industrial foresters also voiced this concern. Better understanding of the real value of clearcutting is needed. At the same time, understanding of the proper use of this method is also needed to avoid undesirable consequences.

THE PLACE OF CLEARCUTTING IN WYOMING SILVICULTURE

Clearing is only one of the alternate harvest methods open to the forest manager. The choice among alternatives is dictated by many conditions.

SILVICULTURAL SYSTEMS

Over several centuries, foresters have developed two major silvicultural systems, even-aged and uneven-aged. Though devised mainly for timber production, these systems are based on the ecology of forest tree species. Hence they are also adaptable to other forest uses.

In the uneven-aged, or selection system, trees are harvested singly or in small groups throughout the forest on a regular schedule determined by growth rate. This system creates a forest that consists of all sizes of trees, from seedlings in new openings to fully mature trees ready for harvest. It simulates the process of death and replacement of trees in a forest free of major natural disturbances that interrupt successional stages of forest ecosystems.

Even-aged silviculture simulates the process of death and replacement after natural disturbances—fire, windthrow, or outbreaks of destructive pests. All trees on portions

of the area, rather than individual scattered trees, are harvested on a schedule that permits the process to go on indefinitely. The basic idea is this—if 100 years are required for a tree to grow to a desired size, 1/100 of the forest acreage is harvested annually. Even-aged silviculture is not as simple in practice as it sounds. Variations in soil productivity and species composition affect growth rates and harvest schedules.

In both systems of management, prompt regeneration is critical. Slowness or failure of regeneration affects many values—production of timber, water yields, recreational opportunities, and scenic quality. In an uneven-aged system, a seed source is available from remaining trees, but regeneration must be left largely to chance because it is difficult or not feasible to prepare a favorable seedbed in the many small openings created by harvest cutting.

In even-aged systems, three basic methods of harvest cutting provide seed in different ways. In the seed-tree method, a few selected, high-quality trees are left in small groups or individually scattered over the harvested area. When the new stand is established, they may be removed or they may be left until a future cut in the new stand. The shelterwood method leaves several times as many trees per acre, and these are usually removed as soon as the new crop is established. The clearcut method removes all trees in patches or strips. Seed is provided by the surrounding forest walls or cone-bearing slash. The cutting pattern for each method permits seedbed preparation and other treatments to facilitate regeneration of the new stand.

THE BASIS FOR SILVICULTURAL PRESCRIPTIONS

An appropriate silvicultural system for any forest must satisfy management objectives for the land unit, must meet the ecological requirements of the tree species, and must recognize the condition of the forest stand and site. The ecological requirements of tree species differ, and a variety of stand and site conditions and management objectives call for different silvicultural prescriptions.

In Wyoming, lodgepole pine is the major commercial tree species. Engelmann spruce and subalpine fir are less important commercially, but they grow on much Wyoming forest land. Douglas-fir, aspen, and limber pine, though not commercially important here, must be considered in environmental management. Thus, the silvicultural prescription is normally determined chiefly by the ecology of lodgepole pine, Engelmann spruce, or subalpine fir.

Lodgepole pine

Lodgepole pine grows in a wide range of environmental conditions. In northwest Wyoming it is an important tree in at least five recognized habitat types: (1) subalpine fir—Engelmann spruce/dwarf huckleberry; (2) subalpine fir/pachistima; (3) subalpine fir/pyrola; (4) Douglas-fir/pinegrass; and (5) Douglas-fir/snowberry. In all five of these types, lodgepole pine is a seral or subclimax species: that is, it is strongly intolerant of shade and dependent on such disturbances as wildfire or blowdown for the successful establishment of a new stand. If wildfire or blowdown do not occur for a long time—300 years or more—it is replaced by subalpine fir or spruce in the first three types, and by Douglas-fir in the last two. Attacks by insects, especially the mountain pine beetle, can considerably hasten the succession and replacement of lodgepole pine—especially in the subalpine fir/pachistima and Douglas-fir/pinegrass habitats. Lodgepole pine stands are also commonly infected by dwarf mistletoe, a small parasitic plant whose sticky seeds spread the infection at about a foot a year, from tree to tree. It seldom completely kills a lodgepole pine stand, but it does cause severe reductions in growth rate, occasionally leading to death of individual trees.

To a degree depending on the past history of the stand with respect to fire and insect effects, lodgepole pine shows the genetic trait of cone serotiny—that is, cones may remain closed and in place on the tree for many years. Although the theory has not been fully verified, serotiny is generally assumed to be a hereditary trait that is passed on to the next generation when fire kills a stand of lodgepole pine and at the same time opens that segment of a cone crop that is normally closed. Cones of the succeeding stand are predominantly serotinous. In contrast, lodgepole pine stands with a history of insects and disease attacks are often predominantly nonserotinous. Regeneration in the openings in these stands came from the open-cone segment of annual cone crops—the absence of fire precluded or limited dispersal of seed from serotinous cones. Cone serotiny strongly influences the seed source for regeneration and, thus, the appropriate silvicultural prescription for harvest.

Lodgepole pine forests of Wyoming range from sound and thrifty young stands established after recent fires to stands over 300 years old, riddled by disease and insects. Most of these old stands are being replaced naturally by subalpine fir and Engelmann spruce. Where the forest management objective is to grow lodgepole pine rather than spruce or subalpine fir, the silvicultural prescription is to convert mature and overmature lodgepole pine stands to young and thrifty ones.

Clearcutting, well done, is one of the best means to achieve this end because it simulates the natural disturbances that create conditions favorable for lodgepole pine establishment. It is not, however, the only harvesting method that can be used in even-aged silviculture of lodgepole pine. Even-aged stands can be developed from shelterwood and seed-tree methods as well as by clearcutting. Stands not infested with mountain pine beetle and without serious dwarf mistletoe infections are usually suitable for shelterwood or seed-tree silvicultural treatments. We observed stands in each of the four Forests where one or the other of these two methods seemed applicable.

In shelterwood or seed-tree cutting, the potential loss by windthrow of the residual trees is a disadvantage, but both methods help to regenerate the cutover area. Both also, but shelterwood cutting in particular, have a much milder impact on the environment and on scenic values than does clearcutting.

Selection cutting, even in lodgepole pine stands infected with dwarf mistletoe, can be the most practical method where management objectives other than timber production are foremost. Many of the lodgepole stands we visited had been "tie-hacked" as long as 60 years ago. Such stands now consist of an overstory of trees from the original stand plus an understory of trees in several sizes and age classes. The existence of the understory trees is evidence that lodgepole pine will regenerate at some level of partial cutting.

Where stands have a natural shelterwood condition, another alternative is to remove the overstory, doing as little damage as possible to any advanced regeneration (understory trees) present. This method is most commonly used to convert an older stand into one of a younger age class or of a different combination of species. Overstory removal is most applicable to those lodgepole pine stands in which Engelmann spruce and subalpine fir dominate the understory. Removal of the lodgepole pine is the first major step in securing a different combination of species—species that can be managed as either even-aged or uneven-aged stands.

One final alternative, of course, is to do no timber cutting. This could fulfill the management objective for stands in which the forest cover, no matter how damaged by insects or disease, is best left untouched—in Wyoming even dead trees serve the utilitarian purpose of holding the scenery together.

Spruce-fir

Engelmann spruce and subalpine fir dominate a much smaller part of the four Forests than does lodgepole pine. As climax species and in the absence of fire, they replace lodgepole pine wherever it occurs in three habitat types: subalpine fir—Engelmann spruce/dwarf huckleberry, subalpine fir/pachistima, or subalpine fir/pyrola. Both spruce and fir are shade tolerant and can reproduce successfully under their own closed canopy or that of lodgepole pine. In relatively open forests, spruce-fir stands may be made up of a wide range of ages and sizes, from newly germinated seedlings to overmature trees. Englemann spruce is highly susceptible to spruce bark beetle and to occasional attacks by spruce budworm. Subalpine fir is also susceptible to spruce budworm and is commonly infected with heart rot. Both lack wind firmness.

In Wyoming, Engelmann spruce and subalpine fir occur beneath lodgepole pine and together in both even-aged and all-aged stands, suggesting wide flexibility in selection of harvesting methods. More than three-quarters of the spruce and fir, however, is in overmature sawtimber stands that offer little opportunity for partial cutting because of their advanced age, slow growth, and likelihood of heavy windthrow. Where insects and disease are not important problems, the single-tree or group-selection methods (to develop an uneven-aged stand) are possible. Shelterwood cutting can also be used in favorable situations, but the cut must be light to minimize windthrow.

MANAGEMENT ALTERNATIVES FOR HARVEST

Many National Forest personnel still consider clearcutting the only way to harvest lodgepole pine economically. Recent Regional directives, particularly from Region 4, have instructed Supervisors, Rangers, and timber staffmen to consider alternative methods of harvest. We feel, however, that the confidence and imagination to carry out the instructions have been often lacking.

We believe that a light selection cutting, particularly on the low-yielding timber sites, should be considered a valid management alternative. Such harvest would remove some mature trees, and the method might best be classified as "pussyfoot logging" because the logger would leave few tracks. We envision no permanent roads, no site preparation for regeneration, and minimal slash disposal. This harvest method would have little or no detrimental impact on the environment. It would help to maintain or improve the vigor of the stand, and it would make available to industry raw material that would otherwise be lost to decay.

On a somewhat larger area of high-yield timberland, we believe the Forests should try some combination of selection cutting and sanitation salvage—the harvest of dead and dying trees. Neither of these methods may be economic individually, but with some imagination they could be included in timber sales calling for small clearcuts. For example, clearcuts of 5 to 10 acres might serve as yarding areas for selective or sanitation and salvage logging in the surrounding area. Although marginal economically, this type of logging makes the stand more vigorous and productive. Periodic thinning throughout the life of a stand will recover most of the wood that otherwise dies or rots (about one-third of total production). This system might offer an opportunity to reduce acreage of new clearcutting until much of the already cutover land develops into thriving young stands of replacement timber.

Until several years ago, forest managers usually practiced clearcutting in spruce-fir types. Their choice was often dictated by

insect epidemics. Currently, because of many regeneration failures in the cutover areas, clearcutting of spruce and fir has been deferred in both Regions until satisfactory regeneration practices can be developed. Regeneration difficulties have also encouraged the use of some form of overstory removal where the advanced regeneration is considered adequate to fully stock a new stand. But this type of timber harvest is costly, because spruce-fir stands commonly contain an excessive amount of cull and dead material that contributes to the difficulty of logging and damages the residual understory.

THE PROFIT ELEMENT IN HARVEST METHODS

The economics of timber harvesting is such a complicated field that we can envision no way to discuss it adequately. On a strictly input-output basis, considering only land management costs and stumpage, it is fairly easy to demonstrate that timber can only be grown at a profit on the more productive sites with relatively short rotations. If the value of a processed product is used as output, the probability of reasonable profit from investment is considerably improved. If the social implications of employment in local industries and nationwide requirements for fiber and construction materials are considered, the problem enters the realm of socio-economic studies. We believe the subject deserves critical examination, but we have neither the professional training nor the information needed for such an analysis.

We can, however, comment on the assumption that clearcutting is the only way that the low-yield forest of Wyoming can be logged at a profit. The timber industry is concerned about the magnitude of the criticism directed against clearcutting. The industry feels that a reduction in the acreage of clearcutting would have two effects: The amount of raw material available for lumber and other wood products would be reduced; and alternative harvest methods would increase logging costs. There is no doubt that adjustments by both industry and the Forest Service are needed if environmental values are to be protected and a fair profit from timber realized. Adoption of management practices aimed at improving productivity will help. Such practices may include improvement cutting to increase timber growth, and treatment to insure prompt regeneration of cutover areas.

Much more research is needed to determine the true costs and benefits of management alternatives, including clearcutting. Such study must include some index for the elusive values of recreation, esthetic quality, water, and wildlife. The newly developing field of model simulation and sensitivity analysis in forest planning may open the door for playing computer "games" with synthesized data. But gathering on-the-ground data to evaluate the alternative uses of a forest environment is an awesome task, and accomplishment is years away.

RECOMMENDATIONS

Timber sale plans should include silvicultural prescriptions by qualified silviculturists and specific instructions for timber harvest; long-term evaluation of the effects of the prescription should be mandatory.

In lodgepole pine—

The Forests should continue to use clearcutting where it is a sound silvicultural harvesting method and in harmony with management objectives for the unit of land.

Alternatives to clearcuting, such as seed-tree and shelterwood cutting and overstory removal, should be used where such methods are consistent with the ecological requirements and protection of the species or appropriate to other uses of the forest land.

Thinning and sanitation salvage should be used independently or in combination with clearcutting where economically feasible.

The present limitation on clearcutting in the Engelmann spruce—subalpine fir type should be continued until satisfactory regeneration practices have been developed.

The Forests should consider using a light selection cutting or "pussyfoot logging" on low-yield sites.

The Experiment Stations should vigorously carry out research to classify and define plant habitats and their ecological potential for both lodgepole pine and Engelmann spruce—subalpine fir forest types in Wyoming.

Forest Service Research and Administration should speed up action to develop systems for analyzing the true costs and benefits of forest management alternatives.

MODIFYING CLEARCUTTING METHODS TO PROTECT THE ENVIRONMENT

Even though clearcutting can be demonstrated to be the most generally useful method of timber harvest in the Wyoming National Forests, objections to it are not likely to disappear until clearcutting practices have been modified. In planning and executing clearcuts, the protection of other values must be much more evident than it has been. Primarily, such protection implies decisions on location and size of clearcuts and on details of operation that will reduce conflicts. Awareness of the nature of these conflicts is essential.

Our talks with Wyoming residents made clear that they are concerned that clearcutting may have damaged a variety of resources. Often they could not specifically document what had been changed or how the change occurred. Nevertheless, these charges cannot be ignored when appropriate studies have not been conducted to answer many of the questions posed. It is necessary to examine the areas of potential damage and determine ways of protecting the environment, and perhaps even improving it, through intelligent planning.

CHOOSING TIMBER HARVEST AREAS

Many of the planning errors that led to poor choice of timber harvest areas during the 1960's are now being corrected. Nevertheless, techniques of multiple use planning still vary between the two Regions, and criteria for weighing resource values and land use management alternatives are not yet satisfactory. During the 1960's, when timber harvest was accelerated, inadequate multiple use plans, together with incomplete assessment of key values as judged today, resulted in a variety of unacceptable management actions. The Forests are making progress in multiple use planning, and some of the plans are well conceived. Nevertheless, we do not believe that even current plans give proper weight to values other than timber production.

The methods used for selecting timber harvest areas must be modified to consistently recognize all relationships among adjacent drainages. Specific effort is needed to see that other management options are not eliminated by decisions to harvest timber. Truly productive timberland should be identified, but the value of areas that are important to wildlife, watershed, landscape, or recreation should also be properly assessed. Even though every timber sale includes provisions that minimize specific damage to other values, these are essentially compromises. There may be many areas in which there should be no compromise, and therefore no timber harvest.

DETERMINING SIZE OF CLEARCUTS

Decisions about size of clearcuts are basic to multiple use management. There is no simple formula for size, and choices must reflect the relative value of the resources to be protected.

All four Forests were observed to have examples of excessively large clearcuts. In some places, stands lying between or adjacent to large cuttings were removed, producing openings of over 1,000 acres. These are large by any standard, but we heard many diverse opinions concerning size. One opinion was that a small block was one of 10 acres or less, another 50 acres or less. Again, we heard that a 35-acre unit was very large.

Let us define some arbitrary size limitations so that we may talk about large, medium, or small units. Let us say units 5 acres or less are small, between 25 and 50 acres, medium, and 100 acres or more, large. The gaps in the categories seem necessary to emphasize contrasts between various units. The small units would thus have reasonably good correspondence with current group cuttings in subalpine fir and spruce. Medium units conform generally to current recommended or regulated size for lodgepole pine clearcutting. In some instances, large clearcuts may be acceptable by reason of their resemblance to natural openings in large-scale landscapes.

There is little justification for clearcuts ranging up to 1,000 acres. Most of the very large clearcuts we saw were a result of attempts to control insects and salvage infested stands. We observed excessively large clearcuts on the Moose Creek Sale on the Bridger Forest (fig. 5), the Wiggins Fork Sale on the Shoshone (fig. 6), and the East Fork Sale on the Bighorn (fig. 7). It was obvious to us that timber management planning on these older sales (late 1950's and early 1960's) was more concerned with controlling insects and salvaging trees than with the effect of clearcut size on landscapes, wildlife habitat, or regeneration prospects.

No 1,000-acre clearcuts are being made now. Timber management plans generally limit clearcuts to 35 to 40 acres. However, existing timber sale contracts call for larger clearcut blocks, and the limit will be exceeded until these older contracts expire or are modified.

We interpret the more recent timber management plans as an intention to eliminate large clearcuts. The aim is not only to aid natural regeneration, but also to allow flexibility in fitting timber harvest to variations in stand conditions, topography, and other land uses.

RECOMMENDATION

Clearcut size limits must be determined by the resource values to be considered and by the specific characteristics of the harvest area.

PROTECTING WATERSHEDS AND FISHERIES

The potential effects of clearcutting on watersheds and fisheries were variously described by Wyoming residents. Some people fear that clearcutting will increase spring peaks of snowmelt runoff and the resulting streambank erosion, thereby reducing the quality of water. Others believe that the volume of late summer and fall streamflow may be reduced sufficiently to damage fishery habitats. Still others believe that annual water yield may be decreased to the point where supplies are inadequate for irrigation and other uses. These fears are understandable in the absence of appropriate studies in any of the four Forests. Some valid inferences about streamflow behavior in these forests as a result of harvesting timber can be made, however, from research in lodgepole pine and spruce forests elsewhere.

Water yield characteristics

Unquestionably, the streamflow characteristics of a watershed can be changed by clearcutting. Hibbert (1967) reported results from worldwide research on effects of forest cutting and reforestation on water yields. Thirty-four studies were in the United States, and five of these in the southern and central Rocky Mountain areas. Both the worldwide and Rocky Mountain studies demonstrate conclusively that reduction of forest cover increases the total amount of water yielded as streamflow whereas reforestation

decreases it. They indicate that the practical upper limit of water yield increase is about ⅛ area-inch per year for each percent reduction in forest cover, but most cutting treatments produce less than half this amount.

Strong evidence exists that streamflow response (increase) is proportional to change (decrease) in forest cover. As a new forest grows following cutting, the increase in streamflow declines. For example, 39 percent of the lodgepole pine timber was clearcut from a 714-acre watershed in Colorado that normally yielded 12 area-inches of runoff. As a result, annual streamflow was increased approximately 7.5 area-inches from the area of timber cut, an amount equivalent to 3 area-inches from the entire watershed. Most of this increase appeared during the spring snowmelt runoff period, but some also came in summer and early fall. Erosion and sediment production associated with these streamflow increases were negligible (Goodell 1958). Similar streamflow increases occurred from a 485,000-acre watershed in Colorado, where 80 percent of the spruce timber on 30 percent of the area was killed by bark beetles (Love 1955).

Some people expressed the opinion that the streamflow of the Wind River above Dubois, Wyoming, has been declining as a result of logging. The upper Wind River drainage above Dubois occupies 422,760 acres and yields an average annual streamflow of 341,900 acre-feet. This is equivalent to nearly 10 area-inches of water. During the period from 1963 through 1967, when most of the timber cutting occurred in this drainage, about 5,000 acres were clearcut. Assuming increases in water available for streamflow were comparable to those from high-elevation lodgepole pine and spruce forests in Colorado, this timber cutting in the Wind River drainage could be expected to increase the average annual streamflow for the first several years after cutting by approximately 3,100 acre-feet, or less than 1 percent. Consequently, it is not likely that clearcutting in the Wind River drainage during this period caused any decreases in streamflow. It is also highly unlikely that any streamflow increases that may have resulted from clearcutting were large enough to add measurably to streambed scouring or channel bank erosion on the main Wind River.

On the other hand, it is quite possible that spring snowmelt runoff from small tributary drainages that are a few hundred acres or less and are clearcut over substantial areas, could have been increased sufficiently to cause local scouring and streambank erosion. We recognize this possibility, but although we observed sediment entering tributary drainage channels as overland flow from roads, nowhere did we find tributary stream channel scouring or streambank erosion directly traceable to increased runoff from clearcut areas.

Recently, the four Forests restricted to 30 percent the proportion of a drainage that can be clearcut at any one time. Such a restriction is, no doubt a step in the right direction, but the 30 percent figure is largely just a guess. The sizes and conditions of watersheds to which this restriction should apply are still to be defined by research.

Many studies have been made to determine the effects of logging on the quality of streamflow from forests. This research has shown that undisturbed forests produce very small amounts of sediment and the streamflow is generally suitable for drinking. Further, except for possible increases in streamflow temperatures and some increases in streambank erosion caused by higher streamflow peaks, the simple felling of trees does not affect water quality adversely. On the other hand, skidding of logs from forests can sometimes increase sedimentation considerably, depending on the location of skid trails, how well they are drained, the erodibility of soils, and rapidity of recovery of vegetation on skid trails. We saw little actual sediment damage to water quality in streams as a result of logging *per se*. In several instances—for example, in Jules Bowl on the Shoshone National Forest (fig. 8)—we encountered potential for damage to streamflow quality in the form of logging residue clogging stream channels. Current timber sale operating requirements include leaving a strip of uncut forest along live stream channels, where possible, and keeping logging residue out of stream channels. These requirements should be strictly fulfilled.

The necessary knowledge about the kinds and sizes of areas and proportions of watersheds that can be logged without creating hydrologic damage will not be acquired overnight. Meantime, the technical knowledge that specialists in soil, hydrology, and other disciplines can furnish could be more effectively used than it has been in the past in planning timber management operations.

Research and experience in many places have shown that none of man's activities in forests contribute more to poor water quality in streams than roads, especially roads that are located too close to streams, built on too steep grades, and inadequately drained. Our observations confirmed that roads are the greatest man-caused source of stream sedimentation in the Forests. The problem is discussed more fully in the section "Roads."

FISHERIES

The biological characteristics of aquatic life and fish environments are very closely related to conditions in the surrounding watershed. Flow quantity and patterns, water temperature, chemical quality, and other conditions important to aquatic ecosystems and to fish are directly or indirectly affected by timber harvest activities. Shaw and Maga (1943) determined that the hatchability of trout and salmon eggs decreased from 16 percent to 1 percent as a result of 2 to 4 hours exposure to suspended sediment of 1,178 to 1,380 parts per million. Bartsch (1959) found that an increase in stream turbidity from 5 to 1,700 parts per million reduced bottom fish food to almost zero, but as turbidity decreased progressively downstream to 17 parts per million, fish food increased to normal levels. The direct effect of sediment damage to fisheries appears to be the killing of fish food and eggs. Less commonly known are the effects on aquatic ecosystems of oxygen-demanding organic matter that is adsorbed on sediment to create anerobic stream bottom conditions, or of eutrophication of streams that may result from increased movement of soluble mineral and organic nutrients away from forest sites where soil and vegetation have been disturbed by logging. These biological relations of forest uses to aquatic environment have only recently begun to be investigated. They need greatly increased research attention.

RECOMMENDATIONS

More and better use should be made of the knowledge that specialists in soil, hydrology, and related areas can furnish in planning timber management operations.

Timber sale contract requirements providing for protection of live stream channels from unnecessary disturbance and from clogging with logging residue should be strongly enforced.

Research should determine (a) the kinds and sizes of areas and proportions of watersheds that can be safely clearcut at one time without creating damaging changes in streamflow quantity, quality, or timing; and (b) the nature and magnitude of changes in onsite nutrient content and of eutrophication of streams that may result from soil and vegetation disturbances that attend timber harvesting.

PROTECTING WILDLIFE

In Wyoming the term "wildlife" describes both a large variety of species and incredible numbers of some species. In the comments we heard about damage done to wildlife resources, however, either fisheries or elk were usually implied. Here, and elsewhere in this report, discussion of specific problems of wildlife is concerned primarily with elk because they are the focal point of public interest. The welfare of elk, deer, and moose is important to the economic welfare of the State; business activity accompanying the hunting season has reached amazing proportions. At the same time, lesser creatures like the chipmunk and Canada jay are ecologically significant in the forest environment that attracts so many visitors to Wyoming. Even though our discussions are limited to big game, we believe concerns for wildlife properly extends over a broader spectrum that should be more generally recognized.

Damage to wildlife habitat from clearcutting could take a number of forms. Wild animals have only a few basic environmental requirements: food, water, and cover—including places suitable for feeding, hiding, resting, playing, and raising young. A productive habitat is one in which these requirements exist in proper juxtaposition and are available when needed. Any disturbance that destroys one of the requirements or the spatial relationships, or prevents habitat use by animals, can be considered detrimental to wildlife.

Whether clearcutting can create such disturbances is not clear. The evidence is inconclusive because job quality varies greatly and because timber harvest is accompanied by roads that could be detrimental even where cutting is potentially beneficial. The discussion presented here considers only logging with adequate cleanup. The additional problems of logging residue and roads are treated elsewhere in this report.

We can start with the basic premise that closed-canopy, mature forests do not support an abundance of wildlife (Schneider 1970, National Academy of Sciences 1970, and others). Much of the existing forest in Wyoming fits this description; understory vegetation is shade grown, sparse, and unproductive. Some overmature lodgepole pine stands, for example, produce no food and only marginal cover, and may be barriers to big game movement (fig. 9). Nevertheless, the total Wyoming forest environment is extremely productive because it includes an interspersion of natural grasslands, meadows, and parks. These openings provide a grass and forb diet favored by elk and within a short distance of cover. In Arizona, Reynolds (1962) found that elk actually spend more time in the openings than along the borders or in the adjacent forest. Juxtaposition of cover types is certainly not perfect in the Wyoming mosaic, but it would be extremely hard to cite a better example of naturally productive habitat for big game.

The question, then, is whether this already highly productive habitat can be improved or whether environmental manipulation simply adds unnecessary openings and destroys existing habitat relationships. We saw only a few large blocks of undisturbed timber with no natural or manmade openings. Where forest cover had been removed, however, forage production—in grass and forbs—was increased. Such benefit to big game has been documented in a wide variety of forest habitats.

It is extremely unlikely, however, that openings larger than about 40 acres can be considered an improvement for big game. Despite general use of meadows and open parklands by elk (Stevens, 1966) and historical records of elk migration to the plains (Murie, 1951) the favored openings in the forest are probably quite small. Reynolds (1966a, 1966b) found that openings larger than 20 acres in spruce-fir and 40 acres in ponderosa pine forests were used less frequently than smaller openings by both elk

and mule deer in Arizona. A similar scale is suggested by Wallmo (1969) for Colorado mule deer. How far Wyoming elk will venture from cover must be determined from behavioral studies. It is probably reasonable to suggest, however, that until appropriate research has been done, clearcuts should be no larger than 40 acres and no closer than 200 feet to existing openings.

Properly designed clearcuts can be used to provide productive forage areas for big game and thereby increase the basic carrying capacity of Wyoming big game ranges. Past forest management has not been particularly sensitive to this potential or to the possible effects of removal of cover from existing habitat. Before the mid 1960's, wildlife was apparently not even a consideration in the attempts to control beetles by cutting. Clearcuts on the upper Wiggins Fork (see fig. 6), for example, funnel a normal elk migration route into a very narrow timber belt at the base of a rocky slope. If wildlife had been considered in planning, the increased vulnerability of these elk during the hunting season might have been recognized and a different sale layout chosen.

Another evidence of past failure to recognize wildlife values is the treatment of small potholes and ponds. Although the importance of such ponds to moose or elk is not well established, we believe they are desirable. We observed several of these ponds (see fig. 3) logged over and filled with debris. We were told that they are far too numerous to be located and protected. Our observations in the uncut strips confirmed their abundance, but with planning, the effort required to leave a patch of protective cover around ponds would not be prohibitive.

Clearcuts made in recent years reflect a constructive attitude of administrative personnel and improved multiple use guidelines. We examined a number of cutting areas in which blocks had been arranged, or stringers of timber left, to provide travel lanes for deer and elk. We saw a few timber sales in which uncut patches had been provided for escape cover, and we consider the current trend to smaller clearcuts beneficial to wildlife. A more direct and positive approach to wildlife protection is needed, however. There is an expressed desire to upgrade wildlife management on all Forests, but habitat manipulation in Wyoming is essentially mitigation of unfavorable effects rather than specific action to improve. Despite the extremely high value of the wildlife resource in Wyoming, it still holds a secondary position in some land management decisions. Lack of funds is one reason for this. The Forests, for example, make specific effort to protect calving areas and migration routes on the recommendation of Game Department or Forest biologists, but they are not currently financed to identify such areas in advance of timber harvest.

Forest personnel are acutely aware of both the potential for improving wildlife habitat and the lack of information to assist in realizing that potential. This is not a problem that can be solved by budget allocations alone. More than money and manpower, the Forests need information. Research already underway in Montana, Oregon, and elsewhere will help, but positive action by the Forests is also possible. We interpret the provisions of Title 1 of the Environmental Quality Act of 1970 and Executive Order 11514 to mean that timber management funds can be used in monitoring the effects of timber harvest on other resource values. The importance of the wildlife resource and the potential for conflict make such action mandatory.

RECOMMENDATIONS

Until more specific information becomes available, clearcuts in big-game habitats should be limited to 40 acres and should be no closer than 200 feet to existing openings.

Research and monitoring of wildlife behavior as affected by timber harvest should be encouraged in Federal and State agencies.

Unless wildlife budgets can be substantially increased, the costs of evaluating effects of timber harvest on wildlife should be properly considered a part of the timber harvest obligation.

PROTECTING RECREATIONAL OPPORTUNITIES

The unusual opportunities for outdoor recreation in Wyoming give the Forests special value. Any damage to the quality of the forest environment may adversely affect recreational values.

The management responsibility for recreational values is difficult to define. Recreation as a concern of National Forest administration is entering a new phase as increased population pressure brings new demands. It is clear that the protection of trees, water, soils, and wildlife will enhance recreational values. Of more direct concern, however, is the scenic quality of the landscape as seen from roads and trails and even from the air. Provision of recreational facilities is another necessary element in overall planning. The broad aim is to give the forest user the opportunity for a satisfying outdoor experience as he travels on foot, on horseback, or in a motor vehicle, depending on his taste and the kind of forest area he has chosen.

Grand Teton and Yellowstone National Parks absorb much of the tourist and camper traffic, but the Forests also receive a considerable share. The scenic quality of the landscape as seen from roads through the Forests and from the air is very evident to visitors and residents alike. More particularly, the Forests are highly attractive to those who prefer undeveloped areas for their forest experience. The four Forests have a larger percentage (34%) of Forest System in Wilderness and Primitive Areas than any other National Forests in the United States: nearly 2.4 million acres of undeveloped backcountry, including the tallest peak (Gannett Peak) and some of the most spectacular scenery in Wyoming.

Many residents believe that wild-country quality is being degraded by timber harvest. Since high-speed logging and large-scale cutting operations are relatively new, the recollection of how things once were is fresh in their minds. They tend to use the National Parks and Wilderness Areas in National Forests as standards of comparison for Wyoming wildlands. This leads to a strong conviction that timber harvest is destructive to recreational opportunity, even though the destructive processes are not clearly definable.

A citizens' group we met with in Jackson, Wyoming, held this view but could not define the kinds of damage sustained, or, after separating wildlife and scenery, define the activities they consider to be recreation. The confusion is widely shared. Forest Service estimates of number of visitor days are not sufficient to provide badly needed information on what outdoor recreation needs are, how those needs can be met, or what the management alternatives are. Such information is essential to quality recreation management.

There is some direct evidence that conflict of values has not been recognized adequately in management decisions affecting recreational opportunities. A specific complaint, commonly heard, was that clearcuts are detrimental to established trails used by hikers and riders. At Jim Creek (see fig. 2) and Willow Creek on the Bridger National Forest, at Jules Bowl on the Shoshone, and almost everywhere on the north side of Wind River Valley, we observed or heard about trail access that had been destroyed by clearcutting. Some trails were converted to roads that terminated in cutting blocks and slash piles; others were simply obliterated. Most commonly, however, the stand adjacent to an established trail was clearcut, and passersby were forced to observe the result.

On some sale areas, recreation values were coordinated with the timber harvest. On the Teton Forest, for example, the foot trail to Goodwin Lake starts at a trail head in the Curtis Canyon clearcuts. Hikers using this trail walk along the edge of a cutting block some 200 to 300 yards before entering the uncut forest. The Forest provided adequate parking space and cleaned up the logging residue along the trail (fig. 10). The hiker has a clean trail, forest on his left, and a pleasant meadow on his right. In a very few years this meadow will be converted into a young stand of lodgepole pine.

The major disadvantage of this technique is that cleanup must be very thorough if it is to be effective at all. From a scenic standpoint, the center is the very worst place from which to view a clearcut. The edge is somewhat better, but from a foot trail almost any close view is likely to be disheartening. A much better course would have been to use the landing area to provide parking but route the trail into the forest so the manmade meadow would be only perceived rather than endured.

Current multiple use plans do contain safeguards that recognize the potential conflicts between existing trails and timber harvest. Nevertheless, we are uncertain that the total magnitude of the problem has been recognized on any of the Forests. We believe the Forest Service recognizes the significance of recreation on the National Forests in Wyoming, but recognition alone has not provided proper coordination in management planning.

On several cuttings we observed, recreation was obviously not even considered when the timber harvest was planned. We received unconfirmed verbal reports of outfitters whose business had suffered substantially because the trails they had been using were logged out and no longer provided the kind of outdoor experience desired by their clients. It might be said that the loss by the outfitter was balanced by the gain by the logger, and the loss of the trail by the gain of a road accessible to vehicles. We question, however, whether such a trade-off was really necessary. Proper planning with recognition of key resource values should have made it possible to have all three: the timber, the road access, and, for those who prefer it, access by horseback. Recreation should be a key consideration in every land management decision on the four Forests.

The provision of recreational facilities, as a responsibility of the Forest administration, is a growing problem as population pressures rise. We found that recreation budgets on the Forests were of the same magnitude as the timber budgets, but this is apparently only adequate for maintenance. The Bighorn Forest has received no money for recreation construction in the last two years, and the other Forests are not much better off. On every one of the Forests we encountered "throw-down" campsites without adequate waste disposal facilities, water, or fireplaces. Such campsites are a source of environmental pollution and fire danger and create additional pressure on already strained recreation budgets.

Here the solution is not necessarily better planning, because the Forests do have plans for additional campgrounds. Construction money would be helpful, of course, but better understanding of the total picture is also needed. The Forests need more information describing saturation levels for people or tolerance of land for this kind of use. The campground problem is only one example of the lack of information necessary for comprehensive recreation management. The Forests also need basic survey information on trail use and its implications for the future. Most existing trails were designed for uses other than recreation. Trails could be so designed as to enhance recreational

opportunity, including scenic quality, whatever their other uses might be. Some of our recommendations on design and construction of roads apply to this problem, but we know of no current research in this area.

Finally, we believe the lack of adequate recreation information prevents imaginative solutions to management problems. There are many situations in Wyoming where timber harvest is limited by topography to sites already occupied by trails or suitable for campgrounds. Once the timber harvest option is selected, other options may become quite limited. We do not believe the Forests always have information enough to make the best judgments of management alternatives. Too little is known about the desires and needs for recreationists and the components of recreation experience. In the absence of such information, even an acceptable decision may result in the loss of a better alternative.

RECOMMENDATIONS

Multiple use planning should give particular attention to the long-term effects of timber harvest in limiting the options for future recreational use of land.

The Regions should encourage research that will help the Forests to achieve comprehensive recreation management appropriate to the desires of people and the potential of the land.

PROTECTING SCENIC QUALITY

The protection of scenic quality in the landscape may seem to be totally incompatible with clearcutting. But if the cutting has been properly located, design, and carried out, the landscape can recover its pleasing aspect within a relatively short time.

The tendency of Wyoming residents to equate general landscape quality with wilderness quality is unrealistic. Parts of the four Forests have been altered and will be altered in the future, and this is a proper use of the forest resource. The aim must be to see that dominant characteristics of forest land remain intact, in spite of specific changes. Manmade intrusions, though evident, can be fitted into the framework of the landscape and express a basic sympathy for it. If a cutting is designed to correspond to or blend with the natural features of its surroundings, it need not dominate the landscape as an alien element.

This report emphasizes that a new kind of comprehensive planning is needed in which the integrity of the landscape is observed. The end products of timber harvest should be the result of intention and not chance. This concept can be expressed particularly in the visible landscape. Landscape architects can be helpful in presenting visualizations, including graphic representations, based on pooled professional knowledge. Unquestionably more professional help would strengthen this effort, and the need for special training is urgent. Such training should include making landscape (or scenic) inventories,[2] coordinating changes in landscape resources through design, and predicting, verbally and graphically, the visual impacts of alternative solutions upon the landscape.

Whatever the mistakes of the past, there is no reason why clearcutting must necessarily degrade the quality of the landscape. If the various attributes of clearcuts—size, shape, location, and dispersion—are handled with understanding, scenic values can be protected.

SIZE

Large size cuttings have been widely criticized, but under some circumstances they can be acceptable. Observed from a distance, a large cutting can fit the scale of the country, appearing as a placid element that draws little attention to itself (fig. 11).

[2] Elements of the scenic landscape can be concretely documented through the use of a number of inventory techniques. See Litton 1968.

There are obvious defects, however, in the appearance of large cut blocks as seen from a point close to or inside the block, as at Sheridan Creek (see fig. 1). In another example, the natural pattern of openings and forest stand combinations in the Bighorn happens to be one of large scale, suggesting that larger harvest areas are appropriate; but this is country with gentle, sloping terrain, and cuttings are seen close by rather than from a distance (fig. 12). From inside this clearcut, the landscape is dominated by slash, there is little evidence of regeneration, and nothing of interest is to be seen. Furthermore, the clearcut suffers by comparison with the large natural meadows of the Bighorn with their crisp forest edges.

In large cuttings, leaving groups of trees could result in improved visual effects, as well as lead to solution of associated problems of resource protection, as the Antelope Mountain timber harvest, Teton National Forest, suggests (fig. 13).

In clearcuts on all four Forests, tree clumps could have been left related to local features such as erratic boulder groups, outcrops, minor topographic eminences, ponds, or the like. Yet, typically these concentration points of visual interest were treated as though they did not exist (figs. 14, 15). It would have been better to recognize that such small features do contribute positively to the richness of the landscape. If an even-age management system is to be sensitively adjusted to the native nuances of the landscape, management must be more intensive than any yet to be seen in the four Forests.

Limitations of cuttings to medium size, although recommended for a variety of reasons (such as wildlife protection) can result in a complicated, pocklike effect, drawing attention away from the surrounding country. The cuttings in the Teton Forest, seen from Mount Baldy near Spread Creek (fig. 16) are an example. Their appearance approaches spottiness as relationships between cuttings and terrain become confused. Such harvest areas can be visually successful, however, when their size (and shape) can be clearly related to landform elements such as a whole hill, a ridge face, or a bowl. The size (medium or otherwise) should reflect an observed characteristic or vegetative pattern or terrain. Where a medium-size block is isolated in comparatively large-scale surroundings, it threatens unexpected dominance over the scene. Furthermore, even though a single clearcut may appear appropriately related, there is no assurance that a series will follow suit. The medium-size unit, presently encouraged by management, has a potential of greater disruption to the landscape then either large or small units. There is need for variety that intermediate-size units cannot provide alone.

Small cuttings have good likelihood of being visually "absorbed" in their surroundings. On moderately or gently sloping land surfaces, the chances are high that the floor of the cut will be screened by the vertical edge of the block. Where a honeycomb effect of numerous small openings occurs, the visual demand would be slight and subtle. Such a condition would closely resemble a sparse stand.

The problem of size is not solved by simply determining that large, medium, or small is good, bad, or indifferent. Under some circumstances, the large unit might well be the best-appearing unit; however, special steps must be used to overcome its disadvantages. If only medium-size units are used, problems of monotony and questionable fit to landscape may develop. The basic solution for esthetic and visual compatibility must come from variety, based upon careful observation and understanding of the landscape in which changes are to be made.

SHAPE

The shape of clearcuts has prompted almost as much public criticism as their size. In the clearcuts made during the mid-1950's, seldom, if ever, was there any specific harvest management plan for the reserved blocks. Convenient but arbitrary straight-line boundaries for cutting units were commonly used, resulting in rectangles or other shapes that largely ignored the relation of the cutting to landform, to windthrow, and to adjacent stands of timber that would be harvested in the future.

Rectangular clearcuts in the Fish Creek area on the Teton National Forest have called forth much comment (fig. 17). These cuttings are easily viewed from the air by travelers going to and from Jackson, and they dominate the landscape by their geometry and their extent. Their fault is not so much that they are obviously manmade as that they fail to fit the land and be sympathetic with it.

Geometric shapes are not all manmade nor are they necessarily in conflict with the land. Note the diagonal linear escarpment running on the shoulder of Lander Peak in the Bridger (fig. 18). Here much of the front forest margin is also straight. Several strip cuttings repeating the theme of the natural opening would appear coordinated with this particular landscape. Also in the Bridger, straight-edged avalanche paths, oriented perpendicular to slope, may be seen in figure 19. The avalanche paths constitute a model for the design of cuttings with a linear relation to the landscape. Here the pattern of cuttings is also well designed and dispersed. Such examples do not necessarily make straight-line geometric units right, but neither do they make them unacceptable.

Strong native patterns are encountered in the Rocky Mountain country, such as typical lens-shaped faces of open grass or sagebrush seen in contrast to densely forested faces. Furthermore, natural openings tend to be connected to one another or to repeat a characteristic relationship to topography or exposure. These characteristics have been little recognized as models for cutting patterns.

In all the Forests visited, we heard that the present model for cutting shape was "irregularity." This has no clear or simple meaning—shape has to be related in some satisfactory way to the land on which it occurs. Yet there is an indication here of promise, a step in the right direction. Irregularity and variety in cuttings suggests more than esthetic compatibility. Visually pleasing clearcuts may also prove to be ecologically sound with respect to wildlife habitat.

LOCATION

The more conspicuous a cutting is, the more perfectly it must be designed. A hierarchy of locations can be established to help predict how conspicuous cuttings will be.

The least obvious position for a cutting is at or near the visual base of a forest, especially if it is adjacent to and parallel with an existing bordeline between dissimilar plant communities (such as a tree-grass junction). An example is the "nibbling" technique used in the Teton Forest, Spread Creek country, in which certain of the cuttings are pared off timber stands adjacent to sage or aspen areas (fig. 20). Low visibility also results if a cutting is designed as perimeter enlargement of an existent opening or a type change.

Both "nibbling" and perimeter enlargement, however, may cause difficulty in regeneration since the cutting crosses the edges of dissimilar plant communities. The Copper Creek sale, Bighorn National Forest (fig. 21) was cut through to meet existing grassland. A brief botanical survey suggests that the former forest understory has been converted to grassland; such understory plants as arnica and huckleberry are almost completely replaced by grass-forb meadow components (fig. 22).

The second and more obvious position for a cutting is at the center of a forested face (see fig. 11). It is conspicuous because the lighter color of soil or grass-forb cover con-

trasts with the darker surrounding forest Winter snow emphasizes the difference even more strongly. Also, by its isolation, a cutting in a central position is more noticeable. The effect of isolation or strong contrast can be avoided if the cutting is connected with pre-existing lines or pattern edges, such as margins of different-aged stands or differing plant communities.

The most conspicuous location for cuttings is along the upper parts of ridges and especially the skyline. At the skyline, there is maximum contrast between the dark landform contours and the light void of the sky (see fig. 4). The Cartridge Creek sale on the Shoshone National Forest (fig. 23) demonstrates at close hand how cutting lines stand out as they cross over a ridge. Scattered leave trees, perhaps damaged or leaning, are visually degrading on the sky silhouette, and should be removed. Frequently, a better solution is to leave a tree edge that comes down over the crown of the ridge. This treatment expresses the natural coordination between a timbered backslope and an open face or patch as exemplified in figure 24. The teardrop shape of the natural glade echoes the upper silhouette of the hill and the linear escarpment across it.

Cuttings are especially conspicuous in areas associated with water or scenic landform features. These special areas tend to be the focus of recreational use. Cuttings in such areas, unless done with the greatest care, suggest only disregard for esthetic and recreational values. Water assumes certain of the light qualities of the sky and is seen against the darker solidity of forest or land surface. This visual contrast is yet another reason to treat riparian and water-dominated areas with great care. A cutting in the Teton National Forest shows evidence of sensitive response to an existing pond (fig. 25). Scenic features such as Pinnacle Buttes near Brooks Lake, Shoshone National Forest (fig. 26), similarly make any cuttings in their vicinity more obvious.

Cuttings located near existing roads are, of course, highly conspicuous. No road exists in isolation from its surroundings; it also includes a visual corridor, the view seen from the road. Two examples, as seen from highways, suggest that there was no recognition in the planning stage of the potential effect on the landscape. On U.S. Highway 14, in the Bighorn, the Owens Creek cuttings are displayed in front of the driver as he moves along flat curves and straight stretches (see fig. 4). The cuts stand out on uptilted surfaces that are near the skyline. On the Teton Forest, the Curtis Canyon strip cuts were made during the period 1956–63. High visibility of the strips from U.S. Highway 26–187 through Jackson Hole was not taken into account in the sale layout. These cuttings dominate the scene because the vertical strips contrast with the horizontal ridges of the surroundings. In fact, had the strips been laid out parallel to the contour, they would not have been visible from the road.

The cuts were modified in 1970 to make them visually more compatible with the terrain forms and surface patterns of the larger landscape (fig. 27). The method followed in establishing the pattern-altering cuts should be noted because it suggests a type of control that needs to become routine in sale layout. One of the landscape architects from the Regional Office, working with the Forest timber management staff, produced a number of sketches indicating various ways in which alternatives would appear. Other drawings of visual alternatives were produced by the Pacific Southwest Forest and Range Experiment Station. A solution was selected that served the timber management objectives as well as the aim of compatibility with the visual environment. This kind of procedure should be a standard method rather than an unusual solution to a specifically annoying problem.

DISPERSION AND SUBORDINANCE

The question of proper dispersion of cuttings—the concurrent location of two or more units—requires clarification. Dispersion is a complex problem, involving relationships of size, shape, location, and even time, since design problems arise when one series of cuts is followed by a later series. Unless the whole harvest rotation is planned, the design of the first cutting may make it difficult or impossible to avoid poor visual images in the second or later cuttings.

In timber sales in the Meadow Cabin Creek area of the Bridger (see fig. 19), some five medium-size cuts were made below the crests of somewhat similar hill forms. The ovoid cuts are appropriately varied in size and shape so that they individually fit the spheroid hills. The immediate landscape thus contains a number of similar openings that contrast with forest cover. This manmade pattern, built upon repetition and variation of existing patterns in the surroundings, creates a desirable dispersion. The total effect is one of subordinating change to the characteristics seen in the landscape.

The shape of the block and strip cuts in Fish Creek, Teton Forest (see fig. 17) has been discussed; the dispersion of the strips also fails to establish any clear relationship to surroundings. Units are linear, suggesting a basketweave pattern with parts in 90° opposition; yet the landscape is essentially horizontal. To follow contours would have established a simple continuity with the dominant direction of skyline and bottom grass-tree line. Additionally, the amounts of cut openings and remaining tree cover are nearly equal. This is confusing visually since neither of the two elements is dominant. Esthetic stability is normally best served by a dominant-subordinate combination. In summary, the dispersion is unsatisfactory, and manmade changes are overpowering in the landscape.

RECOMMENDATIONS

The basic character of Wyoming wildlands should be kept dominant, and manmade alterations held subordinate, in design of clearcuttings. To do this

The design of cuttings, including size, shape, location, and dispersion, should respond directly and specifically to visual characteristics of the landscape.

Scenic inventories, recording at least dominant landscape resources, should be made to aid in planting and design.

Forest personnel should be given training to develop greater managerial sensitivity to landscape resource values.

ROADS

Intensive forest management requires roads. They are needed for timber harvest but they serve other purposes as well. Livestock are moved by truck to prevent land damage, and roads provide access to trial heads and campgrounds, as well as other recreational opportunities. During the past decade, road construction has increased on all four Forests. Nearly $14 million were allocated to the four Forests between 1961 and 1970 for construction and maintenance of transportation systems. The new roads built during this period have become a major source of public concern.

Objections to the Forest Service roadbuilding program were expressed to us in many ways. Some people charged that too many roads are being built, that most roads are designed only to tap new timber harvest areas; that roads are detrimental to soil stability, streamflow quality, and fisheries; that roads have adverse effects on big game populations; and, finally, that roads are ugly. As in objections to clearcutting, the belief was expressed that potential long-term irreversible effects of roads on resources other than timber are not receiving proper consideration by Forest managers.

Feelings on this matter are strongly expressed. A few critics classified road construction as an "epidemic disease." Others charged that roads are not planned except as a day-to-day response to industry demands for timber, and that recreation or resource values had been used to justify funding of roads for access to timber where the timber values were too low to justify construction costs.

A large percentage of the roads we examined were well constructed and maintained. As in other management areas, however, there is evidence of inadequate planning for road construction. There has been negligence in some instances. We saw portions of roads that could properly be criticized and we believe that some public concern is warranted.

To clarify the issues here, it will be helpful to examine the functions of forest roads. In general, two very different types of roads are built on National Forests: system roads and temporary roads.

System roads are the permanent transportation routes needed on a Forest to meet all resource management and protection objectives. Usually Forest engineers assist in the location and design of these roads and supervise construction to assure that multipurpose needs are served. The roads are built to standards determined by the resource uses for which they are intended. They may be constructed by the Forest Service or a private contractor. They receive periodic maintenance, and are usually open to the public in most situations.

Temporary roads are not part of the permanent transportation system. They are built to accomplish essentially one-time resource management activities, such as hauling timber from a particular part of a timber sale area or constructing a ski lift, pipeline, or powerline. Most often, these low-standard roads are located or approved by Forest Service officers and built by a private contractor. They are intended to be kept open only for the duration of the activity for which they were built, and then treated to prevent erosion and closed to all traffic.

We believe the discrepancy between principle and practice in the building and maintenance of roads has given rise to most criticism. Effective planning, scrupulous observance of responsibilities of execution, and careful review of management actions should solve most problems.

ROAD PLANNING AND MAINTENANCE

The roadbuilding associated with increased timber harvesting in the past 10 years has created special problems. These are primarily due to deficiencies in the planning process that should have controlled the roadbuilding. Planning is particularly important in several areas: the level of road density to be reached, the suitability of roads for the purposes they are to serve, and the status of roads as temporary or permanent.

DENSITY LEVEL

A summary of road data for the Forests (table 1) reveals some important facts. First, only about one-fifth of the mileage of existing system roads on these Forests was built during the 10-year period since 1960. Second, about three-fourths of the temporary roads were built during this same period. The difference largely reflects the increased density of temporary roads needed to remove logs from timber harvest areas. Third, nearly two-thirds of the total mileage of temporary roads ever built on these Forests still had not been closed to vehicular traffic by the fall of 1970. The fourfold increase in temporary roads since 1960 and the failure to close such a large proportion of these temporary roads are sufficient cause for public concern about Forest Service intentions regarding road density.

Each of the Forests has a transportation plan that responds to road needs for the various management functions. For several

reasons, these plans seem confusing to us and they were reported to be confusing to the public. For example, some roads do not appear on transportation plans because they are classed as temporary and are not to be retained. This implies to the public, however, that the Forest Service is not aware of already existing roads. The plans also appear incomplete. None indicate a deliberate intent to halt road construction when some specified level of forest access is reached. Forest Service personnel were vague about setting any limit on eventual number and destination of system roads. Criteria for establishing such limits are lacking or not clearly defined. For example, in several places we were shown roads originally planned as temporary but now a part of the system of network simply because they were built to higher standards than needed and were considered "too good to close."

Finally, none of the transportation plans indicate a deliberate intent to manage some parts of a Forest without permanent roads. Neither do they indicate intent to close any of the system roads to public travel, even temporarily, in the interests of reducing or preventing conflicts in resource use. Decisions to manage some areas without roads, or with only minimum-level temporary roads and prompt closure, are reflected in multiple use plans on some of the Forests. These decisions, however, cannot be readily understood from a review of transportation plans.

SUITABILITY OF ROADS

The claim that most roads are designed only for timber harvest warrants careful consideration. Our conclusion is that many of the roads that serve timber harvest were planned to serve other needs as well. In some instances, however, the design of these roads has rendered them less suitable than they should be for recreational purposes. Attention to functional and structural elements outstripped concern with form and relation to the natural surroundings.

Roads in the Forests have tended to be engineered rather than designed. Selection of the corridor in which roads are located has been based mainly on road construction aspects, such as grade, alignment, and availability of roadbuilding materials. The relations between travelers and their environment have not been sufficiently investigated, so that some Forest roads are good for vehicles but not good for people. The qualities that determine the esthetic suitability of roads have not been precisely identified or defined.

TABLE 1.—SYSTEM AND TEMPORARY ROADS, FALL 1970, ON THE BIGHORN, SHOSHONE, TETON, AND BRIDGER NATIONAL FORESTS

[Miles]

National forest	Total system roads	Total temporary roads	System roads built since 1960	Temporary roads built since 1960	Closed temporary roads
Bighorn	260	189	114	160	70
Shoshone	857	169	117	131	93
Teton	386	175	99	123	36
Bridger	919	423	191	308	173
Total	2,422	956	521	722	372

Much of the criticism directed toward roads apparently constructed for single use could have been avoided by better location and design. Certain roads suggest single use rather than multiple use because they reveal insensitivity to the variations of the landscape.

Some right-of-way clearings are excessively wide for a one- or two-lane road; we observed widths of 100 feet to 200 feet or more. An example on the Fish Creek Sale (fig. 28) is on a gentle side slope, and grading for the cross section demands use of only a fraction of the total cleared width. The narrow road within the dominant opening is obviously detached from its surroundings. The avowed purpose of the wide clearing was to facilitate snowmelt on the road, but public suspicion is understandable that the road clearing is actually an elongated strip clearcut.

A road built through or alongside a large clearcut also creates an impression of single purpose. A central location is efficient during timber harvest, but it does not recognize the need for pleasing appearance after the harvest. On the Shoshone, a system road is routed through the heart of the 1,200-acre Sheridan Creek clearcut (made in 1953). Travelers on the road are forced to look at the logged area itself since there is nothing close by of greater interest to attract attention (fig. 29). Although slash cleanup is of quite high order, there is an overall impression of carelessness from the light scatter of charred slash, inconspicuous and sparse regeneration, and a ground plane that suggests deteriorated grassland.

Another road location that emphasizes logging is found in parts of the Wiggins Fork system road leading to an entrance to the Stratified Primitive Area. Characteristically, the road is threaded against the edge of certain clearcuts along the route. This has the distinct advantage of intimate linkage with the forest edge on one side as compared to a road that is central in a cut opening. In one place, however, a clearcut of several hundred acres, in which pole slash now visually dominates young reproduction, becomes the foreground against which the perimeter peaks and basin of the Stratified Primitive Area are viewed (see fig. 6). There are encouraging signs of future improvement, but at present the view at the entrance to a wilderness area is much degraded.

A more satisfactory relationship between a system road and a timber cutting exists in the spruce-fir group harvest units off the Enos Creek road, Shoshone National Forest. Rather than running the main road adjacent to the cut block—or hooking the two together with a broad opening—a "pigtail" spur connection is used (fig. 30). This short spur with curve or reverse curve effectively separates the small cut block from the roadway. The multiple purpose aspect of the road is maintained. Although this handling for a small-scale cut block cannot be directly compared with that of the large-scale Wiggins Fork blocks, the road access design is noted as a pattern worthy of more widespread application.

CLOSURE OF TEMPORARY ROADS

As previously indicated, two-thirds of the temporary roads ever built on all of these Forests still had not been closed to vehicular traffic by the fall of 1970. We recognize that it is necessary to leave temporary roads on timber sale areas open until after the logs have been hauled, slash disposed of, and any necessary planting completed. We question the need, however, for leaving such a high percentage of temporary forest roads open to traffic for such long periods of time. This conflicts with Forest Service policy on road closure.

Several Forest Service regional officials explained to use that it was difficult to get the Forests to follow the policy. On the other hand, some Forests reported that persistent recreational use of logging roads was a deterrent to planned closure. Closure problems on these four National Forests are further complicated by the relatively gentle slopes and natural openings that typify the terrain. Where physical closures were installed, it was very often possible simply to circumvent the barriers with a four-wheel-drive vehicle.

Although gentle terrain undoubtedly makes physical closure of roads difficult or impossible, we believe that any road designated for closure can be and should be closed by posting and policing if no other method seems practical.

RECOMMENDATIONS

Transportation plans should indicate the purpose of every proposed road—whether permanent or temporary, the disposition of each temporary road, and the maximum level of road construction needed to attain management objectives.

The transportation plan should be clear and logical, and presented in a form easily understandable to the public, and should specify drainages that will be exempt from any road construction or managed with temporary roads only.

The temporary roads still open should be carefully evaluated; those classified as temporary should be closed and all others reconstructed as required for maintenance as part of the permanent road system.

In road layout and design, the relation between the road and the landscape should be clearly established so as to avoid a result suggesting single use.

CONTROLLING ENVIRONMENTAL EFFECTS OF ROADS

The possibility of disturbance of the ecological balance in forests increases with use. The balance is extremely delicate in some areas, and failure to recognize the allowable limits of disturbance has led to serious resource management problems. Some forest areas can undergo severe treatment and remain relatively stable. Others deteriorate acutely after only slight disturbance. Road construction is one of the most severe disturbances that man can impose upon forest land. Roads expose raw mineral soil to erosion and alter the contours of the landscape; road access to forest land must inevitably disturb wildlife to some degree. Management practices that minimize the undesirable environmental effects of roads are essential.

WATERSHED

It has been charged that road planning and construction on the Wyoming Forests have been faulty, causing accelerated soil erosion, increased sedimentation in stream channels, and damaged fisheries. Experience and research in a number of places—from the Great Smoky Mountains of North Carolina, the Appalachians of West Virginia, and the White Mountains of New Hampshire through the Rocky Mountains of Arizona, Colorado, Idaho, and Montana to the Sierra Nevada of California and the Cascades of Oregon and Washington—confirm that roads are the main cause of reduced water quality in forested watersheds (Packer 1967). Much of this same research also shows that well-designed roads located away from water courses and provided with proper drainage need not cause damage to the quality of stream-flow. We saw evidence that a high degree of quality control can be obtained in road construction. Perhaps the best examples in this respect are the Antelope Mountains and Enos Creek roads on the Teton and Shoshone National Forests, respectively. These roads were designed, located, and built with the greatest regard for watershed and esthetic considerations (fig. 31).

Our observations strongly support research conclusions as to the importance of specific road design and construction criteria. In each of these Forests we encountered unstabilized road cuts and fills, poorly installed culverts, and sections of roads having improperly spaced drainage facilities. Of special importance are the many miles of temporary roads on which soil is being eroded because logging activities continued so far into the fall or winter that surface drainage facilities could not be installed in the frozen earth. These rather frequent occurrences of soil erosion and sediment movement from roads toward

streams are reason for serious concern (fig. 32). Damage to watersheds and water quality from these sources has not yet been great, but there is urgent need to develop better quality control in roadbuilding and maintenance.

We did see several instances of road construction on unstable areas, threatening serious watershed damage. A review of the conditions on five of these areas illustrates several problems.

Leads Creek—Part of the main haul road was built through soil derived from glacial silt, which is highly susceptible to accelerated sheet and gully erosion. Excessively wide stretches of this road (fig. 33), coupled with inadequately spaced surface drainage and a few plugged culverts, have allowed sediment-laden runoff from the road to enter Leads Creek in several places (fig. 34).

Three Forks Creek—The upper portion of the main haul road traversed extremely steep slopes. Here again, an excessively wide road was built, resulting in high vertical cut banks that are now collapsing, and overly steep fill slopes that the sloughing away (fig. 35).

Cabin Creek—Portions of the main haul road were built across obviously unstable slopes ("slump topography") and potential landslip areas. As a result one entire section of road, several hundred feet long, has actually slipped down the hill into the drainage bottom, creating a new source of sediment during highwater periods (fig. 36).

Poison Creek—Portions of some of the temporary roads are on locations that do not allow good surface drainage. Overland flow down these road surfaces has concentrated to the point where large rills and small gullies have been eroded in the roadbed (fig. 37). We saw no direct evidence that sediment from these eroding surfaces had reached streams yet, but unless adequate surface drainage facilities are installed on these roads, it can be expected to do so eventually.

Brooks Lake (Jules Bowl)—Roads were constructed on relatively stable soils derived from variegated clay stone, shale, and sandstone, and from coarse glacial till. Some of the temporary roads were built at grades of more than 12 percent and some were excessively wide (fig. 38). Many of the fine soil fractions have already washed off these roads, leaving a rocky erosion pavement in places. Some poorly constructed cross-drains have broken through, permitting surface runoff to concentrate sufficiently to wash soil downslope. Fortunately, since most of the roads are far removed from Brooks Lake Creek, there is small probability that sediment will reach this live stream. Part of the Brooks Lake timber sale area is located on slump topography showing mass instability, especially when the soil mantle becomes saturated. In several places large amounts of logging residue, some from road construction, were left in small tributary stream channels, thereby slowing the normal drainage of water out of small basins and permitting the soil mantle to become locally saturated continuously. There is already evidence of increased mass soil slumping as a result of this.

These mistakes in road location and construction are not isolated instances and they are cause for concern for several reasons. First, the knowledge necessary to prevent them was available but not used. Second, they cannot be dismissed on the grounds that "we are no longer doing it this way." Some of the cited roads were built during the past 5 years. There is still not enough quality control of road construction for watershed protection.

RECOMMENDATIONS

The quality of design, location, and construction of roads, especially temporary ones, must be greatly improved to avoid unnecessary damage to soil and water.

Existing specifications that temporary roads should be maintained for adequate drainage before winter should be scrupulously observed.

Much greater use should be made of geologists, hydrologists, and soil scientists in planning and constructing roads.

WILDLIFE

The effects of roads on big game populations, specifically elk, are almost impossible to evaluate because there is no adequate information. The charge is made that road access makes elk more vulnerable to hunters and leads to year-round harassment by picnic parties, motorcyclists, Sunday drivers, and snowmobiles. As road densities increase, elk retreat from this disturbance until, eventually, there is no escape left. Game biologists all over the Rocky Mountain West have voiced this concern in recent years; as a result some roads have been closed, and a number of timber sales have been modified.

The claim is also made that logging can improve elk habitat. The literature does in fact report some significant improvement from logging, but the conclusions are based on forage production rather than animal behavior studies. The Jackson Hole herd and many other feeding operations can be cited as evidence of elk tolerance for close association with man, but these are unnatural situations.

We tend to agree that timber harvest could create a potential for harassment of elk during rutting and calving, and there is no question that easy access increases vulnerability to hunters. Nevertheless, there are no reports in the literature to demonstrate that roads and logging are necessarily detrimental to elk population levels. A description of elk management problems in the Wind River drainage is given at the end of this section to illustrate how increased access can complicate management decisions.

Although we cannot substantiate damage by roads to the wildlife resources of Wyoming, we believe this problem has very strong implications for management. First, even our brief examination of the northern Wyoming area confirms the value of the wildlife resource. The Jackson Hole elk herd has been world famous for over five decades. Elk harvests in northern Wyoming have averaged more than 11,000 animals annually in recent years. Second, the presence of the two National Parks, Yellowstone and Grand Teton, puts the surrounding National Forests in a unique position. Over a million tourists visit the two Parks each year. The thermal wonders of Yellowstone and the scenery of Grand Teton are major attractions; but the elk, moose, and bear are also extremely significant as a part of the total picture visitors expect to see.

We believe that an overriding consideration of land management on these National Forests should be the health of the elk herds. There is no positive evidence that roads destroy elk habitat, but neither is there proof they do not. Until definitive answers are produced by research, the possible loss of options should be an important consideration in all management decisions concerned with the development of roads. We saw little evidence that past timber management activity has given appropriate consideration to elk herds, but this may not be surprising since the potential conflict has only recently been recognized. There is encouraging indication that present planning does recognize the real value of the resource.

ELK IN THE WIND RIVER VALLEY

Elk hunting in the Wind River management until has been extremely important for many years. Each fall Dubois, Wyoming, becomes a hub of activity for a 6- to 8-week season in which a thousand or more hunters participate. In Dubois also is a large stud mill run by U.S. Plywood-Champion Corporation. Both activities contribute substantially to the welfare of Dubois, and the basic resources for both activities are derived from the nearby National Forests.

The Wind River Valley resembles a large horseshoe with the toe on the Continental Divide near Brooks Lake and Dubois in the middle (fig. 39). Commercial timber management is confined to a belt 6 to 10 miles wide on the circumference of the horseshoe, and most of the area north of the commercial forest belt is managed as wilderness.

Elk harvest and timber sale records for the Wind River drainage, from 1963 to 1967, are presented in table 2. Analysis of the elk kill demonstrates a significant change in harvest in all but two subdrainages. During the first 2 years of record, in the drainages with the heaviest logging activity, Wiggins Fork-Horse Creek produced a substandard harvest while Sheridan Creek-Brooks Lake and Warm Springs Creek were above average. In 1966–67, these latter subdrainages produced a harvest below expectation while Wiggins Fork-Horse Creek showed an increase. Thus, the Wind River elk harvest appears to fluctuate almost without regard to timber sales. As a further complication, total elk harvest had nearly doubled at the end of the 5-year period because the hunting seasons were changed from September 10-October 31 in 1963–65 to October 1-November 15 in 1966–67.

TABLE 2.—WIND RIVER ELK HARVEST AND TIMBER HARVEST, BY SUBDRAINAGES, 1963–67[1]

Subdrainage	Year				
	1963	1964	1965	1966	1967
Elk killed:					
East Fork, Bear Creek	[2]42−	55	61	111	136
Wiggins Fork, Horse Creek	51	[2]26−	46	110	118
DuNoir, Long Creek	45	46	42	76	95
Sheridan Creek, Brooks Lake	[2]32+	[2]28+	10	[2]14−	[2]15−
Warm Springs Creek	[2]26+	[2]27+	14	23	[2]23−
Jakeys Fork, Torrey Creek	13	[2]14+	[2]2−	15	11
Red Creek, Dinwoody	5	7	9	21	23
Total, Wind River	214	203	184	370	421

Subdrainage	Year				
	1963	1964	1965	1966	1967
Acres cut:					
East Fork, Bear Creek					
Wiggins Fork, Horse Creeek	[3]900	58	103	300	70
DuNoir, Long Creek			35		457
Sheridan Creek, Brooks Lake	[3]478	765	112	472	149
Warm Springs Creek		78	368	541	
Jakeys Fork, Torrey Creek					
Red Creek, Dinwoody					
Total, Wind River	1,378	901	618	1,313	676

[1] Elk harvest compiled from Dubois check station records, Wyoming Game and Fish Department; timber harvest compiled from incomplete records of the Wind River Ranger District, Shoshone National Forest. Statistical data: chi-square=108.7, 24 degrees of freedom, 0.001>p.

[2] Indicates cell contribution is 3.5 or more to total chi-square.

[3] Up to 1963.

Note: Plus or minus indicates the direction of deviation from expected values.

We were told that this change in season dates was instituted to shift the harvest from resident to migratory elk within the Wind River drainage. Elk harvest totals for the area had declined from 362 in 1959 to 214 in 1963 and 184 in 1965. Biologists of the Wyoming Game and Fish Department examined the biweekly distribution of elk harvest. They found that in drainages north of the Wind River, the kill increased in the last half of the season, whereas south of the river a greater proportion of the total harvest was obtained in the early part of the season. From this observation and from tagging studies, Game Department biologists concluded that in the early season there was only a partial harvest of migratory animals coming out of the Teton Wilderness and down Du-Noir Creek to winter range on the lower Wiggins Fork. They also believed the resident herd was being overharvested.

Accordingly, the October-November season was initiated in 1966—and the total number of animals harvested did increase substantially in drainages north of the Wind River. Like many management decisions, however, this one created a whole new series of questions. The 1967 biweekly count still shows over half the harvest taken in the last 2 week of the season in drainages north of the river. Moreover, Sheridan Creek-Brooks Lake still shows half the harvest in the first 2 weeks of the season. Does this indicate a still higher potential for harvest in the migratory herd? Or, does it simply indicate the movement of hunters from area to area as snow closes the high country?

There are also unanswered questions about nonmigratory elk. Has the total number of such animals been reduced by increased access and more efficient harvest? Has the harvest thereby been shifted to migratory elk? The data for Wiggins Fork-Horse Creek and Sheridan Creek-Brooks Lake (table 2) tend to support this contention if it is assumed that new roads will lead to an overharvest followed by a drop in the kill. Warm Springs Creek, on the other hand, produced the same pattern—but the high harvest came before logging started.

Thus, there is just enough information available to tantalize us. The correlations are suggestive but not statistically sound. The conclusion that the resident elk herd was reduced is balanced by evidence that a management decision actually produced an overall increase in the harvest. And, unfortunately, the decisions which must be made still depend on unsupported logic rather than scientific fact.

RECOMMENDATIONS

The Forest and Regions should actively encourage cooperative research to determine the impact of road systems on elk populations.

The Forest Service should carefully consider a slowdown in construction of new permanent roads until information is available concerning the effects of roads on elk.

LANDSCAPE QUALITY

Public concern about the visual effects of forest management practices was primarily directed toward clearcutting, but roads were a close second in importance. We observed some road design of commendable quality, yet in some timber sale areas we found design, location, and construction of roads that expressed insensitivity to forest resources other than timber.

RELATION OF ROADS TO LANDFORM

Road location is of critical importance because of the powerful capacity of a road to focus attention ahead, forming a "visual corridor" for the traveler. The Antelope Mountain road, Teton National Forest, was constructed basically for insect control and sanitation-salvage cutting, but it was designed with such good relationship to its surroundings that it is now also a scenic road of high quality. For example, one straight stretch is directed so that the Grand Teton Range is incorporated as a directly linked outview (fig. 40). Conversely, a straight piece of road can make more conspicuous a timber harvest pattern planned without recognition of landscape impact. The Owens Creek cuttings on the Bighorn Forest (see fig. 41) are conspicuous for the way they modify the appearance of nearby landforms. Had there been appreciation that a road also defines a visual corridor, more careful consideration could have been given and a better effect achieved.

A road can be conceived of as a physical-visual experience in a three-dimensional landscape. On the Antelope Mountain road, a curved segment is laid out so that it is complementary to a concave terrain form (fig. 41). Here the road conforms to the landscape and is subordinate to it. Quality suffers, however, if the relation of road to landform is unsatisfactory. On the Brooks Lake road, Shoshone Forest (fig. 42), the straight portion of the road between two curves cuts through a rounded spur ridge. Straight road and convex land surface do not match, and a visual break results. A curve of longer radius could have conformed directly to surface form, also maintaining visual continuity of the roadway. Other negative aspects of this road include an overly wide and uniform clearing line on the high side, windthrow, and incomplete slash cleanup. The positive aspects are the display of the stratified peak feature and the clearing variations tied to minor openings on the lower side. The visual quality of this road segment is mediocre, but additional attention to design and construction could have produced superior quality. Unqualified concern for the visual environment could have prevailed, but it did not.

The detailed adjustment of road layout to recognize local landscape variations and features is a way to integrate the road to its immediate surroundings. We observed both care and carelessness in this regard. Carelessness was most evident in roads alongside clearcuts or inside them (see figs. 1, 6). There is need for concurrent planning of roads and harvest layout. Care, in the form of sensitivity for small things, is shown in fig. 43 as the Antelope Mountain road passes close by a wolf tree and adjacent fence. This simple design linkage to an isolated tree and a human artifact suggests what can be done. We are convinced, however, that it cannot be generally accomplished without special bolstering and training of staffs. More flexible road design standards are needed, including standards for roads of smaller scale.

Cuts and fills indicate the degree to which the horizontal and vertical layout of the road fits the landscape. They are not undesirable as long as they are minimal and the road does not seem to disrupt the flow of land surface (fig. 44). Roads on the four Forests cannot be seriously criticized for excessive cuts or fills—largely because much of the roadbuilding is on gentle topography. More could be done, however, to modify cuts and fills through slope flattening and planting, for both erosion control and visual continuity with natural surroundings. Not enough is being done to finish up road construction with revegetated side slopes.

We envision that the design of all system roads in these four Forests will recognize that the quality of experience derived from road-based travel depends upon sensitive treatment of the relationships between road and landscape. The technical staff must be available and have the expertise to do this. We have commented elsewhere on the need for special staffing and training.

RECOMMENDATIONS

Road location and design should be better coordinated with the landscape than they are at present:

Planning and road design should routinely include thorough exploration of visual alternatives.

The visual corridors created by both existing and proposed highways and permanent forest roads should be recognized as requiring special attention.

More flexible road design standards, encouraging small-scale roads where they are appropriate, should be adopted.

LOGGING RESIDUE

The harvest of trees, like the harvest of other crops, leaves an unused residue, consisting mainly of foliage, limbs, treetops, roots, and stumps. Trees or portions of trees that are too defective, too small, too crooked, or of too low quality for any present practical use are also left on the ground. The volume of residual material depends primarily on the condition of the timber stand, the harvesting method, road right-of-way clearing, and the market demand for wood products.

Much of the criticism of timber harvest practices on the four Forests can be attributed to the inadequate, improper, or poorly timed treatment of logging residue. Unsightliness was most frequently mentioned. In addition there were frequent complaints about waste of apparently usable material, creation of barriers impassable to wildlife, air and water pollution, soil disturbance resulting from treatment, and excessive treatment costs. A substantial number of people also expressed concern about inconsistencies in residue treatment methods used on different Forests.

We observed on the ground the results of practices ranging from virtually total disposal of the residue (fig. 45) to no treatment whatever (fig. 45). We also found considerable variation in treatment methods, standards, and performance among the Forests and between the Regions. Each of the Forests has a backlog of unfinished treatment work to do.

The treatment of residue may include any one or, more often, a combination of such actions as burning, scattering, burying, piling, or crushing (rolling). Silviculturally, residue is treated to reduce fire hazard, help regenerate a new stand of trees, and, for some tree species, reduce insect hazard to the remaining trees. On many sites, residual woody material is needed to provide a microclimate favorable to the survival of tree seedlings, and to help protect soil from erosion. Other considerations are protection of scenic quality, prevention of mechanical obstruction to the movement of people and animals, and protection of air and water quality.

Several treatment methods have been or are now being used. No treatment—an alternative in which the residue is left untouched after the merchantable wood is removed—has been practiced with results such as those shown in figure 46.

Broadcast burning, now discontinued on the four Forests, consists of burning the residue where it falls without further handling. In practice, a fireline is constructed around a body of slash, and the area is then progressively fired in predetermined spots and and directions in such a manner that the area burns essentially all at the same time. Use of this method requires a sufficient volume of woody material to carry the fire and create sufficient heat to achieve desired levels of removal. Broadcast burning is usually confined to areas harvested by clearcutting (fig. 47).

The windrow and burn method utilizes tractors with brush blades to push residue into windrows preparatory to burning (fig. 48). Tractors usually work downhill, bunching the residue into continuous windrows at right angles to the slope, where it is burned. The method is usually restricted to areas harvested by clearcutting.

In the pile and burn method, the same kind of equipment is used except that the residue is pushed into piles rather than wind-

rows before burning (fig. 49). This technique has more flexibility than the windrow and burn method and can be used following harvest by partial cutting as well as by clearcutting.

The roller-chopper method utilizes a large, heavy, ribbed metal drum, drawn by a tractor as shown in figure 50, to break and mash residue down onto the ground where it will decompose more rapidly. The drum is usually 8 feet or more long and 4 or 5 feet in diameter with square or diagonal cutting flanges welded to the exterior surface. The drum is hollow, but filled with some liquid for weight while working. The equipment is usable only on level or gently sloping ground and is fully effective only in areas of light concentrations of small-diameter residues (fig. 51). Larger logs and stumps reduce the efficiency of the method. Because of the size of the equipment, efficiency is low except on relatively large areas. Where patches of very heavy concentrations of residue ("jackpots") have accumulated, the material is often bunched into piles and burned.

The lop and scatter method employs manual labor using axes or power saws or both. Limbs are cut from felled trees and scattered on the ground to decompose by natural means. The method does not provide for adequate fire hazard reduction if residue volumes are large, and firebreaks are often installed at strategic locations to minimize the danger of fire spread. Also, as in the roller-chopper method, "jackpot" concentrations are usually bunched and burned.

RESIDUE TREATMENT ON THE FORESTS

An analysis of the effectiveness of past methods of treating logging residue reveals several deficiencies. There has been unwarranted optimism that successful regeneration would be achieved without proper residue treatment as indicated by timber stand conditions, including seed supply. This optimism stemmed partly from lack of adequate factual information, and partly from reliance on experience gained in other locations not really comparable to Wyoming. There is much evidence, too, that planned treatments were not accomplished on schedule or as intended. In some instances, shortage of manpower and money led to delays in treatment. Generally, administrators did not anticipate the strong public reaction to the unsightliness of untreated residues on logged areas. Whatever the reasons, there is much more untreated residue on the four Forests than sound timber management practices would dictate.

Many of the inadequacies and problems of logging residue management are now recognized. Significant changes have been made in an effort to avoid repetition of past errors. On the Bridger and Teton Forests, for example, current practice on clearcuts is to machine pile and burn the logging residue. Sale contracts on these Forests of Region 4 require that all slash from trees cut before August 15 be piled for burning by November 1. Burning is done no later than the following year. The appearance of harvested areas after these treatments is usually good, in a few of the areas where piling and burning were done, however, we question if enough of the residue remains to encourage regeneration and protect the soil. For selection or shelterwood cuttings, limbs are lopped and scattered and, where needed, concentrations of residue are piled and burned. Shortcomings common to the lop and scatter treatment are the lack of a desirable mineral seedbed (see the section "Regeneration"), and the disorderly appearance of the area.

On the Bighorn and Shoshone Forests of Region 2, treatment of logging residue reflects a variety of past and current policies. On selective and shelterwood harvest areas, residue is lopped and scattered. The inadequacies associated with this treatment are the same as noted above. On clearcuts, burning has been discontinued except for "jackpot" concentrations, and the logging residue is roller-chopped after one season of drying. Except on uncompleted sales, the Wind River District of the Shoreshone no longer has stands suitable for clearcutting. The lop and scatter treatment is commonly used on the small cutting units. These, together with the areas awaiting roller-chopper treatment, tend to give a general appearance of disorder.

People we talked to on Region 2 Forests generally praised the roller-chopper method, primarily on the basis that the chopped residue reduces soil moisture losses and provides shade for tree seedlings. There have been some successful results; for example, on parts of the Caribou Mesa sale (see fig. 51) young trees are numerous after this roller-chopping. But the technique is effective only on slopes of about 25 percent or less. From the available evidence, it does not seem to solve all the problems posed by logging residue.

Current objectives for managing the residue are major steps in the right direction, but we can give them only qualified endorsement. There are still some unanswered questions about current practices that require further study. For the most part, foresters are aware of the alternatives available and the reasons why timing, method, and proper followup action are needed. The treatment should be much more carefully chosen to fit the varied site and timber stand conditions before the timber harvest. Some available knowledge is not being used, and additional research and testing in the field are undoubtedly needed. Also, the backlog of untreated logging and road-clearing wood residues that exists on each of the Forests should be scheduled for treatment.

A problem that has aroused public comment is the apparently high volume of waste material on cutover areas on the Forests. Most of the harvest is in the lodgepole pine type, and yields and product values are relatively low. There was little management except for fire protection until recent years. Selective logging for railroad ties removed only the better trees. Thus, many stands now contain large quantities of poor quality wood.

Timber harvesting would be more acceptable to many critics, and logging residue management would be simplified, if more of the wood was removed and converted to useful products. Progress in reducing the residue would result in less waste, lessen the potential for air pollution from burning, reduce the possibility of stream pollution, and improve the esthetic effect of timber harvest. The cost of removing and processing more of the material may now be too high to attract buyers, but this phase of timber management practice deserves strong and continuing emphasis by the Forest Service and the timber industry.

The inconsistency between Forests in treatment of residue has drawn some public attention. Sound practice may require deviations from standards or guidelines to fulfill the requirements of a specific silvicultural prescription. On the other hand, from our observations it is hard to understand why one treatment method should be considered the only viable technique on the Teton Forest, whereas the Shoshone uses another. We believe training and written guidelines for residue treatment are currently inadequate, and that both need attention at Regional and Forest levels. Allowance should also be made for flexibility in the use of guidelines.

CONTROLLING ENVIRONMENTAL EFFECTS OF RESIDUE

The possible adverse effects of logging, as specifically related to logging residue and its treatment, have aroused concern for air and water quality, soil stability, and wildlife habitat, as well as scenic quality. No studies concerning these matters, specific to these four Forests, have been made, but some broad conclusions are possible from observation and information from other areas.

AIR AND WATER QUALITY

Our observations suggest that potential for air and water pollution on the four Forests is relatively low. As noted earlier, except for road right-of-way slash and some "jackpot" concentrations, logging residue is not burned on the Bighorn and Shoshone Forests. The Teton and Bridger Forests pile and burn on clearcut units. When residue is piled, options for time of burning are extended. It can be accomplished during periods when atmospheric conditions are favorable for dispersal of smoke. We did learn that burning is sometimes done when weather conditions may not be favorable. To avoid distraction and disturbance of tourists, the Teton Forest schedules burning for late fall when most of the tourists are gone. Beaufait's (1968) studies in Montana suggest that this may be a poor time of the year for such activity because of increased atmospheric stability. Temperature inversions are a common phenomenon of fall weather, and the probability of smoke collecting in the valleys is very high.

The question of whether decomposition of logging residue could contribute nutrients that become a source of chemical pollution in forest waters has been investigated on the Hubbard Brook Experimental Forest in New Hampshire (Likens et al. 1970). This research indicated marked increase in dissolved nutrients after clearcutting. The Federal Water Quality Administration's "Industrial Waste Guide—Logging Practices" (1970) identifies logging waste as a chemical pollution source in the Pacific Northwest.

The applicability of these data is not entirely clear, since our observations in Wyoming did not include collection of nutrient data in streams. The Hubbard Brook study was not identical with a timber harvest activity. None of the logged material was removed or burned, and all living plants on the site were killed, thus preventing natural uptake of nutrients from decomposing material. In the Northwest, a much larger volume of logging residue is commonly present to contribute dissolved nutrients. Considering the smaller amount of residue and the generally heavy growth of forbs and grasses on Wyoming clearcuts, pollution by chemical nutrients does not appear to be a significant threat. Research to determine the true magnitude of this problem is needed.

SOIL STABILITY

Logging residue treatment may or may not increase the soil erosion hazard, depending on the method used, and where and how it is applied. In our examinations of many sale areas we found little evidence of increased erosion resulting from logging residue treatments. The lop and scatter method used when partial cuts are made leaves all of the woody material as a protective cover on essentially undisturbed soil. The roller-chopper method, sometimes used on clearcuts, leaves all of the residue on or near the ground surface and causes only minor soil disturbance. Piling and burning disturbs far more of the soil, but when properly done leaves an adequate protective cover of small woody material and duff on or near the soil surface.

In a few instances we observed excessive removal of protective ground cover and unnecessary disturbance of soil as a result of bulldozer piling of logging residue, not only on gentle terrain, but also on slopes in excess of 35 percent.

These operations have undoubtedly created a potential for erosion and sediment production. We believe that logging residue disposal by bulldozer piling can and should be done in a manner that prevents baring of excessive amounts of soil. It should be limited to slopes of less than 35 percent.

WILDLIFE HABITAT

The public fear that logging residues can create barriers to the movement of big game is easy to understand. Walls of windrowed slash, as shown in fig. 52, could inhibit elk and deer movement. It is quite likely such a wall will persist a long time, but we saw only a few. We believe the creation of potential barriers should be avoided, but we also believe the degree of concern is out of proportion to the actual problem in Wyoming. The windrowed slash on clearcuts and road right-of-way clearings may present significant potential problems, but all of the Forests are making good progress in solving them. We also believe untreated slash is not likely to create barriers. After all, there are many lodgepole pine "jungles" (fig. 53) that are not much different from untreated logging slash; these seem to pose no barrier, as any elk hunter can testify.

SCENIC QUALITY

A disturbing visual effect is created by untreated logging residue, seen either alongside roads or trails, or in the cutting units from adjacent travel routes. This was observable in July 1970 along the road south of Fish Creek on the Teton Forest, where cutting had taken place in 1969. A wide right-of-way clearing connected a series of cut blocks, the combination producing the visual image of an excessively large timber harvest. Until cleanup is accomplished, that impression will reflect adversely upon management.

Logging is a "crude" operation in the visual chaos it creates. The standard practice is to delay residue treatment until after the merchantable material is removed. Although the condition may be temporary, when viewed at this stage by a casual visitor it often leaves a lasting unfavorable impression. Both windrowing and piling, as intermediate steps before burning, at least give an orderly appearance. Such steps are visual clues that management is coping with the problem.

The practical importance of immediate treatment may be open to question, but the visual problem should be recognized and dealt with accordingly. Roads and trails might be closed until treatment is complete. If closure is not feasible, signs might inform the public that rehabilitation measures will follow.

The prompt and complete cleanup and disposal of road right-of-way slash is especially important. At a roadside, even a small amount of partially burned slash must be considered detrimental as seen by the forest visitor (fig. 54). Roadsides are, in effect, display areas demanding the most complete treatment. The practice of accomplishing cleanup concurrently with road construction is good. The Bridger and Shoshone Forests, on the Mosquito Lake and Enos Creek roads, respectively, have done this job well.

RECOMMENDITIONS

Forest Service Research, National Forest Administration, and the timber industry should jointly explore possibilities for using more of the wood left after logging, and for treating the remaining residue to facilitate natural and artificial regeneration and reduce the unfavorable visual impact.

The Forest Service should establish exploratory studies to determine the effects of logging residue management on water quality.

The Forests should secure timely meteorological information, and require that logging residues be burned during periods when burning is least likely to affect air quality adversely.

The Forests should do a complete job of treating right-of-way clearing residues concurrent with construction of all roads open to public travel.

The Forests should eliminate the backlog of untreated residues as soon as possible.

REGENERATION

The critical importance of prompt regeneration to successful silviculture has been pointed out in earlier discussion. In Wyoming, this phase of management has become a focus of contention; many people do not believe a new tree crop is being established following clearcutting. We were told that the Forest Service does not have the technology to accomplish regeneration in Wyoming's harsh climate, and we were shown cutting after cutting in which no small trees were visible from the road.

The important Wyoming timber species do have individual requirements for regeneration. These must be understood before the results of efforts to establish new forests can be properly evaluated.

REGENERATION IN LODGEPOLE PINE

Successful natural regeneration of lodgepole pine depends upon three factors: (1) a good supply of viable seed widely dispersed over the cut area, (2) favorable seedbeds for germination and seedling survival, and (3) suitable moisture and temperature for seedling growth. Unless these conditions are met, natural reproduction may fail or may not become established for a long time.

SEED PRODUCTION AND DISPERSAL

The importance of cone serotiny—the closed cone habit—to regeneration of lodgepole pine has been described with reference to silvicultural prescriptions (see p. 13). Over much of its range, lodgepole pine produces predominantly serotinous cones, which hang in the tree crown, tightly closed, for years, thus preserving large quantities of viable seed. Recent studies show, however, that trees on extensive areas of the Teton, Bridger, Shoshone, and Bighorn National Forests are predominantly of the nonserotinous, or open-cone, habit. Seed is shed and disseminated by wind annually on these areas, so that little or no seed is stored in the crowns.

Where the cone habit is primarily serotinous, seed dissemination does not occur until heat breaks the resin seal that keeps the cones closed. On clearcuttings, cone-bearing slash scattered over the cut area distributes the seed very effectively, provided the cones are brought close enough to the ground to receive the radiated or convective heat needed to open them (Crossley 1956). A temperature of 113° F. is needed to break the resin seal. Cones within about 1 foot or less of the ground usually open and release most of their seed during the first summer season. Consequently, in stands with serotinous cones, seed dissemination does not restrict the size of the clearcutting.

The cone serotiny habit varies with elevation, habitat type, and stand history. In western Wyoming, at about 7,000 feet, serotiny and wildfire are common in the Douglas-fir/pinegrass habitat, but they are less so at 9,000 feet in the subalpine fir—Engelmann spruce/dwarf huckleberry habitat.

Stands that have predominantly open or nonserotinous cones cannot be regenerated naturally in large clearcuts. Seed disseminated by the wind in these stands is dispersed only about 200 feet into the openings. Therefore, strips wider than about 400 to 600 feet are not likely to receive sufficient seed to restock the entire cut. Prompt tree planting is indicated on those parts of the cuttings that are too remote from the seed source to be restocked naturally.

SEEDBED REQUIREMENTS

In most habitat types, lodgepole pine, like many other species, requires a well-prepared mineral soil seedbed for best seed germination and seedling survival. About 90 percent of the total reproduction is established in the first 2 years. Although some germinants appear in ensuing years, they usually balance the losses rather than increase the stocking.

Exposure of mineral soil and removal of competing vegetation provide the best seedbed for both germination and seedling survival. On exposed soils the roots of lodgepole pine seedlings penetrate to a more stable supply of soil moisture than is found in the organic surface material of the natural forest floor.

REGENERATION IN SPRUCE-FIR

In establishing Engelmann spruce in cutover areas, adequate site preparation and attention to quality, care, and handling of planting stock are the keys to success. Apparently, a determining element is the ecology of spruce and fir as they grow together to form high-elevation forests.

Mature Engelmann spruce, in association with subalpine fir, forms a relatively stable forest vegetation. The stands are not easily displaced by other vegetation, except when disturbed by logging, fire, or insect and disease attack. Complete removal of the stand by such disturbances results in drastic environmental changes that tend to favor establishment of species less tolerant to shade, such as aspen and lodgepole pine. Under natural conditions spruce becomes readily established only on mineral soil and rotten wood seedbeds, whereas fir is not exacting in its seedbed requirements. Furthermore, although spruce seedling survival is better in the shade than in the open, spruce cannot compete with fir under the low light intensities commonly associated with dense spruce-fir forests. Once established, however, spruce lives longer than fir (Alexander 1958).

Spruce seed is light and may disperse in adequate numbers as far as 600 feet from the timber edge. But even great quantities of seed will not stock a cut area in a harsh or incompatible environment. Drought and frost seriously jeopardize the establishment of seedlings after clearcutting. Perhaps the most drastic environmental change caused by the cutting is the increase in solar light intensity at the soil-air interface. Ronco (1970) has shown that high light intensities, typical at upper elevations, contribute to the high mortality of open-grown seedlings. He suggests that solarization—a phenomenon by which high light intensity inhibits photosynthesis—leads to irreversible tissue damage and subsequent death of open-grown seedlings.

High temperatures associated with high light intensity heat the soil surface, thereby increasing transpiration and evaporation. The increased water loss from both seedlings and soil, along with heat-caused lesions on seedling stems, combine to cause considerable additional mortality (Roe et al. 1970).

Many spruce-fir forests have an understory of advanced growth which, if protected from damage during removal of the overstory, may develop into a new stand. Advanced reproduction usually varies widely in age, composition, quality, and quantity, and its potential for further management must be carefully evaluated. Criteria for such evaluation and management guidelines for reproduction following cutting have been developed by Roe et al. (1970).

REGENERATION PRACTICES OF THE FORESTS

On all four Forests we inspected cutting after cutting in which a cursory observation would suggest no regeneration. Our close examination revealed, however, that many of these "regeneration failures" did indeed have adequate stocking of seedings—although the trees will not become readily visible from roads or trails for another 1 to 5 years. Nevertheless, the frequency of cuttings that must be rated unsatisfactory is considerably higher than it should be. The practices that have led to this condition need to be carefully evaluated.

NATURAL REGENERATION OF LODGEPOLE PINE

Regeneration plans usually called for planting if natural seeding failed. As a rule not only the natural seeding, but also many of the subsequent plantings did fail. Some, if not most, of the failures were predictable.

Earlier corrective measures could have been taken if the silvicultural requirements for regeneration (cone serotiny and fre-

quency of good seed years) had been properly evaluated. Failure to recognize scarcity of serotinous cones was most damaging. Natural regeneration is bound to fail in a large clearcut where the supply of serotinous cones is inadequate.

Natural regeneration is easiest in small or narrow clearcuts. In stands with nonserotinous cones, clearcuts should be designed so that seed dispersal from border trees is adequate over the entire clearcut area. Decisions as to the size of such clearcuts, therefore, should take into account the commonly accepted 200-foot dispersal distance of lodgepole pine seed and the quality of seed trees along the cutting margin. The latter requirement, often overlooked, is essential to satisfactory natural regeneration.

Spotty coordination of regeneration factors has sometimes led to failure. Seed dispersal distance, preparation of seedbeds, and timing of harvest with a good seed crop form a chain of events culminating in a new stand of trees. We observed clearcuts where these requirements were met, but we suspect that such coordination is frequently accidental. The timing of harvesting with good seed years and the scheduling of seedbed preparation following logging are administrative activities easily controlled by man. Sampling techniques are available for estimating the total number of serotinous cones in a stand (Lotan 1963). The status of the cone crop of the stand can be determined before harvest by observing cone development and by seed trapping. Seeding experiments on each clearcut immediately after harvest can give early indications of problems of seed germination and seedling establishment. Close attention to all these factors entails considerable work, but may eliminate the need for costly subsequent site preparation and one or more repair plantings.

ARTIFICIAL REGENERATION OF LODGEPOLE PINE

Tree planting needs to be more than an afterthought. The present practice of supplementing natural regeneration from 3 to 5 years or longer after harvesting creates problems. Too often the site is occupied by other vegetation by the time natural regeneration failures are recognized. Planting then entails the added cost of preparing the site again for good results.

We viewed a potential regeneration failure on a recently completed lodgepole pine clearcut in the Fish Creek area (fig. 57). The area, referred to as the "potato field" because of a nearly complete cleanup of logging residue, was in excellent condition for tree planting. When we saw the tract, direct seeding was being tested and there was some germination of seed spots. The reluctance to plant trees at the same time as seeding was puzzling. The plan for direct seeding showed that the inadequacy of natural seed on the area was recognized. Waiting to see if seed-spot planting would adequately supplement natural regeneration seemed to us to risk loss of a favorable tree planting site to competing vegetation. This sample illustrates the obviously strong efforts to solve regeneration problems, but also points out how critical each step is in attaining regeneration. Seed-spot planting, the weak link in the chain here, would have been best employed as an exploratory trial included in plans for planting the area.

Mortality of lodgepole pine seedlings was high in some of the plantations we examined. Many of the live seedlings were poor in vigor. Causes included (1) a poor planting area, in which invading plants were well established and competing with the tree seedlings; (2) poor planting methods, such as digging shallow holes, which encourage doubled-over roots; (3) poor selection of spots to plant each seedling; (4) grazing or trampling by livestock or wildlife; and (5) allowing seedlings to break dormancy before being lifted and shipped from the nursery. In the last instance, the new shoots died and the future of the trees was often in doubt. Helpful measures would be to schedule the spring planting immediately after site preparation to avoid losing the site to other vegetation, and to supervise the planting more closely to avoid mistakes. Better coordination of the lifting of stock in the nursery and preparation of planting sites would also bring improvement. Provision could be made for conditioning at nurseries and cold storage facilities as necessary.

SPRUCE-FIR REGENERATION

In general, spruce-fir regeneration on the four Forests still appears to be a trial-and-error operation. The most important first step has been taken, however—a shift from large clearcuts to small openings. The timber management and silviculture staff of each Forest should now make a concerted effort to become familiar with data already available on the biological requirements for seed production, germination, and establishment of Engelmann spruce and subalpine fir. A monitoring program such as that we have suggested for lodgepole pine should then be carried out with the help of research personnel. Efforts to classify habitat type in the spruce-fir forest zone should be intensified and the information made available and applied in forest management.

GRAZING DAMAGE TO REGENERATION

Cattle were grazing in many of the tree plantations we observed. Forest Service personnel showed us that cattle were inflicting some damage on planted trees by browsing and trampling. In varying degree, this kind of damage occurs throughout each of the Forests and is cumulative over a period of years until the trees have grown out of danger. In places the damage eventually reduces survival to the point of plantation failure.

Clearcuts usually revegetate quickly with grasses, herbs, and shrubs, and consequently are attractive to grazing animals. Opinion varies throughout the four Forests as to the seriousness of the grazing problem. In some plantations, cattle are being excluded for a period of years. In others, it seems to us, grazing is almost encouraged. Grazing damage may be easily overlooked, but by examining individual trees we found sufficient evidence to confirm that it was significant. There is a need for more effective protection of regeneration from livestock grazing.

LOGGING RESIDUE TREATMENT AND REGENERATION

Logging residue can be both beneficial and detrimental to regeneration on a clearcut. The method of treatment is often critical in obtaining natural regeneration. Broadcast burning, a useful silvicultural tool in many situations, may destroy the seed in the slash and also damage any advanced reproduction that could otherwise contribute to restocking the area. If delayed too long, treatment by any method often destroys established seedlings.

Some of the merits and limitations of roller-chopping have been pointed out. On the 92-acre Caribou Mesa Sale on the Buffalo District of the Bighorn National Forest, natural regeneration of lodgepole pine following roller-chopping was spotty. Within 200 to 300 feet of the timber edge, the normal dissemination distance for nonserotinous cones, natural regeneration was satisfactory (see fig. 51). At greater distances from the timber edge it ranged from spotty to inadequate, indicating that nonserotinous cones predominated.

A trial of the roller-chopper on the Shale Creek Sale on the Bridger National Forest resulted in good natural regeneration over the entire unit, one having an apparently adequate natural seed source. On the limited basis of these two observations, we concluded that use of the roller-chopper improves the opportunities for natural regeneration when the area receives adequate seed. Advanced regeneration 1 to 2 feet tall was not usually destroyed. These trees, if not cut by the blades on the roller, would spring back to normal position.

We found that regeneration following the piling and burning technique used on the Teton and Bridger National Forests also was spotty. It appears that planting must always supplement natural regeneration to get the area fully stocked. Although the complete cleanup on recent clearcuts on these two National Forests does give the appearance that a workmanlike job is being done, we feel that it may be somewhat overdone—the first-year barrenness is uncomfortably obvious. This is not a criticism of the Forest personnel who have worked diligently to incorporate this degree of refinement in their timber sale operation, but rather a reflection on the state of the art of regenerating in lodgepole pine stands—how much cleanup is enough?

Given the wide range in results from success to complete failure, the need for considerably more research in regeneration is obvious. Logging residue has a marked impact on the success or failure of regeneration. A method somewhere between the complete cleanup accomplished on the Teton and Bridger National Forests and roller-chopping of slash done on the Bighorn might come closer than either to meeting regeneration needs. In general, the volume of residue left after the merchantable timber has been removed is the critical factor. Finding uses for more of the now unmerchantable wood will help. In addition, more of the residual material should be scattered to avoid concentrations. Then, the roller-chopper might be sufficient to prepare the site for both natural and artificial regeneration.

RECOMMENDATIONS

The silvicultural prescription for each stand should include surveys to determine degree of serotiny in the stand, and monitoring to forecast occurrence of seed crops and to estimate seed production.

A regeneration check list should be developed for each proposed timber sale, outlining (a) the sequence of events affecting regeneration, and (b) the treatments needed to obtain satisfactory regeneration, including backup treatments to compensate for failure of any one step.

PART III: PEOPLE ARE CONCERNED ABOUT THE QUALITY OF FOREST STEWARDSHIP

The issues discussed so far in this report may be summed up in the concern that the quality of stewardship of the National Forest resources must be improved. People both in and out of the Forest Service believe that some important decisions are being made without adequate data about either forest resources or the demands of society. They believe administrative planning has not adequately considered the many consequences of management actions upon the land or the resources. Finally, they are dismayed by the discrepancies between planned, announced actions, and the results actually obtained on the ground.

The public must be assured that future land management decisions will be more firmly based on knowledge that allows reasonable prediction of the outcome of management actions. The Forests must also demonstrate a more unified approach to their common problems, and find more effective ways of actively involving the American people in management planning.

MAKING AND APPLYING MANAGEMENT DECISIONS

By Federal law and Department of Agriculture regulations, the Forest Service must manage the National Forests in accordance with the principles of multiple use and sustained yield. The Service is responsible for maintaining long-term productivity of Forest resources and achieving proper balance between social and economic needs in the use and protection of those resources. How the Forests meet their responsibilities depends on the soundness of their management decisions and the skill with which these decisions are applied on the land.

THE PLANNING PROCESS

For quality Forest stewardship, there must be, first of all, good planning, which requires adequate information, well-qualified personnel, and strong administrative support for the planning effort. Within the framework of the Multiple Use Management Guides provided by the Regional Foresters, planning on each of the Forests has progressed considerably over the past decade. Multiple use plans for National Forest System lands are and must be dynamic; each change results in more comprehensive consideration of the capacity of all resources to serve the needs of the people. The rate of progress varies, however, and none of the Forests has attained the required level of planning refinement.

This report has emphasized the role of planning inadequacies in the management errors we observed. Too frequently we found that management objectives were not clearly understood or defined. The decision to build a new road into a previously unroaded drainage, for example, was likely to be based on the use and protection of timber, without adequate consideration of other values. Opportunities were sought to "get the land under management," but action was often started before the Forest or District Staff had defined what they were going to manage for.

The goal of better balance in resource management is attainable, but it will require more effective participation of specialists in soils, hydrology, wildlife, landscape design, silviculture, engineering, and outdoor recreation. To achieve the high-quality management expected by the public, all the Forests must refine, revise, and update existing multiple use plans using an interdisciplinary approach. Plans must be based on adequate sociological, economic, and resource data, and to this end, planners should increase their efforts to seek the counsel of other agencies and interested lay groups.

THE USE OF AVAILABLE INFORMATION

Good planning requires adequate information. Some of this information is yet to be discovered through research, but much of it can be gathered from available sources.

RESOURCE INVENTORIES

Resource inventories were lacking on all four Forests when extensive logging was begun. At that time, the best information was the Timber Resource Inventory, but because equivalent data were not available about other resources, the Timber Resource Inventory was easily misinterpreted. Although it provided the factual base for calculating the allowable cut, in the absence of data about other important values the calculations did not fully take into account the needs of wildlife and fisheries, recreation, and scenic quality.

The necessary inventory information is now being accumulated, and the Forests, particularly the Teton and Bridger, are making good use of the data in the refinement of multiple use plans. Nevertheless, comprehensive inventories of the basic resources are still lacking. Urgently needed are surveys of soil stability, land suitability, landscape characteristics, hydrological characteristics of watersheds, and the ecological potential and limitations of the forest lands. Areas of special interests should be more thoroughly surveyed and inventoried. These include archeologic and historic sites, areas of importance to rare and endangered species, unique plant communities, unusual landforms or geologic formations, special scenic areas, and key wildlife areas. With this information the Forests could plan their programs for timber and other resources to minimize or avoid conflicts.

SCIENTIFIC AND TECHNICAL INFORMATION

The land manager seldom has all the scientific information he needs and wants, but we encountered several instances where existing helpful information was not used. It has long been known, for example, that the source of seed and timing of seed fall is extremely important in the regeneration of a forest stand. This fact has a critical bearing upon the harvest method, the size of clearcuts, and the method of slash disposal. Cone surveys will supply the needed information for lodgepole pine, but on all four Forests our questions about the seed source and seed potential on sale areas where cuttings were recent, current, or planned, could not be answered. No cone surveys had been made. The lack of adequate natural regeneration on many clearcuts, especially the large ones, reflects the failure to use this source of information to improve the probability of success.

Road construction provides another example. Specific criteria for locating and constructing temporary forest roads in the Rocky Mountain area to minimize soil erosion and prevent sedimentation of streams have been available for the past 10 to 15 years. On all four Forests, however, we observed some temporary roads that were improperly located and constructed, indicating a failure to use the available criteria and guides.

Where knowledge is available but is not being used, the problem is often one of communication. The often-heard claims that research scientists fail to disseminate their findings properly and management specialists fail to search out and apply published research results are still valid; though recognized for years, the information gap has not been closed.

The abilities of technical specialists in the Regional Offices are not fully used, and specialists are often lacking on the individual Forests. On each of the Forests, some poor management decisions might have been improved had the available information and guidance been used effectively. For example, we saw many logging roads built through unstable areas—errors that would probably have been avoided if the assistance of geologists, pedologists, and hydrologists had been used. Although regional specialists are available for consultation and advice, the Forests themselves are shorthanded in such important disciplines as wildlife, soils and hydrology, and landscape architecture.

Until more specialists are available, interim measures are possible. The "literature search" technique is helpful for compiling information on any and all phases of forest management. Professional foresters and land managers have not used this method adequately in Wyoming. At the same time, researchers should not feel that their job is done until they help the practicing forester apply new information on the ground. If the land manager and the researcher communicate as they should, preventable management errors can be significantly reduced.

RECORDS AND ADMINISTRATIVE STUDIES

Useful information is often buried because provision for administrative studies and record keeping is inadequate. Administrative studies should be a continuing part of management programs, as a means of evaluating past and current practices and adapting research findings to specific problems. Yet, at the Ranger District level, work schedules and planning seemed pointed toward present production and future accomplishment. Except for checks on regeneration, we saw little evidence that land management actions had been critically examined to determine causes for success or failure. Similarly, records of management actions are essential to the evaluation of results, but we found Forest personnel were often unsure of the past history of cuttings, road construction, and other management actions. It is understandable that those recently arrived on the scene could not have personal knowledge of such actions, but we did expect to find good records in the District files. Large-scale logging is relatively recent in Wyoming, but already there are some timber sale areas for which no records of sales volume, area cut, and residue treatment are available.

THE SEARCH FOR NEW KNOWLEDGE

Forest personnel readily agree that many past management decisions were made in the absence of much necessary information. This report has emphasized the need for further research in many areas, including resource capabilities. The research effort presently directed to solving these problems is not adequately financed. Support to the Forest and Range Experiment Stations must be substantially increased if the Forests are to receive the kind of assistance they require.

The Forests need more information, for example, on how to regenerate lodgepole pine throughout its altitudinal range and in a variety of habitat types. Similarly, regeneration of Engelmann spruce could be better understood. Without adequate and prompt regeneration of cutover areas, the entire concept of sustained yield is negated and any forest management program is doomed to failure.

The consequences of alternative management actions can only be predicted successfully from knowledge of the ecological relationships among tree species and of the potential of the site to produce vegetation of specific kinds and in specific amounts. Not enough research has been done to classify and define the habitat types common to the Wyoming forests. The land manager needs such tools to make sound decisions.

The Forests of northwestern Wyoming are nationally and even internationally famous for their recreational resources. A large service and supply industry has developed to accommodate the thousands of visitors from many parts of the world. Yet little information is available about what people want to do or see. Research studies are urgently needed to pinpoint the source of visitors, their contribution to the local economy, and their activity patterns. The changing desires and needs of the public should be examined, so that trends may be identified and future needs predicted.

Of all the forest resources, wildlife, the public contends, is least appreciated by the Forest Service. The need for additional information about the effects of logging and roads on elk populations and behavior has been discussed. Two studies, recently started, one in Montana and one in Oregon, may supply some of the needed information. But if the Forests are to provide the kind of positive recognition for wildlife we have recommended, they need something more than solutions to problems of big game management. The recreation experience in Wyoming includes chipmunks as well as moose, and chickadees as well as eagles. Until research provides appropriate information, the Forests can only guess which species are important to the public and how best to recogize that importance.

These comments suggest only a few of the possible lines of research in Wyoming. Others are mentioned in the text and recommendations, but many more could be added in a comprehensive survey of research needs.

For a revitalized forest management program, all available sources of knowledge must

be fully used. These environmentally rich forest lands embody resources with potential for timber production and many other uses. But the information for determining priority of uses, or how to manage for the best mix of uses, is only partially known. Universities and the Wyoming Game and Fish Department should be actively encouraged to participate in research efforts coordinated with on-going forest management activities. These studies would provide guidance and new information for the improvement of management practices.

STAFFING AND FINANCING

Quality multiple use management takes time, information, and money. None of the Forest employees we interviewed believe that the total job they are asked to do is properly financed. Staffing is inadequate for the task of present administration and protection, still less for the additional effort needed for complex planning. Employees believe workload calculations for timber sale preparation and administration are unrealistic. As a result, the manpower available for timber sale planning is too limited to allow time for thorough study of the silvicultural conditions; once the sale is made, there is not enough time to administer the sale contracts properly. For example, on one District on the Bighorn, a man was administering a going sale, harvesting operations on another sale assigned to him were scheduled to start in a month, and he was preplanning two other sales. Such inadequate staffing does little to insure either quality planning or quality administration.

We share the concern of Forest personnel as to inadequacies and imbalance in manpower and money to do a quality land management job. The timber management function is now best financed, but it is still not fully adequate. In other resource areas, there are obvious shortages. We can find no fault with the premise that the economic needs of people in Wyoming and elsewhere should be served through judicious use of the timber resource of the National Forests. Historically, these lands were set aside for that purpose. We believe, however, that industrial harvest cutting should not be undertaken unless the funds and manpower are available to accomplish a complete, professional job. We also believe that there must be a better balance in the allocation of funds. Only in this way can the quality of multiple use and environmental protection expected by the public be achieved.

Our observations convinced us that future Forest Service management actions on these National Forests will show much more concern with environmental quality than they have in the past. The changes in management direction have not been in effect long enough, extensively enough, or uniformly enough, however, to convince the public that important improvements are already taking place. An expression of this changing direction toward a better-balanced quality management program appears in a recent statement of the Chief of the Forest Service. Here he emphasized the intent of the Forest Service to obtain better balance of natural resource uses, to recognize environmental needs more adequately, and to involve the public in management decisions. In essence, "we will go as far as we can in meeting quantity goals, but what we do must be done on a quality basis." [3]

PERSONNEL TENURE AND RESPONSIBILITY

Forest Service personnel and the public are concerned about the frequent transfer of employees in Forest and District positions, and its effect upon sound multiple use management. Transfers are generally made for career development, that is to give the employee wider experience or to promote him to a place of greater responsibility. We were told, however, that tenure in a particular position is sometimes so short that the employee never fully understands the management problems of the District or Forest, and does not come to know the people of the area. The claim was also made that the employee's responsibility is lessened because the person who makes a poor decision may be long gone before the consequences of his actions become obvious. Finally, we encountered a belief that promotional transfers have been based on ability to "get out the cut."

Short tenure, we must agree, is unlikely to lead to the kind of land stewardship that is sensitive to the intangible values represented by a bear or elk wallow or an inspiring view of an unscarred hillside. Without pretending to expertise in personnel management, we believe ways can be found to avoid most of the disadvantages of the policy without sacrificing its benefits. Transfers should be planned somewhat more critically than at present. Although the career development of the employee is important, so too are the needs of the land iself. Promotional transfers could be more clearly based on good stewardship than they appear to be at present.

The matter of responsibility or accountability is somewhat more difficult to evaluate and to correct. Management decisions or actions are rarely individual responsibilities; no one man alone develops a previously unroaded drainage or sets standards and criteria for road construction or timber harvesting. The management mistakes described in earlier pages of this report were not made in a day or year. Some occurred as long as 17 years ago and still have not been corrected. The questions arise: Why were so many of these mistakes in land management allowed to persist? Why was there no better recognition of the conflict they represent with the ethics of the profession? What happened to the inspection system of the Forest Service?

Surely, foresters in their on-the-ground reviews and the regular and periodic inspections from Regional and Washington offices should have picked up these mistakes long before the public outcry began. The fact is, they did not. Who, then, is accountable? The universities that train and educate foresters and land managers? The professional man on the ground following established guidelines too rigidly or, perhaps, not following them at all? The authors of the guidelines? The inspectors, for not identifying the mistakes earlier? Or all of them? These are not questions for which we have specific answers, but we believe that the internal inspection system used by the Forest Service can be constructively modified to prevent future land management errors.

Stewardship carries with it the responsibility for correcting mistakes as well as avoiding them. On the Wyoming Forests a start has been made toward this goal, but Forest Service credibility will not be re-established until the effects of past management errors have been adequately dealt with. Certain areas have drawn repeated criticism from the public; some examples are Sheridan Creek (fig. 1), Jim Creek (fig. 2), East Fork of the Tongue River (fig. 7), and Jules Bowl (fig. 8). A clearly evident effort to clean up the untreated slash, smooth out the bulldozer tracks, and stabilize loose soils with vegetation and trees will do more to demonstrate quality stewardship than the mere admission of past mistakes. In some areas, a concentrated "gardening" effort may be required. We believe this effort should be assigned a very high priority at both Forest and Regional levels.

RECOMMENDATIONS

The Regions and Forests must better define resource management and environmental protection goals for the Forest and refine and update multiple use plans to include decisions that meet these goals.

Resource inventories should be completed for all major resources.

The Forests and Regions should strive toward a balance of resource skills in the Forest staff.

More effective use should be made of existing information by (a) the forester, who should search the literature for usable ideas, and (b) the researcher, who should work more closely with the forester in putting new methods into practice.

Periodic evaluation of the results of management activities should be an integral part of the land management job.

The Forest Service should strengthen the current research effort in Wyoming and should explore ways of using abilities outside the Service to develop needed information without delay.

No industrial harvest should be undertaken unless adequate funds and manpower are available to do a complete, professional job.

Tenure and transfer policies should assure that quality land management is not itself sacrificed to provide land managers with the training and experience they need to achieve quality management.

Forest Service internal inspection procedures should be reviewed to determine why questionable practices were not detected before they provoked public criticism.

The Forests and Regions should evaluate timber harvest areas that have drawn repeated public criticism and begin major rehabilitation programs where necessary to improve the visual image and protect other resource values.

CORRELATING MANAGEMENT POLICIES

A variety of management actions on the four Forests have been criticized by the public as representing policies that are inconsistent from one Region or Forest to another. Differences have been most noticeable in the slash disposal techniques on the Shoshone and Teton Forests, discussed under "Logging Residue." Similar differences, however, can be observed in silvicultural methods, standards of road construction, and attitudes toward public participation in Forest management. In some instances, these differences have lead the public to believe that established plans were being violated. For example, the Teton Forest Supervisor has announced that clearcuts will be no larger than 40 acres. The Bighorn Forest has a similar policy, but continues to cut from 100 to 300 acres in single blocks as required by existing sale contracts.

We believe the public has the right to expect an underlying consistency in the policy decisions and land management practices of the Forest Service. This does not mean, however, that uniformity is either feasible or desirable. To recommend tighter control from the Washington Office through the Regions and Supervisors right down to the Ranger District would, we believe, only compound the problem. Some of the land management errors already described can be traced to overly specific guidelines that did not allow flexibility in descisionmaking as required by varying conditions on the ground. Every land management action proposed for a specific land unit requires an individual prescription prepared in conformity with the multiple use plan. Where planning is incomplete and key values unspecified, management actions are bound to be inconsistent.

The need for greater flexibility is evident also in the area of timber sale contracts. Generally, a contract is in force for 3 or 4 years from the time the planning is completed and the contract is prepared. During this period new standards of performance may become established, new information on what should be done to protect or enhance resource values may become known, or in-

[3] "The Forest Service in the Seventies" by Edward P. Cliff, October, 1970.

advertent errors in the planning may become evident. Any or all of these situations might require modification of the contract to correct these deficiencies.

Several foresters we talked to were concerned that the contract was not sufficiently flexible to permit such changes and that operations on the ground were, therefore, not always of a quality fully compatible with multiple use management objectives. Some typical situations involving conflict between timber values and other resource values were described. For example, a clearcut unit in an existing timber sale contract may be larger than is currently considered desirable. Or, it may be found that in logging out a clearcut, the upper edge of the cutting unit will be visible from a main highway, with poor effect. To correct this situation, the purchaser may suggest moving the unit boundary 100 feet downhill, thus protecting the scenic visual corridor related to the road, provided that he can obtain compensating volume on another side of the unit.

Although minor changes in cutting unit boundaries are permissible, any modification of contract must be held within the limits that reflect the intention of the original conditions of the sale. This may prevent making desirable changes and the resource suffers. In the second example, the change can be made only if the value of the timber included in any additions to compensate for excluded areas is less than $2,000.[4]

An example of hardship to the timber purchaser was also described. When the volume of timber harvested from a sale is less than the advertised estimate, the timber purchaser is unable to fully amortize his investment in the sale. A substantial reduction in volume can result in rather severe economic strain. Adjustment of the sale boundary by the forest officer to bring the cut volume up to advertised estimate is a violation of Federal regulations and the purchaser suffers.

The problems of contract modification are complex. Timber purchasers have worked with the Forest Service for many years to design a timber sale contract that is not subject to arbitrary change at the local level. This is reasonable. The wood industry, in general, is a high-risk business, and the purchaser needs to know that his expenses will be essentially as predicted at the beginning of the sale. On the other hand, Department of Agriculture regulations require that modification of a contract must be "to the advantage and benefit of the United States."[5] Again, this is reasonable. Benefit, however, is often interpreted in terms of deposits in the U.S. Treasury. When contracts cannot be modified to consider benefits not measured in dollars, good resource management becomes more difficult.

In general, the interpretation of laws and regulations that determine timber sale contract policy is outside the control of the Forest Service. We believe, however, that provision should be made for contracts that will benefit the Government, satisfy the purchaser, and above all, protect the resource. The Forest Service should explore this problem further and work toward solving it by obtaining statutory authority to make appropriate contract modifications.

RECOMMENDATIONS

The Regions and Forests should strive for an underlying consistency in policy through good planning, but should preserve the flexibility needed to insure that management practices are appropriate to site conditions.

The Forest Service should seek statutory authority to modify contracts to protect environmental values.

[4] Forest Service Manual, 2433.23

[5] Title 36, Code of Federal Regulations, 221.16

INVOLVING PEOPLE

The American people, as represented by those we talked to, have made it emphatically clear that they are concerned with the management of their National Forests. We believe the Forest Service is obligated to involve the public in every possible way, but particularly by more effectively seeking public opinion in the early stages of planning, long before management actions take place on the ground.

Past actions by the Forest Service have been judged by some critics to demonstrate an inability to grasp and respond to public opinion. This is not a fair judgment. The demand for greater public involvement is relatively recent and the Forest Service is, in fact, responding to criticism. It is true that the response has not kept pace with public demands, but forest management is a long-term obligation, and there is danger in too-rapid shifting with the winds of public opinion.

For the future, the Forest Service must find more reliable methods of predicting public wishes and public needs. These methods must assure that all segments of the public have the opportunity to be heard, and that their counsel is considered in management planning. It seems clear that public involvement will not be achieved simply by information and education programs. A completed plan in which the public has had no part places the Forest Service in a defensive position. On the other hand, the public cannot contribute constructively to the planning process unless they are provided with factual information upon which to make judgment and consider options.

Thus, the foundation for public involvement is the basic resource inventory we have called for as an essential element in management planning. With this information in hand, the Forests can consult with people in identifying management alternatives and can discuss the benefits and consequences of different management goals. The plans thus developed will reflect public demands as well as the technical and ecological realities that determine how and to what extent these demands can be met. Both the Forests and the public should recognize the need for continuing review and maintenance of flexibility in planning; and both should recognize that no amount of input by the public and no amount of planning can entirely eliminate conflict in multiple use management. Every decision is subject to criticism by some segment of the public. The very best the Forest Service can achieve is a reasonable balance of all the viewpoints presented.

RECOMMENDATIONS

The Forests should make every effort to involve the public in the planning process by (a) identifying appropriate land management alternatives through listening to people and giving them forest resource information, and, (b) assessing public opinion as to choice of alternatives.

SUMMARY OF RECOMMENDATIONS

This report of our investigation of management on the four Forests has recognized that changes are needed. Errors have been made; they should be corrected wherever possible and they should not be repeated. We have emphasized, however, that the need to preserve and enhance environmental quality is recognized in multiple use planning, a Forest Service policy that has been in effect for many years. The problem has been to translate policy into practice by changing traditional attitudes toward the dominant place of timber harvest in forest values. Change is always slow, but in forest management it must be speeded up if further errors and possible damage to the resource are to be prevented.

Overreaction to the criticism that prompted this investigation must be avoided, however. Ill-considered decision made to satisfy public demands will do harm rather than good. A reasonable course of action will concern itself with long-term progress in protection and improvement of environmental quality, concurrent with appropriate commodity utilization.

The following recommendations are taken from the text of the report. They should be considered in the light of the discussion of specific topics indicated in the headings.

BASIC RECOMMENDATIONS

The importance of wildlife, recreation, and scenic quality as key values should be recognized in every management decision on the National Forests of Wyoming.

Multiple use planning should be a team effort, using input from Forest Service specialists in all appropriate areas of knowledge, and from interested citizens and organizations as well. Therefore:

Plans reflecting these inputs should be clearly stated and announced to the public in an understandable form.

Agreed-upon plans should be fully implemented in a manner clearly evident to the public.

The effectiveness of planning should be periodically evaluated and the results reported to the public.

Needs for adequate staffing for the development, implementation, and evaluation of plans should be explicitly stated in Forest Service budget requests.

Every member of the Forest Service should be committed to the principles of high-quality multiple use management and to the urgent necessity for putting these principles into practice.

CLEARCUTTING

The place of clearcutting in Wyoming silviculture

Timber sale plans should include silvicultural prescriptions by qualified silviculturists and specific instructions for timber harvest; long-term evaluation of the effects of the prescription should be mandatory.

In lodgepole pine:

The Forests should continue to use clearcutting where it is a sound silvicultural harvesting method and in harmony with management objectives for the unit of land.

Alternatives to clearcutting such as seed-tree and shelterwood cutting and overstory removal, should be used where such methods are consistent with the ecological requirements and protection of the species or appropriate to other uses of the forest land.

Thinning and sanitation salvage should be used independently or in combination with clearcutting where economically feasible.

The present limitation on clearcutting in the Engelmann spruce—subalpine fir type should be continued until satisfactory regeneration practices have been developed.

The Forests should consider using a light selection cutting or "pussyfoot logging" on low-yield sites.

The Experiment Stations should vigorously carry out research to classify and define plant habitats and their ecological potential for both lodgepole pine and Engelmann spruce—subalpine fir forest types in Wyoming.

Forest Service Research and Administration should speed up action to develop systems for analyzing the true costs and benefits of forest management alternatives.

Modifying clearcutting methods to protect the environment

Clearcut size limits must be determined by the resource values to be considered and by the specific characteristics of the harvest area.

More and better use should be made of the knowledge that specialists in soils, hydrol-

ogy, and related areas can furnish in planning timber management operations.

Timber sale contract requirements providing for protection of live stream channels from unnecessary disturbance and from clogging with logging residue should be strongly enforced.

Research should determine (a) the kinds and sizes of areas and proportions of watersheds that can be safely clearcut at one time without creating damaging changes in streamflow quantity, quality, or timing; and (b) the nature and magnitude of changes in onsite nutrient content and of eutrophication of streams that may result from soil and vegetation disturbances that attend timber harvesting.

Until more specific information becomes available, clearcuts in big-game habitats should be limited to 40 acres and should be no closer than 200 feet to existing openings.

Research and monitoring of wildlife behavior as affected by timber harvest should be encouraged in Federal and State agencies.

Unless wildlife budgets can be substantially increased, the costs of evaluating effects of timber harvest on wildlife should be properly considered a part of the timber harvest obligation.

Multiple use planning should give particular attention to the long-term effects of timber harvest in limiting the options for future recreational use of land.

The Regions should encourage research that will help the Forests to achieve comprehensive recreation management appropriate to the desires of people and the potential of the land.

The basic character of Wyoming wildlands should be kept dominant, and manmade alterations held subordinate, in design of clearcuttings. To do this:

The design of cuttings, including size, shape, location, and dispersion, should respond directly and specifically to visual characteristics of the landscape.

Scenic inventories, recording at least dominant landscape resources, should be made to aid in planning and design.

Forest personnel should be given training to develop greater managerial sensitivity to landscape resource values.

ROADS

Road planning and maintenance

Transportation plans should indicate the purpose of every proposed road—whether permanent or temporary, the disposition of each temporary road, and the maximum level of road construction needed to attain management objectives.

The transportation plan should be clear and logical, and presented in a form easily understandable to the public, and should specify drainages that will be exempt from any road construction or managed with temporary roads only.

The temporary roads still open should be carefully evaluated; those classified as temporary should be closed and all others reconstructed as required for maintenance as part of the permanent road system.

In road layout and design, the relation between the road and the landscape should be clearly established so as to avoid a result suggesting single use.

Controlling environmental effects of roads

The quality of design, location, and construction of roads, especially temporary ones, must be greatly improved to avoid unnecessary damage to soil and water.

Existing specifications that temporary roads should be maintained for adequate drainage before winter should be scrupulously observed.

Much greater use should be made of geologists, hydrologists, and soil scientists in planning and constructing roads.

The Forests and Regions should actively encourage cooperative research to determine the impact of road systems on elk populations.

The Forest Service should carefully consider a slowdown in construction of new permanent roads until information is available concerning the effects of roads on elk.

Road location and design should be better coordinated with the landscape than they are at present:

Planning and road design should routinely include thorough exploration of visual alternatives.

The visual corridors created by both existing and proposed highways and permanent forest roads should be recognized as requiring special attention.

More flexible road design standards, encouraging small scale roads where they are appropriate, should be adopted.

LOGGING RESIDUE

Forest Service Research, National Forest Administration, and the timber industry should jointly explore possibilities for using more of the wood left after logging, and for treating the remaining residue to facilitate natural and artificial regeneration and reduce the unfavorable visual impact.

The Forest Service should establish exploratory studies to determine the effects of logging residue management on water quality.

The Forests should secure timely meteorological information, and require that logging residues be burned during periods when burning is least likely to affect air quality adversely.

The Forests should do a complete job of treating right-of-way clearing residues concurrent with construction of all roads open to public travel.

The Forests should eliminate the backlog of untreated residue as soon as possible.

REGENERATION

The silvicultural prescription for each stand should include surveys to determine degree of serotiny in the stand, and monitoring to forecast occurrence of seed crops and to estimate seed production.

A regeneration check list should be developed for each proposed timber sale, outlining (a) the sequence of events affecting regeneration, and (b) the treatments needed to obtain satisfactory regeneration, including backup treatments to compensate for failure of any one step.

FOREST STEWARDSHIP

Making and applying management decisions

The Regions and Forests must better define resource management and environmental protection goals for the Forests and refine and update multiple use plans to include decisions that meet these goals.

Resource inventories should be completed for all major resources.

The Forests and Regions should strive toward a balance of resource skills in the Forest staff.

More effective use should be made of existing information by (a) the forester, who should search the literature for usable ideas, and (b) the researcher, who should work more closely with the forester in putting new methods into practice.

Periodic evaluation of the results of management activities should be an integral part of the land management job.

The Forest Service should strengthen the current research effort in Wyoming and should explore ways of using abilities outside the Service to develop needed information without delay.

No industrial harvest should be undertaken unless adequate funds and manpower are available to do a complete, professional job.

Tenure and transfer policies should assure that quality land management is not itself sacrificed to provide land managers with the training and experience they need to achieve quality management.

Forest Service internal inspection procedure should be reviewed to determine why questionable practices were not detected before they provoked public criticism.

The Forests and Regions should evaluate timber harvest areas that have drawn repeated public criticism and begin major rehabilitation programs where necessary to improve the visual image and protect other resource values.

Unifying management policies

The Regions and Forests should strive for an underlying consistency in policy through good planning, but should preserve the flexibility needed to insure that management practices are appropriate to site conditions.

The Forest Service should seek statutory authority to modify contracts to protect environmental values.

Involving people

The Forests should make every effort to involve the public in the planning process by (a) identifying appropriate land management alternatives through listening to people and giving them forest resource information, and, (b) assessing public opinion as to choice of alternatives.

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A QUESTIONNAIRE FOR DELAWARE VOTERS

Mr. ROTH. Mr. President, in April of this year, I mailed my fifth annual general questionnaire to Delaware voters. The questionnaire covered a wide range of issues which have been before the Congress or will be coming before us in the months ahead.

Approximately 24,000 voters returned their questionnaires, and while the results in many instances were not particularly surprising, I do think it is significant to note that Delawareans support U.S. recognition of Communist China by a rather wide margin. The vote on that question was 55 percent yes, 28.5 percent no, and 16.5 percent undecided.

The most interesting aspect of that response was, I think, the fact that it reflects opinions which were held by the voters before President Nixon's dramatic diplomatic initiatives in the Far East.

It was also interested to note that Delawareans by a wide margin continue to support President Nixon's policy of withdrawing American troops from Vietnam by stages. More than 59 percent of those who responded said they favored the President's Vietnam policy, while only 9.2 percent favored publicly setting an absolute date for withdrawal, and 20.1 percent favored immediate withdrawal of all U.S. troops.

Delawareans continue to support—but in a lesser degree than last year—the imposition of wage and price controls as a means of fighting inflation. More than 55 percent said controls should be imposed, while 29 percent indicated opposition. The response to a similar question asked a year ago showed 63.7 percent in favor of controls and 27.6 percent opposed.

Mr. President, with the thought that other Senators may wish to review the results of this questionnaire, I ask unanimous consent that the tabulation be printed at this point in the RECORD.

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

1971 GENERAL QUESTIONNAIRE RESULTS

	Delaware	Wilmington	New Castle	Kent	Sussex
1. Do you believe wage and price controls should be imposed today as a means of fighting inflation?					
Yes	55.4	61.0	53.3	59.1	59.6
No	29.0	25.1	30.9	26.0	25.2
Undecided	15.6	13.9	15.7	14.9	15.2
2. Would you favor increased Federal expenditures to control air and water pollution?					
Yes	74.3	75.1	76.3	70.3	66.0
No	19.2	16.8	18.1	22.3	25.8
Undecided	6.5	8.1	5.6	7.4	8.2
3. Would you approve an amendment to the U.S. Constitution which reads as follows: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex"?					
Yes	66.9	66.3	68.2	66.2	61.8
No	23.6	22.3	23.1	24.1	27.3
Undecided	9.6	11.4	8.7	9.8	10.9
4. Do you favor recognition of Communist China by the United States?					
Yes	55.0	53.2	58.2	49.5	44.0
No	28.5	28.2	26.2	34.7	38.0
Undecided	16.5	18.6	15.6	15.8	18.0
5. Do you favor extending the draft for 2 years and increasing military pay by $2,700,000,000?					
Yes	41.5	40.9	40.8	45.1	44.7
No	42.5	42.0	43.2	41.4	40.1
Undecided	16.0	17.1	15.9	13.5	15.2
6. Do you favor an all-volunteer Army?					
Yes	51.5	48.2	52.8	50.5	49.6
No	35.9	37.3	35.2	37.2	37.3
Undecided	12.6	14.5	12.0	12.3	13.1
7. Do you favor the repeal of all laws forbidding the sale of sexually oriented materials to adults, as recommended by the Commission on Obscenity and Pornography?					
Yes	36.1	37.3	37.0	32.8	32.3
No	54.3	52.9	53.6	58.7	57.8
Undecided	9.6	9.8	9.4	8.5	9.9
8. Do you favor the legalization of the sale and use of marihuana?					
Yes	12.9	14.2	13.6	10.1	8.4
No	78.2	77.0	76.9	83.0	85.9
Undecided	8.9	8.8	9.5	6.8	5.8
9. Would you support a plan to have the Federal Government share Federal revenue with States and local governments?					
Yes	61.1	66.8	60.7	61.8	57.4
No	23.9	19.8	24.4	23.0	27.2
Undecided	15.0	13.4	15.0	15.2	15.3
10. Would you support a plan to have the Federal Government assume most of the costs and operation of welfare programs?					
Yes	38.7	43.2	39.2	38.2	31.3
No	46.2	40.8	45.8	49.6	53.2
Undecided	15.0	16.0	15.0	2.3	15.5
11. Do you believe that any welfare reform program should provide for government-operated day-care centers for those mothers who are able to work?					
Yes	56.4	58.0	59.0	47.9	47.7
No	31.4	29.5	29.1	40.6	40.0
Undecided	12.2	12.5	11.9	11.6	12.3
12. Do you think future social security benefit increases should be tied to cost-of-living increases?					
Yes	84.3	85.1	84.3	85.7	84.8
No	9.3	8.9	9.3	9.1	9.1
Undecided	6.4	6.0	6.4	5.2	6.1
13. A number of plans have been proposed to assist persons in meeting medical costs, Which one, if any, of the following would you select?					
(a) A national health insurance program for all Americans financed jointly by the Federal Government, individuals, and employers (costing between $53,000,000,000 and $77,000,000,000 per year)	23.8	27.0	24.4	22.7	16.9
(b) Federally financed insurance for the poor and a catastrophic insurance program for all other families (costing between $4,300,000,000 and $5,300,000,000 per year)	19.4	18.5	20.3	17.8	17.1
(c) Income tax credits to individuals for their payments for private health insurance (costing approximately $16,000,000,000 per year)	28.1	24.1	28.2	29.7	32.5
(d) None of the above	28.7	30.4	27.2	29.8	33.5

1971 GENERAL QUESTIONNAIRE RESULTS—Continued

	Delaware	Wilmington	New Castle	Kent	Sussex
14. What course do you favor in Vietnam?					
(a) The President's policy of withdrawing U.S. troops by stages while strengthening the South Vietnamese to assume responsibility for their own security	59.6	57.6	59.6	61.0	63.4
(b) Publicly setting an absolute date for withdrawal, regardless of events in the interim	9.2	9.4	9.7	8.2	6.9
(c) Immediate withdrawal of all U.S. troops	20.1	21.6	20.8	17.1	15.4
(d) Immediate military efforts to seek a military victory	8.0	7.9	7.2	10.8	10.4
(e) No response	3.2	3.5	2.8	2.9	3.9
15. In what areas do you feel the greatest effort should be made to combat crime?					
(a) Courts—More judges, prosecutors, and courtroom facilities should be made available to speed up court procedures	66.2	67.0	67.9	63.5	57.8
(b) Laws—Stronger laws should be enacted to provide more severe penalties for consistent offenders	65.3	66.6	63.7	70.5	70.5
(c) Police—Police forces should be upgraded, with higher pay and other benefits	54.0	55.7	54.5	51.5	51.7
(d) Prisons—The prison system should be expanded in order to attempt to rehabilitate inmates to prevent future crimes	29.3	31.8	30.0	26.5	24.5
(e) Sentencing—Judges should have greater leeway to impose rehabilitative sentences rather than being limited to disciplining offenders by fines, imprisonment, or death	39.8	42.0	39.8	38.6	37.9
(f) No opinion	3.6	3.4	3.3	3.3	4.8

16. HOW WOULD YOU RATE THE IMPORTANCE OF THE FOLLOWING PROBLEMS FACING OUR COUNTRY TODAY?

	Greatest	2d	3d	4th	5th	6th	7th	8th	9th	10th	11th	Least
DELAWARE												
Southeast Asia	26.0	10.0	8.1	6.9	6.5	6.2	5.9	5.3	5.1	5.0	4.3	4.2
Crime	19.6	18.2	14.7	11.6	9.1	7.0	5.2	4.1	2.9	2.2	.9	.2
Inflation	13.6	10.7	12.0	12.2	11.2	9.7	8.2	6.5	4.7	3.1	1.8	.8
Drug use	13.0	16.2	12.9	10.9	9.1	7.3	6.9	5.5	4.8	3.8	2.8	2.0
Pollution	9.0	10.4	10.7	10.5	9.2	8.6	7.8	7.5	6.9	6.3	4.3	2.5
Militancy	6.3	5.8	6.3	6.6	6.7	6.6	7.1	7.1	7.6	9.5	10.1	12.5
Population	5.0	4.9	4.3	4.6	4.7	5.1	5.4	6.4	7.6	9.9	13.2	20.9
Welfare costs	3.5	5.9	7.5	7.9	9.0	9.7	9.7	9.4	9.1	8.7	7.6	5.1
Unemployment	3.3	5.7	6.2	7.9	9.3	10.1	10.8	11.0	10.2	8.6	6.0	3.8
Racial discord	2.4	4.7	6.4	7.3	8.1	9.3	9.6	10.1	10.6	10.1	9.1	5.2
Defense spending	2.1	5.4	4.5	5.3	6.6	7.1	8.5	10.2	11.0	11.7	12.4	7.7
Transportation	.7	1.5	2.2	3.2	4.4	5.6	6.2	7.2	9.1	11.1	15.7	25.1
NEW CASTLE COUNTY												
Southeast Asia	28.1	10.4	8.0	7.0	6.2	6.2	5.9	5.0	5.0	4.9	4.3	4.0
Crime	17.6	17.6	15.2	11.9	9.5	7.5	5.7	4.6	3.3	2.4	1.0	.2
Inflation	13.7	11.2	12.3	12.3	11.5	9.6	8.4	6.2	4.6	2.9	1.8	.8
Drug use	11.8	15.7	12.8	11.2	9.2	7.5	7.2	5.9	5.0	4.1	3.1	2.3
Pollution	9.3	10.8	11.2	10.7	9.3	9.0	7.8	7.6	6.7	6.0	4.2	2.2
Militancy	6.0	5.6	6.2	6.4	6.7	6.3	7.1	7.0	7.6	9.8	10.6	14.0
Population	5.1	4.9	4.5	4.8	4.8	5.3	5.4	6.5	7.6	9.8	13.5	21.0
Unemployment	3.3	5.9	6.4	8.1	9.3	10.1	10.8	11.1	10.4	8.7	6.1	3.8
Welfare costs	3.0	5.3	7.0	7.6	8.9	9.9	9.7	9.7	9.5	9.5	8.3	5.5
Racial discord	2.2	4.6	6.1	7.1	8.5	9.4	9.7	10.3	10.8	10.5	9.1	5.2
Defense spending	2.2	5.8	4.8	5.5	6.3	7.2	8.2	10.3	11.2	11.6	12.3	8.2
Transportation	.7	1.4	2.4	3.4	4.9	6.0	6.6	7.7	9.5	11.2	15.6	23.8
KENT COUNTY												
Southeast Asia	22.4	9.8	8.8	7.2	7.0	6.7	6.0	6.4	6.0	5.1	4.2	4.0
Crime	19.3	19.3	14.4	12.1	9.8	7.3	5.4	3.7	2.5	1.7	.4	.2
Inflation	14.6	9.1	10.2	12.4	11.3	10.7	7.8	7.2	5.0	4.2	1.9	.5
Drug use	14.0	15.2	14.3	12.0	8.8	7.5	6.6	5.5	4.6	3.8	2.2	1.3
Pollution	9.8	9.2	9.9	11.0	8.6	8.4	7.9	6.8	7.7	7.5	3.8	3.2
Militancy	7.8	7.0	6.8	5.6	6.8	8.5	6.7	8.4	8.4	8.7	8.7	9.2
Welfare costs	5.2	8.2	10.0	9.2	10.2	8.5	8.9	8.1	8.4	7.1	6.9	4.0
Population	4.6	5.4	3.1	4.2	5.4	5.0	5.9	6.3	8.9	10.5	13.8	20.0
Unemployment	4.2	6.2	5.7	7.5	10.0	10.4	11.5	11.7	9.2	8.5	5.5	3.0
Racial discord	2.4	4.5	6.8	6.4	6.6	9.9	10.7	11.3	10.2	10.7	8.7	5.3
Defense spending	2.1	4.0	4.3	4.8	6.5	6.6	9.1	9.5	11.4	12.6	14.4	7.7
Transportation	.5	1.0	1.5	2.2	2.8	3.3	5.0	6.0	8.3	10.5	18.2	33.2
SUSSEX COUNTY												
Crime	25.2	20.1	14.7	11.7	7.4	5.9	3.4	2.6	1.6	1.5	.4	.2
Southeast Asia	19.1	9.5	8.3	7.3	7.5	6.7	6.4	6.1	5.2	5.6	4.5	4.7
Drug use	17.1	18.6	13.7	10.8	9.4	5.8	5.0	4.2	3.6	3.0	2.2	1.0
Inflation	14.1	9.7	12.0	12.5	11.2	9.7	7.2	6.7	4.3	2.7	1.5	.7
Pollution	7.9	10.4	9.1	8.6	4.4	7.5	9.2	7.9	7.2	6.8	4.7	3.0
Militancy	7.9	6.1	7.2	7.6	6.9	7.6	7.7	7.6	6.9	9.1	7.9	7.2
Population	5.1	4.4	4.3	4.0	4.5	5.4	5.5	6.4	7.5	11.2	13.3	17.5
Welfare costs	4.5	7.8	8.3	8.6	9.5	10.1	9.9	9.0	7.8	7.2	5.1	3.9
Unemployment	2.4	4.5	5.0	6.8	8.5	9.8	11.4	11.3	11.2	8.2	6.6	4.7
Racial discord	1.9	4.0	5.8	7.0	7.2	9.0	8.7	9.1	11.5	9.2	10.8	6.1
Defense spending	1.5	3.6	4.2	5.0	7.4	7.8	9.0	10.8	11.0	11.3	11.4	5.9
Transportation	.6	1.4	1.2	2.2	2.5	3.7	3.7	5.2	8.0	10.8	16.3	32.7
CITY OF WILMINGTON												
Crime	25.0	19.2	13.0	9.8	8.0	6.1	4.3	3.4	2.9	1.7	.9	.2
Southeast Asia	24.2	8.8	8.1	6.5	7.1	5.6	5.6	6.1	5.3	5.0	4.5	4.7
Drug use	14.9	17.6	11.8	9.1	8.2	7.0	6.8	5.0	4.8	3.2	2.6	1.9
Inflation	12.2	10.3	12.5	11.9	10.8	9.8	7.7	7.1	4.9	3.4	1.5	.7
Pollution	7.6	9.0	10.8	10.8	9.8	7.6	6.9	7.5	7.3	6.6	4.7	2.8
Militancy	5.2	6.0	6.2	6.9	6.4	6.5	7.5	6.5	7.5	9.0	10.4	11.6
Population	4.9	4.7	4.0	4.3	3.8	4.1	5.2	5.5	7.0	9.6	12.1	23.8
Unemployment	4.0	5.6	6.6	8.0	9.3	10.6	9.7	9.6	9.6	8.2	5.8	3.5
Welfare costs	3.7	6.1	7.6	7.9	8.4	9.7	9.5	9.9	8.4	7.2	7.2	5.2
Racial discord	3.4	5.8	7.4	8.9	7.7	9.3	8.8	9.3	9.1	8.5	7.8	4.3
Defense spending	2.2	5.4	3.6	5.2	7.1	6.5	9.0	9.9	10.2	12.2	12.0	6.5
Transportation	.9	1.9	2.8	3.8	4.8	6.3	6.8	7.1	8.6	11.1	14.6	20.7

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, does that conclude the morning business?

The PRESIDING OFFICER. The time for morning business has expired.

EDUCATION AMENDMENTS OF 1971

The PRESIDING OFFICER. Without objection the Chair lays before the Senate S. 659, which the clerk will read by title.

The legislative clerk read the bill by title, as follows: Calendar No. 342, S. 659, a bill to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes.

The Senate proceeded to consider the bill, which had been reported by the

Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act, with the following table of contents, may be cited as the "Education Amendments of 1971".

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GENERAL PROVISIONS

SEC. 2. (a) As used in this Act—

(1) the term "Secretary" means the Secretary of Health, Education, and Welfare; and

(2) the term "Commissioner" means the Commissioner of Education;

unless the context requires another meaning.

(b) Unless otherwise specified, the redesignation of a section, subsection, or other designation by any amendment in this Act shall include the redesignation of any reference to such section, subsection, or other designation in any Act or regulation, however styled.

(c)(1) Unless otherwise specified, in any case where an amendment made by this Act is to become effective after a date set herein, it shall be effective with the beginning of the day which immediately follows the date after which such amendment is effective.

(2) In any case where the effective date for an amendment made by this Act is expressly stated to be effective after June 30, 1971, such amendment shall be deemed to have been enacted on July 1, 1971.

TITLE I—HIGHER EDUCATION

PART A—COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) Section 101 of the Higher Education Act of 1965 is amended by striking out all that follows "authorized to be appropriated" and inserting in lieu thereof the following: "$60,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975.".

(b) The amendment made by subsection (a) shall be effective after June 30, 1971.

SPECIAL PROGRAMS AND PROJECTS RELATING TO NATIONAL AND REGIONAL PROBLEMS

SEC. 102. (a)(1) Sections 106, 107, 108, 109, 110, and 111 of the Higher Education Act of 1965, and all references thereto, are redesignated as sections 107, 108, 109, 110, 111, and 112, respectively. Title I of such Act is amended by inserting after section 105 the following new section:

"SPECIAL PROGRAMS AND PROJECTS RELATING TO NATIONAL AND REGIONAL PROBLEMS

"SEC. 106. (a) The Commissioner is authorized to reserve from the sums appropriated pursuant to section 101 for any fiscal year an amount not in excess of 10 per centum of the sums so appropriated for that fiscal year for grants pursuant to subsection (b).

"(b)(1) From the sums reserved under subsection (a), the Commissioner is author-

ized to make grants to, and contracts with, institutions of higher education (and combinations thereof) to assist them in carrying out special programs and projects, consistent with the purposes of this title, which are designed to seek solutions to national and regional problems relating to urbanization, technological and social changes, and environmental pollution.

"(2) No grant or contract under this section shall exceed 90 per centum of the cost of the program or project for which application is made.".

(2) Section 103(a) of such title I is amended by striking out that part of the language which precedes ", the Commissioner" and by inserting in lieu thereof "From the sums appropriated pursuant to section 101 for any fiscal year which are not reserved under section 106(a)".

(b) The amendments made by the second sentence of subsection (a) and by paragraph (2) of such subsection shall be effective after June 30, 1972, and then—

(1) only with respect to appropriations for title I of the Higher Education Act of 1965 for fiscal years beginning after June 30, 1972; and

(2) only to the extent that the allotment to any State under section 103(a) of such title is not less for any fiscal year than the allotment to that State under such section 103(a) for the fiscal year ending June 30, 1972.

METROPOLITAN AREA PROGRAMS

SEC. 103. (a) Sections 110, 111, and 112 (as so designated by section 102) of the Higher Education Act of 1965, and all references thereto, are redesignated as sections 111, 112, and 113, respectively. Title I of such Act is amended by inserting after section 109 the following new section:

"METROPOLITAN AREA PROGRAMS

"SEC. 110. (a) The Commissioner is authorized to make grants to institutions of higher education (and combinations thereof) which are located within, or adjacent to, Standard Metropolitan Statistical Areas to assist such institutions in planning, developing, and carrying out, consistent with the purposes of this title, comprehensive programs specifically designed to apply the resources of higher education to the problems of the urban communities within Standard Metropolitan Statistical Areas.

"(b) For the purposes of making grants under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975.".

(b) Section 1201 of the Higher Education Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(l) The term 'Standard Metropolitan Statistical Area' means the area in and around a city of fifty thousand inhabitants or more as defined by the Director of the Office of Management and Budget.".

(c) The amendments made by subsection (a) shall be effective after June 30, 1972.

EVALUATION OF ACTIVITIES

SEC. 104. (a) During the period beginning with the date of enactment of this Act and ending July 1, 1974, the Commissioner shall conduct a review of the programs and projects carried out with assistance under title I of the Higher Education Act of 1965 prior to July 1, 1973. Such review shall include an evaluation of specific programs and projects with a view toward ascertaining which of them show, or have shown (1) the greatest promise in achieving the purposes of such title, and (2) the greatest return for the resources devoted to them. Such review shall be carried out by direct evaluations by the Commissioner, by the use of other agencies, institutions, and groups, and by the use of independent appraisal units.

(b) Not later than March 31, 1973, and March 31, 1975, the Commissioner shall submit to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives a report on the review conducted pursuant to subsection (a). Such report shall include (1) an evaluation of the program authorized by title I of the Higher Education Act of 1965 and of specific programs and projects assisted through payments under such title, (2) a description and an analysis of programs and projects which are determined to be most successful, and (3) recommendations with respect to the means by which the most successful programs and projects can be expanded and replicated.

(c) Sums appropriated pursuant to section 401(c) of the General Education Provisions Act for the purposes of section 402 of such Act shall be available to carry out the purposes of this section.

PART B—COLLEGE LIBRARY PROGRAMS

AUTHORIZATION OF APPROPRIATIONS

SEC. 111. (a) Sections 201 and 221 of the Higher Education Act of 1965 are each amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each for the fiscal years ending June 30, 1971, and June 30, 1972".

(b)(1) Title II of the Higher Education Act of 1965 is amended by striking out "PART A—COLLEGE LIBRARY RESOURCES" and by striking out all of section 201 and inserting in lieu thereof the following:

"COLLEGE LIBRARY PROGRAMS; TRAINING; RESEARCH

"SEC. 201. (a) The Commissioner shall carry out a program of financial assistance—

"(1) to assist and encourage institutions of higher education in the acquisition of library resources, including law library resources, in accordance with part A; and

"(2) to assist with and encourage research and training persons in librarianship, including law librarianship, in accordance with part B.

"(b) For the purpose of making grants parts A and B, there are authorized to be appropriated $130,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975. Of the sums appropriated pursuant to the preceding sentence for any fiscal year, 70 per centum shall be used for the purposes of part A and 30 per centum shall be used for the purposes of part B, except that the amount available for the purposes of part B for any fiscal year shall not be less than the amount appropriated for such purposes for the fiscal year ending June 30, 1972.

"(c) For the purposes of this title—

"(1) the term 'library resources' means books, periodicals, documents, magnetic tapes, phonograph records, audiovisual materials, and other related library materials, including necessary binding; and

"(2) the term 'librarianship' means the principles and practices of the library and information sciences, including the acquisition, organization, storage, retrieval and dissemination of information, and reference and research use of library and information resources.

"PART A—COLLEGE LIBRARY RESOURCES"

(2)(A) Section 202 of such title II is amended by striking out that part of the first sentence which precedes "institutions of higher education" and inserting in lieu thereof the following: "From the amount available for grants under this part pursuant to section 201 for any fiscal year, the Commissioner shall make basic grants for the purposes set forth in section 201(a)(1) to".

(B) Section 203 of such title II is amended by striking out that part of the first sentence which precedes "supplemental grants" and inserting in lieu thereof the following: "From that part of the sums appropriated pursuant to section 201 for the purposes of this part for any fiscal year which remains after making basic grants pursuant to section 202, and which is not reserved for the purposes of section 204, the Commissioner shall make", and by striking out "section 201" where it appears after "set forth in" and inserting in lieu thereof "section 201(a)(1)".

(C)(i) Section 204(a)(1) of such title II is amended to read as follows:

"(1) From the sums appropriated pursuant to section 201 for the purposes of this part for any fiscal year, the Commissioner is authorized to reserve not to exceed 25 per centum thereof for the purposes of this section.".

(ii) Section 204(a)(2) of such title II is amended by striking out that part of the first sentence which precedes "may be used to make" and inserting in lieu thereof "sums reserved pursuant to paragraph (1)".

(iii) Section 204(a) of such title II is amended by striking out paragraph (3).

(3)(A) Part B of such title II is amended by striking out sections 221 and 222 and inserting in lieu thereof the following:

"TRAINING AND RESEARCH PROGRAMS

"SEC. 221. From the amount available for grants under this part pursuant to section 201 for any fiscal year, the Commissioner shall carry out a program of making grants in accordance with sections 222 and 223. Of such amount, 66⅔ per centum shall be available for the purposes of section 222 and 33⅓ per centum shall be available for the purposes of section 223.".

(B) Such part B is further amended by striking out section 225; and sections 223 and 224 of such part, and all references thereto (except those references thereto in section 221 of such part, as amended by subparagraph (A)), are redesignated as sections 222 and 223, respectively.

(c)(1) The amendments made by subsection (a) shall be effective on and after July 1, 1971.

(2) The amendments made by subsection (b) shall be effective after June 30, 1972, and only with respect to appropriations for the fiscal year ending June 30, 1973, and succeeding fiscal years.

WAIVER OF MAINTENANCE OF EFFORT REQUIREMENT

SEC. 112. (a) Section 202 of title II of the Higher Education Act of 1965 is amended by redesignating clauses (c) and (d), and all references thereto, as clauses (2) and (3), respectively, and by striking out clauses (a) and (b) and inserting in lieu thereof the following:

"(1) provides satisfactory assurance that the applicant will expend during the fiscal year for which the basic grant is sought, from funds other than funds received under this part—

"(A) for all library purposes (exclusive of construction), an amount not less than the average annual amount it expended for such purposes during the two fiscal years preceding the fiscal year for which assistance is sought under this part, and

"(B) for library resources, an amount not less than the average amount it expended for such resources during the two fiscal years preceding the fiscal year for which assistance is sought under this part,

except that, if the Commissioner determines, in accordance with regulations, that there are special and unusual circumstances which prevent the applicant from making the assurances required by this clause (1), he may

waive that requirement for one or more of such assurances;".

(b)(1) The second sentence of such section 202 is amended by striking out "not exceed" and inserting in lieu thereof the following: ", for any fiscal year, be equal to the amount expended by the applicant for funds other than funds received under this library resources during that year from part, except that no basic grant shall exceed".

(2) Clause (1) of section 203(a) of such title II is amended by striking out that part thereof which follows "section 202" and inserting in lieu thereof a semicolon.

(c) The amendments made by this section shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1971.

INCREASE IN MAXIMUM AMOUNT OF SUPPLEMENTAL GRANTS

SEC. 113. (a) Section 203(a) of the Higher Education Act of 1965 is amended by striking out "$10" and inserting in lieu thereof "$15."

(b) Such section 203(a) is amended by striking out "$15" and inserting in lieu thereof "$20".

(c)(1) The amendment made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

(2) The amendment made by subsection (b) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1974.

AUTHORIZATION OF APPROPRIATIONS FOR COLLEGE AND RESEARCH LIBRARY RESOURCES

SEC. 114. (a) Section 231 of the Higher Education Act of 1965 is amended by striking out "and the succeeding fiscal year" and inserting in lieu thereof "and $15,000,000 for each of the succeeding fiscal years ending prior to July 1, 1974".

(b) Such section 231 is further amended by striking out "enable the Commissioner to transfer funds to".

(c) The amendments made by subsections (a) and (b) shall be effective after June 30, 1971.

EVALUATION AND REPORT

SEC. 115. (a) Part C of title II of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"EVALUATION AND REPORT

"SEC. 232. No later than March 31 of each calendar year, the Librarian of the Congress shall transmit to the Committees on Education and Labor and on Rules and Administration of the House of Representatives, and the Committees on Labor and Public Welfare and on Rules of the Senate, and to the respective Committees on Appropriations of the Congress, a report evaluating the results and effectiveness of acquisition and cataloging work done under this part, based to the maximum extent practicable on objective measurements, including costs, together with recommendations as to proposed legislative action.".

(b) The amendment made by subsection (a) shall be effective after June 30, 1971.

PART C—DEVELOPING INSTITUTIONS; EMERGENCY ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION

EXTENSION OF AUTHORIZATION FOR TITLE III

SEC. 121. (a) Section 301(b)(1) of the Higher Education Act of 1965 is amended by inserting "each" after "$91,000,000" and by inserting after "1971," the following: "and the fiscal year ending June 30, 1972,".

(b) The amendments made by subsection (a) shall be effective after June 30, 1971.

REVISION OF TITLE III (STRENGTHENING DEVELOPING INSTITUTIONS)

SEC. 122. (a) Title III of the Higher Education Act of 1965 is amended to read as follows:

"TITLE III—STRENGTHENING DEVELOPING INSTITUTIONS

"AUTHORIZATION

"SEC. 301. (a) The Commissioner shall carry out a program of special assistance to strengthen the academic quality of developing institutions which have the desire and potential to make a substantial contribution to the higher education resources of the Nation but which are struggling for survival and are isolated from the main currents of academic life and which enroll a significant proportion of students who have been educationally deprived or who have limited English speaking ability.

"(b)(1) For the purpose of carrying out this title, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and each of the succeeding fiscal years ending prior to July 1, 1975.

"(2) Of the sums appropriated pursuant to this subsection for any fiscal year, (A) 24 per centum shall be available only for carrying out the provisions of this title with respect to developing institutions which are junior or community colleges, and (B) not less than 50 per centum shall be available only for carrying out the provisions of this title with respect to developing institutions which the Commissioner determines meet the criterion set forth in clause (D)(iii) of section 302(a)(1).

"ELIGIBILITY FOR SPECIAL ASSISTANCE

"SEC. 302. (a)(1) For the purpose of this title, the term 'developing institution' means an institution of higher education in any State which—

"(A) is legally authorized to provide, and provides within the State, an educational program for which it awards a bachelor's degree, or is so authorized as a junior or community college;

"(B) is accredited by a nationally recognized accrediting agency or association determined by the Commissioner to be reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation;

"(C) except as is provided in paragraph (2), has met the requirement of clauses (A) and (B) during the five academic years preceding the academic year for which it seeks assistance under this title; and

"(D) meets such other requirements as the Commissioner shall, with the advice of the Council, prescribe by regulation, which requirements shall include at least a consideration of whether the institution—

"(i) is making a reasonable effort to improve the quality of its teaching and administrative staffs and of its student services,

"(ii) is, for financial or other reasons, struggling for survival and is isolated from the main currents of academic life, and

"(iii) enrolls a significant proportion of students who may have had inadequate secondary school preparation or who come from educationally, culturally, or economically deprived backgrounds.

"(2) The Commissioner is authorized to waive the requirement set forth in clause (C) of paragraph (1) in the case of applications for grants under this title by junior or community colleges, or such institutions located on or near an Indian reservation if the Commissioner determines that such action will increase the availability of higher education to Indians, except that grants pursuant to such applications for any fiscal year may not involve an expenditure of funds in excess of 10 per centum of the amount designated by clause (A) of paragraph (2) of section 301(b).

"(b) Any institution desiring special assistance under the provisions of this title shall submit an application for eligibility to the Commissioner at such time, in such form, and containing such information, as may be necessary to enable the Commissioner to evaluate the need of the applicant for such assistance and to determine its eligibility to be a developing institution for the purposes of this title. The Commissioner shall, with the advice of the Council, approve any application for eligibility under this subsection, which indicates that the applicant is a developing institution meeting the requirements set forth in subsection (a). Not later than thirty days after the beginning of any fiscal year ending after June 30, 1972, the Commission shall, on the basis of applications submitted pursuant to the first sentence of this subsection, establish a list of developing institutions eligible for special assistance under the provisions of this title. Such list of developing institutions shall be published in the Federal Register as soon as possible after its establishment each year.

"(c) For the purposes of clause (A) of paragraph (1) and of paragraph (2) of subsection (a) of this section and of paragraph (2) of section 301(b), the term 'junior or community college' means an institution of higher education—

"(1) which does not provide an educational program for which it awards a bachelor's degree (or an equivalent degree);

"(2) which admits as regular students only persons having a certificate of graduation from a school providing secondary education (or the recognized equivalent of such a certificate); and

"(3) which does—

"(A) provide an educational program of not less than two years which is acceptable for full credit toward such a degree, or

"(B) offer a two-year program in engineering, mathematics, or the physical or biological sciences, which program is designed to prepare a student to work as a technician and at the semiprofessional level in engineering, scientific, or other technological fields, which fields require the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

"ADVISORY COUNCIL ON DEVELOPING INSTITUTIONS

"SEC. 303. (a) There is hereby established an Advisory Council on Developing Institutions (in this title referred to as the 'Council') consisting of nine members appointed by the Commissioner with the approval of the Secretary.

"(b) The Council shall, with respect to the program authorized by this title, carry out the duties and functions specified by part C of the General Education Provisions Act and, in particular, it shall assist the Commissioner—

"(1) in developing the criteria for defining developing institutions under clause (D) of section 302(a)(1);

"(2) in establishing the list described in section 302(b);

"(3) in identifying developing institutions through which the purposes of this title may be achieved; and

"(4) in establishing the priorities and criteria to be used in making grants under section 304(a).

"USES OF FUNDS: COOPERATIVE ARRANGEMENTS, NATIONAL TEACHING FELLOWSHIPS, AND PROFESSORS EMERITUS

"SEC. 304. (a) The Commissioner is authorized to make grants and awards, in accordance with the provisions of this title, for the purpose of strengthening developing institutions. Such grants and awards shall be used solely for the purposes set forth in subsection (b).

"(b) Funds appropriated pursuant to section 301(b) shall be available for—

"(1) grants to institutions of higher education to pay part of the cost of planning, developing, and carrying out cooperative arrangements between developing institutions and other institutions of higher education, and between developing institutions and other organizations, agencies, and business

entities, which show promise as effective measures for strengthening the academic program and the administrative capacity of developing institutions, including such projects and activities as—

"(A) exchange of faculty or students, including arrangements for bringing visiting scholars to developing institutions,

"(B) faculty and administration improvement programs, utilizing training, education (including fellowships leading to advanced degrees), internships, research participation, and other means,

"(C) introduction of new curricula and curricular materials,

"(D) development and operation of cooperative education programs involving alternate periods of academic study and business or public employment, and

"(E) joint use of facilities such as libraries or laboratories, including necessary books, materials, and equipment;

"(2) National Teaching Fellowships to be awarded by the Commissioner to highly qualified graduate students and junior faculty members of institutions of higher education for teaching at developing institutions; and

"(3) Professors Emeritus Grants to be awarded by the Commissioner to professors retired from active service at institutions of higher education to encourage them to teach and to conduct research at developing institutions.

"(c)(1) An application for assistance for the purposes described in subsection (b)(1) shall be approved only if it—

"(A) sets forth a program for carrying out one or more of the activities described in subsection (b)(1), and set forth such policies and procedures for the administration of the program as will insure the proper and efficient operation of the program and the accomplishment of the purposes of this title;

"(B) sets forth such policies and procedures as will insure that Federal funds made available under this section for any fiscal year will be so used as to suppement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds be made available for the purposes of the activities described in subsection (b)(1), and in no case supplant such funds;

"(C) sets forth policies and procedures for the evaluation of the effectiveness of the project or activity in accomplishing its purpose;

"(D) provides for such fiscal control and fund accounting procedures as may be necessary to insure proper disbursement of an accounting for funds made available under this title to the applicant; and

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

The Commissioner shall, after consultation with the Council, establish by regulation criteria as to eligible expenditures for which funds from grants for cooperative arrangements under clause (1) of subsection (b) may be used, which criteria shall be so designed as to prevent the use of such funds for purposes not necessary to the achievement of the purposes for which the grant is made.

"(2)(A) Applications for awards described in clauses (2) and (3) of subsection (b) may be approved only upon a finding by the Commissioner that the program of teaching and research set forth therein is reasonable in the light of the qualifications of the applicant and of the educational needs of the institution at which the applicant intends to teach.

"(B) No application for a National Teaching Fellowship or a Professors Emeritus Grant shall be approved for an award of such a fellowship or grant for a period exceding two academic years, except that the award of a Professors Emeritus Grant may be for such period, in addition to such two-year period of award, as the Commissioner, upon the advice of the Council, may determine in accordance with policies of the Commissioner set forth in regulations.

"(C) Each person awarded a National Teaching Fellowship or a Professors Emeritus Grant shall receive a stipend for each academic year of teaching, as determined by the Commissioner upon the advice of the Council, plus, an additional allowance for each such year for each dependent of such person.

"ASSISTANCE TO DEVELOPING INSTITUTIONS UNDER OTHER PROGRAMS

"SEC. 305. (a) Each institution which has been placed on the list of eligible developing institutions under section 302(b) shall be eligible for priority consideration and waivers in accordance with subsection (b).

"(b)(1) Subject to, and in accordance with, regulations promulgated for the purpose of this section, in the case of any application by a developing institution for assistance under any program specified in paragraph (2), the Commissioner is authorized, if such application is otherwise approvable, to waive any requirement for a non-Federal share of the cost of the program or project, or, to the extent not inconsistent with other law, to give, or require to be given, priority consideration of the application in relation to applications from institutions which are not developing institutions.

"(2) The provisions of this section shall apply to any program authorized by title II, IV, VI, or VII of this Act.

"(c) The Commissioner shall not waive, under subsection (b), the non-Federal share requirement for any program for applications which, if approved, would require the expenditure of more than 10 per centum of the appropriations for that program for any fiscal year.

"LIMITATION

"SEC. 306. None of the funds appropriated pursuant to section 301(b)(1) shall be used for a school or department of divinity or for any religious worship or sectarian activity.".

(b) The amendment made by subsection (a) shall be effective after, and only with respect to appropriations made for fiscal years beginning after, June 30, 1972.

EMERGENCY ASSISTANCE FOR INSTITUTIONS OF HIGHER EDUCATION

SEC. 123. (a)(1) The Congress hereby finds and declares that—

(A) the Nation's institutions of higher education constitute a national resource which significantly contributes to the security, general welfare, and economy of the United States;

(B) considerable evidence has been advanced which indicates that many institutions of higher education are in financial distress resulting from many causes, including, among others, efforts on the part of such institutions to increase enrollments, to improve the quality of education and training, and to enlarge educational opportunities; and

(C) various proposals have been presented to the Congress, in response to such condition of financial distress, for providing financial assistance to the Nation's institutions of higher education but, except for that necessary to justify payments provided for reimbursement for part of the cost of instruction under subpart 5 of part A of title IV of the Higher Education Act of 1965 as added by section 131(b) of this Act, insufficient information is available on the basis of which the Congress can determine, with any degree of certainty, the nature and causes of such financial distress or the most appropriate means with which present and future conditions of financial distress may be dealt.

(2) It is the purpose of this section (A) to provide institutions of higher education, which are determined in accordance with this section to be in serious financial distress, interim emergency assistance to enable them to determine the nature and causes of such distress and the means by which such distress may be alleviated, and to improve their capabilities for dealing with financial problems using, to the extent appropriate, assistance authorized under the Higher Education Act of 1965 and all other sources of financial assistance, and (B) to authorize the Commissioner to obtain and make available to the Congress such information as may be necessary to enable the Congress to assess problems relating to financing of higher education, and to make decisions, to the extent that such problems exist, with respect to long-range solutions to such problems.

(b)(1) There is authorized to be appropriated for the period beginning with the date of enactment of this Act, and ending June 30, 1973, $150,000,000 for the purpose of making grants under this subsection. Sums so appropriated shall remain available for obligation and expenditures until expended.

(2)(A) The Commissioner is authorized to make grants to institutions of higher education which are in serious financial distress, as such term is defined in regulations of the Commissioner, in accordance with the provisions of this section.

(B) A grant under this subsection may be made only upon application therefor to the Commissioner. Such applications shall be submitted at such time, in such form, and containing such information, assurances, policies, and procedures as the Commissioner may require in order to enable him to carry out his functions under this section. The Commissioner shall not approve any such application unless he finds that—

(i) in the case of a public institution of higher education, the institution has submitted its application for emergency assistance under this subsection to the appropriate State agency, as provided by the law of the State in which it is located and in accordance with regulations of the Commissioner, if any such agency exists with respect to such State, and such State agency has made a finding, in accordance with criteria established by the Commissioner, that such institution is in serious financial distress and (I) is in need of financial assistance under this section to continue its operation, or (II) will have to discontinue or substantially curtail its academic programs to the detriment of the quality of education available to its students;

(ii) in the case of a nonpublic institution of higher education, the institution either has complied with the procedure set forth in clause (i) for public institutions, or has submitted an application directly to the Commissioner and the Commissioner has determined that the institution meets the condition set forth in either clause (i) (I) or (i)(II), and has submitted a copy to the appropriate State agency, as determined under the law of the State in which it is located and in accordance with regulations of the Commissioner, for comment;

(iii) such institution has developed, adopted, and submitted a plan which the Commissioner determines provides reasonable assurance that, if the institution receives the grant for which it is applying, such institution will be able, during and after the period covered by such grant, to continue the educational services, programs, and activities with respect to which such grant is sought;

(iv) such institution is making a major contribution to the overall higher educational system of the area of the State in which it is located, or of the Nation; and

(v) such institution has included in such application such policies and procedures for the use of funds received under the grant as will insure that such funds will not be used for a school or department of divinity or for any religious worship or sectarian activity, and as will insure that such funds will be solely used for the purposes for which the grant is made.

(C) An application shall be approved under this subsection only if it includes such information, terms, and conditions as the Commissioner finds necessary and reasonable to enable him to carry out his functions under this section, and as he determines will be in the financial interest of the United States, and the applicant agrees—

(i) to disclose such financial information as the Commissioner determines to be necessary to determine the sources or causes of its financial distress and other information relating to its use of its financial resources;

(ii) to conduct a comprehensive cost analysis study of its operation, including income-cost comparisons and cost per credit hour of instruction for each department, in accordance with uniform standards prescribed by the Commissioner; and

(iii) to consider, and either implement or give adequate reasons in writing for not doing so, any financial or operational reform recommended by the Commissioner for the improvement of its financial condition.

(D) The Commissioner shall not approve an application for a grant under this section without first obtaining the advice and recommendations of a panel of specialists who are not regular, full-time employees of the Federal Government and who are competent to evaluate the applications as to the relative degree of financial distress of the applying institutions.

(c)(1) In order to give the States and the Nation the information needed to assess the dimensions of and extent of the financial crisis confronting the Nation's institutions of higher education, the Commissioner shall make, or arrange for, a study of the financial conditions of such institutions to determine the need, if any, the desirability, and the form that additional governmental and private assistance should take. Such study shall include (A) an analysis of the various proposals presented to the Congress that provide assistance to institutions of higher education, as well as other viable alternatives which, in the judgment of the Commissioner, merit inclusion in such a study; (B) the costs, advantages and disadvantages, and the extent to which each proposal would preserve the diversity and independence of such institutions; and (C) the extent to which each would advance the national goal of making higher education accessible to all individuals having the desire and ability to continue their education.

(2)(A) The Commissioner shall, at the earliest practicable date after he has had an opportunity to review the suggested national uniform standards referred to in clause (5) of section 140(c), but not later than July 1, 1973, prescribe national uniform standards for determining average per-student costs to institutions of higher education for providing postsecondary education for students in attendance at such institutions.

(B) After the Commissioner has prescribed the national uniform standard required by subparagraph (A), he shall require, as a condition of approval of any application of any institution of higher education for any funds under a grant or contract authorized by the Higher Education Act of 1965, that such institution supply cost-of-education data determined in accordance with such national uniform standards.

(3) The Commissioner shall report the results of the study required by this subsection to the President and the Congress not later than December 31, 1972.

(d)(1) The Commissioner is authorized to make grants to—

(A) institutions of higher education which are receiving emergency assistance under subsection (b) for the purpose of enabling them to improve their planning and management capabilities, and

(B) other institutions of higher education to assist them in conducting research and demonstration projects having national significance for improving the planning and management capabilities of institutions of higher education.

(2) The maximum amount of a grant under this subsection, with respect to an institution for any fiscal year, shall not exceed—

(A) an amount equal to the full-time equivalent number of persons in enrollment at that institution multiplied by $5; or

(B) $15,000;

whichever is greater.

(3) There are authorized to be appropriated for the period beginning on the date of enactment of this Act, and ending June 30, 1974, such sums as may be necessary to carry out the purposes of this subsection.

(e) As used in this section—

(1) the term "institution of higher education" means an educational institution in any State which (A) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (B) is legally authorized within such State to provide a program of education beyond secondary education, (C) has been in existence for at least five years prior to the date upon which it makes application under this section, (D) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (E) is a public or other nonprofit institution, and (F) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution which is accredited, and, for the purpose of this clause, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authortiy as to the quality of training offered;

(2) the term "State" includes the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Island; and

(3) the term "school or department of divinity" means an institution or a department or a branch of an institution the program of instruction of which is designed for the education of students (A) to prepare them to become ministers of religion or to enter upon some other religious vocation (or to provide continuing training for any such vocation), or (B) to prepare them to teach theological subjects.

PART B—STUDENT ASSISTANCE

REVISION OF PART A OF TITLE IV (EDUCATIONAL OPPORTUNITY GRANTS)

SEC. 131. (a)(1)(A) The first sentence of section 401(b) of the Higher Education Act of 1965 is amended by striking out that part which precedes "to enable the Commissioner" and inserting in lieu thereof: "There are hereby authorized to be appropriated $170,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975,".

(B) Section 408 of such Act is amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each for the succeeding fiscal years ending prior to June 30, 1975".

(2) The amendments made by paragraph (1) shall be effective after June 30, 1971.

(b)(1) Part A of title IV of such Act is amended to read as follows:

"PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

"STATEMENT OF PURPOSE: PROGRAM AUTHORIZATION

"SEC. 401. (a) It is the purpose of this part to assist in making available the benefits of postsecondary education to qualified students in institutions of higher education by—

"(1) providing basic educational opportunity grants (hereinafter referred to as 'basic grants') to all eligible students;

"(2) providing supplemental educational opportunity grants (hereinafter referred to as 'supplemental grants') to those students of exceptional need who, for lack of such a grant, would be unable to obtain the benefits of a postsecondary education;

"(3) providing for payments to the States to assist them in making financial aid available to such students;

"(4) providing for special programs and projects designed (A) to identify and encourage qualified youths with financial or cultural need with a potential for postsecondary education, (B) to prepare students from low-income families for postsecondary education, and (C) to provide remedial (including remedial language study) and other services to students; and

"(5) providing for payments to institutions of higher education in connection with students receiving assistance pursuant to subpart 1 who are in attendance at such institutions.

"(b) The Commissioner shall, in accordance with subparts 1, 2, 3, 4, and 5, carry out programs to achieve the purposes of this part.

"Subpart 1—Basic Educational Opportunity Grants

"BASIC EDUCATIONAL OPPORTUNITY GRANTS: AMOUNT AND DETERMINATIONS; APPLICATIONS

"SEC. 411 (a)(1) The Commissioner shall, during the period beginning July 1, 1972, and ending June 30, 1975, pay to each student who has been accepted for enrollment in, or is in good standing at, an institution of higher education (according to the prescribed standards, regulations, and practices of that institution) for each academic year during which that student is in attendance at that institution, as an undergraduate, a basic grant in the amount for which that student is eligible, as determined pursuant to paragraph (2).

"(2)(A)(i) The amount of the basic grant for a student eligible under this subpart for any academic year shall be $1,400, less an amount equal to the amount determined under paragraph (3) to be the expected family contribution with respect to that student for that year.

"(ii) In any case where a student attends an institution of higher education on less than a full-time basis during any academic year, the amount of the basic grant to which that student is entitled shall be reduced in proportion to the degree to which that student is not so attending on a full-time basis, in accordance with a schedule of reductions established by the Commissioner for the purposes of this division. Such schedule of reductions shall be established by regulation and published in the Federal Register not later than February 1 of each year.

"(B)(i) The amount of a basic grant to which a student is entitled under this sub-

part for any academic year shall not exceed 50 per centum of the actual cost of attendance at the institution at which the student is in attendance for that year.

"(ii) For the purpose of this subparagraph the term 'actual cost of attendance' means, subject to regulations of the Commissioner, the actual per-student charges for tuition, fees, room and board (or expenses related to reasonable commuting), books, and an allowance for such other expenses as the Commissioner determines by regulation to be reasonably related to attendance at the institution at which the student is in attendance.

"(C) No basic grant shall be awarded to a student under this subpart if the amount of that grant for that student as determined under this paragraph for any academic year is less than $200. Pursuant to criteria established by the Commissioner by regulation, the institution of higher education may award a basic grant of less than $200 upon a determination that the amount of the basic grant is less than $200 because of the requirement of division (i) of subparagraph (B) and that due to exceptional circumstances the reduced grant should be made in order to enable the student to benefit from postsecondary education.

"(3)(A)(i) Not later than February 1 of each year the Commissioner shall publish in the Federal Register a schedule of expected family contributions for the succeeding academic year for various levels of family income, which, except as is otherwise provided in division (ii), together with any amendments thereto, shall become effective July 1 of that year. During the thirty-day period following such publication the Commission shall provide interested parties with an opportunity to present their views and make recommendations with respect to such schedule.

"(ii) The schedule of expected family contributions required by division (i) for each academic year shall be submitted to the President of the Senate and the Speaker of the House of Representatives not later than February 1 of that year. If either the Senate or the House of Representatives adopts, prior to May 1 of such year, a resolution of disapproval of such schedule, the Commissioner shall publish a new schedule of expected family contributions in the Federal Register not later than fifteen days after the adoption of such resolution of disapproval. Such new schedule shall take into consideration such recommendations as may be made in connection with such resolution and shall become effective, together with any amendments thereto, on July 1 of that year.

"(B)(i) For the purposes of this paragraph, the term 'family contribution' with respect to any student means the amount which the family of that student may be reasonably expected to contribute toward his postsecondary education for the academic year for which the determination under subparagraph (A) of paragraph (2) is made, as determined in accordance with regulations. In promulgating such regulations, the Commissioner shall follow the basic criteria set forth in division (ii) of this subparagraph.

"(ii) The basic criteria to be followed in promulgating regulations with respect to expected family contributions are as follows:

"(I) The amount of the effective income of the student or the effective family income of the student's family.

"(II) The number of dependents of the family of the student.

"(III) The number of dependents of the student's family who are in attendance in a program of postsecondary education and for whom the family may be reasonably expected to contribute for their postsecondary education.

"(IV) The amount of the assets of the student and those of the student's family.

"(V) Any unusual expenses of the student or his family, such as unusual medical expenses, and those which may arise from a catastrophe.

"(iii) For the purpose of clause (I) of division (ii) the term 'effective family income' with respect to a student means the annual adjusted family income, as determined in accordance with regulations prescribed by the Commissioner, received by the parents or guardian of that student (or the person or persons having an equivalent relationship to such student) minus Federal income tax paid or payable with respect to such income.

"(iv) For the purposes of this paragraph, one-half of veteran's benefits and payments under the Social Security Act received by a student or a student's family shall not be included in the determination of family contribution.

"(C) The Commissioner shall promulgate special regulations for determining the expected family contribution and effective family income in the case of students who are determined to be emancipated or self-supporting. Such special regulations shall be consistent with the basic criteria set forth in division (ii) of subparagraph (B).

"(4)(A) The period during which a student may receive basic grants shall be the period required for the completion of the undergraduate course of study being pursued by that student at the institution at which the student is in attendance, except that such period may not exceed four academic years unless—

"(i) the student is pursuing a course of study leading to a first degree in a program of study which is designed by the institution offering it to extend over five academic years; or

"(ii) the student is, or will be, unable to complete a course of study within four academic years because of a requirement of the institution of such course of study that the student enroll in a noncredit remedial course of study, in either which case such period may be extended for not more than one additional academic year.

"(B) For the purposes of clause (ii) of subparagraph (A), a 'noncredit remedial course of study' is a course of study for which no credit is given toward an academic degree, and which is designed to increase the ability of the student to engage in an undergraduate course of study leading to such a degree.

"(b)(1) The Commissioner shall from time to time set dates by which students must file applications for basic grants under this subpart.

"(2) Each student desiring a basic grant for any year must file an application therefor containing such information and assurances as the Commissioner may deem necessary to enable him to carry out his functions and responsibilities under this subpart.

"(3)(A) Payments under this section shall be made in accordance with regulations promulgated by the Commissioner for such purpose, in such manner as will best accomplish the purposes of this section.

"(B) If, during any period of any fiscal year, the funds available for payments under this subpart are insufficient to fully satisfy all entitlements under this subpart, the amount paid with respect to each such entitlement shall be ratably reduced. When sufficient funds become available for such purpose, the amount of payment to be applied to each holder of a basic grant shall be equal to the difference between the amount paid to that holder under the first sentence of this subparagraph and the amount determined under subsection (a) to be that to which that holder is entitled for that year. No method of computing or manner of distribution of payments shall be used which is inconsistent with this subparagraph.

"Subpart 2—Supplemental Educational Opportunity Grants

"PURPOSE; APPROPRIATIONS AUTHORIZED

"SEC. 413A. (a) It is the purpose of this subpart to provide, through institutions of higher education, supplemental grants to assist in making available the benefits of postsecondary education to qualified students who, for lack of financial means, would be unable to obtain such benefits without such a grant.

"(b)(1) For the purpose of enabling the Commissioner to make payments to institutions of higher education which have made agreements with the Commissioner in accordance with section 413C(b), for use by such institutions for payments to undergraduate students for the initial academic year of a supplemental grant awarded to them under this subpart, there are authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975. Funds appropriated pursuant to this paragraph shall be appropriated separate from any funds appropriated pursuant to paragraph (2).

"(2) In addition to the sums authorized to be appropriated by paragraph (1), there are authorized to be appropriated such sums as may be necessary for payment to institutions of higher education for use by institutions for making continuing supplemental grants under this subpart, except that no appropriation may be made pursuant to this paragraph for any fiscal year beginning more than three years after the last fiscal year for which an appropriation is authorized under paragraph (1). Funds appropriated pursuant to this paragraph shall be appropriated separate from any funds appropriated pursuant to paragraph (1).

"(3) Sums appropriated pursuant to this subsection for any fiscal year shall be available for payments to institutions until the end of the fiscal year succeeding the fiscal year for which they were appropriated.

"(4) For the purposes of this subsection, payment for the first year of a supplemental grant shall not be considered as an initial year payment if the grant was awarded for the continuing education of a student who—

"(A) had not previously awarded a supplemental grant under this subpart (whether by another institution or otherwise), and

"(B) had received payment for any year of that supplemental grant.

"AMOUNT AND DURATION OF GRANTS

"SEC. 413B. (a)(1) An institution which awards a supplemental grant to a student under this subpart shall, for the duration of the grant, pay, from the funds received under this subpart by such institution for such purpose, to that student, for each academic year during which he is in need of such grant to pursue a course of study at that institution, an amount determined pursuant to paragraph (2).

"(2)(A)(i) The amount of the payment to any student pursuant to paragraph (1) shall be equal to the amount determined by the institution to be needed by that student to enable him to pursue a course of study at the institution, except that such amount shall not exceed—

"(I) $1,000, or

"(II) one-half the sum of the total amount of student financial aid provided to such student by such institution,

whichever is the lesser.

"(ii) The $1,000 limitation set forth in clause (I) of division (i) shall be increased to $1,200 in the case of a student who, during the preceding academic year, is determined in accordance with regulations to

have ranked in the upper half of his class at an institution of higher education.

"(iii) For the purposes of clause (II) of division (i), the term 'student financial aid' includes assistance payments to the student under subpart I of this part and parts C and E of this title, and any assistance provided to a student under any scholarship program established by a State or a private institution or organization, as determined in accordance with regulations, shall be deemed to be aid provided such student by the institution.

"(B) If the amount determined under division (i) of subparagraph (A) with respect to a student for any academic year is less than $200, no payment shall be made to that student for that year.

"(C) Subject to subparagraphs (A) and (B), the Commissioner shall prescribe, for the guidance of institutions, basic criteria and schedules for the determination of the amount of need to be determined under division (i) of subparagraph (A). Such criteria and schedules shall take into consideration the objective of limiting assistance under this subpart to students of financial need, and such other factors related to determining the need of students for financial assistance as the Commissioner deems relevant.

"(b)(1)(A) The duration of a supplemental grant awarded to a student under this subpart shall be the period required for the completion of the undergraduate course of study being pursued by the student to whom the grant is awarded at the institution awarding the grant.

"(B) The period of the duration of a supplemental grant under this subpart shall not exceed four academic years, less any such period with respect to which that student has previously received payments under this subpart pursuant to a prior award of a supplemental grant, whether such payments were made by the same or another institution, except that in the case of a student—

"(i) who is pursuing a course of study leading to a first degree in a program of study which is designed by the institution offering it to extend over five academic years, or

"(ii) who is, or will be, unable to complete a course of study within four academic years because of a requirement of the institution offering such course of study that the student enroll in a noncredit remedial course of study, such period may be extended for not more than one additional academic year. For the purposes of clause (ii), a 'noncredit remedial course of study' is a course of study for which no credit is given toward an academic degree, and which is designed to increase the ability of the student to engage in an undergraduate course of study leading to such a degree.

"(2) A supplemental grant awarded under this subpart shall entitle the student to whom it is awarded to payments pursuant to such grant only if—

"(A) that student is maintaining satisfactory progress in the course of study he is pursuing, according to the standards and practices of the institution awarding the grant, and

"(B) that student is devoting at least half-time to that course of study, during the academic year, in attendance at that institution.

Failure to be in attendance at the institution during vacation periods or periods of military service, or during other periods during which the Commissioner determines, in accordance with regulations, that there is good cause for his nonattendance, shall not render a student ineligible for a supplemental grant; but no payments may be made to a student during any such period of failure to be in attendance or period of nonattendance.

"SELECTION OF RECIPIENTS; AGREEMENTS WITH INSTITUTIONS

"SEC. 413C. (a)(1) An individual shall be eligible for the award of a supplemental grant under this subpart by an institution of higher education which has made an agreement with the Commissioner pursuant to subsection (b), if the individual makes application at the time and in the manner prescribed by that institution, in accordance with regulations of the Commissioner.

"(2) From among those who are eligible for supplemental grants through an institution which has an agreement with the Commissioner under subsection (b) for each fiscal year, the institution shall, in accordance with such agreement under subsection (b), and within the amount allocated to the institution for that purpose for that year under section 413D (b) select individuals who are to be awarded such grants and determine, in accordance with section 413B, the amounts to be paid to them. An institution shall not award a supplemental grant to an individual unless it determines that—

"(A) he has been accepted for enrollment as an undergraduate student at such institution or, in the case of a student already attending such institution, is in good standing there as an undergraduate;

"(B) he shows evidence of academic or creative promise and capability of maintaining good standing in this course of study;

"(C) he is of exceptional financial need; and

"(D) he would not, but for a supplemental grant, be financially able to pursue a course of study at such institution.

"(b) An institution of higher education which desires to obtain funds for supplemental grants under this subpart shall enter into an agreement with the Commissioner. Such agreement shall—

"(1) provide that funds received by the institution under this subpart will be used by it solely for the purposes specified in, and in accordance with, the provisions of this subpart and of section 463;

"(2) provide that, in determining whether an individual meets the requirements of clause (C) of paragraph (2) of subsection (a), the institution will—

"(A) consider the source of such individual's income and that of any individual or individuals upon whom he relies primarily for support, and

"(B) make appropriate review of the assets of the student and of such individuals;

"(3) provide that the institution, in cooperation with other eligible institutions where appropriate, will make vigorous efforts to identify qualified youths of exceptional financial need, and to encourage them to continue their education beyond secondary school through such programs and activities as—

"(A) establishing or strengthening close working relationships with secondary school principals and guidance and counseling personnel, with a view toward motivating students to complete secondary school and to pursue postsecondary school educational opportunities, and

"(B) making, to the extent feasible, conditional commitments for student financial aid by such institution to qualified secondary school students enrolled in grade 11 or lower grades who show evidences of academic or creative promise;

"(4) provide that the institution will meet the requirements of section 464;

"(5) include provisions designed to make grants under this subpart reasonably available, to the extent of available funds, to all eligible students in attendance at the institution;

"(6) include such other provisions as may be necessary to protect the financial interest of the United States.

"APPORTIONMENT AND ALLOCATION OF FUNDS

"SEC. 413D. (a)(1)(A) From the sums appropriated pursuant to section 413A(b)(1) for any fiscal year, the Commissioner shall apportion to each State an amount which bears the same ratio to such sums as the number of persons enrolled full-time and the full-time equivalent of the number of persons enrolled part time in institutions of higher education in such State bears to the total number of such persons in all the States.

"(B) If the Commissioner determines that the sums apportioned to any State under subparagraph (A) for any fiscal year exceed the aggregate of the amounts that he determines to be required under subsection (b) for that fiscal year for institutions of higher education in that State, the Commissioner shall reapportion such excess, from time to time, on such date or dates as he shall fix, to other States in such manner as the Commissioner determines will best assist in achieving the purposes of this subpart.

"(2) Sums appropriated pursuant to section 413A(b)(2) for any fiscal year shall be apportioned among the States in such manner as the Commissioner determines will best achieve the purposes for which such sums were appropriated.

"(b)(1)(A) The Commissioner shall, from time to time, set dates before which institutions in any State must file applications for allocation, to such institutions, of supplemental grant funds from the apportionment to that State (including any reapportionment thereto) for any fiscal year pursuant to subsection (a)(1).

"(B)(i) From the sums apportioned (or reapportioned) to any State, the Commissioner shall allocate amounts to institutions which have submitted applications pursuant to subparagraph (A).

"(ii) Allocations under division (i) by the Commissioner to such institutions shall be made in accordance with equitable criteria established by the Commissioner by regulation. Such criteria shall be designed to achieve such distribution of supplemental grant funds among such institutions within a State as will most effectively carry out the purposes of this subpart.

"(2) The Commissioner shall, in accordance with regulations, allocate to such institutions in any State, from funds apportioned or reapportioned pursuant to subsection (a)(2), funds to be used as the supplemental grants specified in section 413A(b)(2).

"(3) Payments shall be made from allocations under this subsection as needed.

"Subpart 3—Grants to States for State Scholarship Incentives.

"PURPOSE; APPROPRIATIONS AUTHORIZED

"SEC. 415A. (a) It is the purpose of this subpart to make grants available to the States to assist them in providing student incentive grants to eligible students in attendance at institutions of higher education.

"(b)(1) There are hereby authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975, for payments to the States for student incentive grants to individuals who have not previously been awarded such grants.

"(2) In addition to the sums authorized to be appropriated pursuant to paragraph (1), there is authorized to be appropriated such sums as may be necessary for making grants to individuals who have been awarded student incentive grants for previous years.

"(3) Sums appropriated pursuant to paragraph (1) for any fiscal year shall remain available for payments to States for the award of student incentive grants under this subpart until the end of the fiscal year

succeeding the fiscal year for which such sums were appropriated.

"(4) For the purposes of this subsection, a payment on the first year of a student incentive grant with respect to any student who has not been awarded a student incentive grant during any previous year shall be considered, subject to regulations of the Commissioner, an initial award to be paid from appropriations pursuant to paragraph (1).

"ALLOTMENT AMONG STATES

"SEC. 415B. (a)(1)(A) From the sums appropriated pursuant to section 415A(b)(1) for any fiscal year, the Commissioner shall allot to each State an amount which bears the same ratio to such sums as the number of studentts in attendance at institutions of higher education in such State bears to the total number of such students in such attendance in all the States.

"(B) For the purposes of this paragraph, the number of students in attendance at institutions of higher education in a State and in all the States shall be determined by the Commissioner for the most recent year for which satisfactory data are available to him.

"(2) If the Commissioner determines that the amount allotted to any State under paragraph (1) for any fiscal year exceeds the amount he determines to be required for that fiscal year for the student incentive grant program of that State, such excess shall be reallotted among the other States, from time to time, on such date or dates as he shall fix, in such manner as he determines will best assist in achieving the purposes of this subpart.

"(b) Sums appropriated pursuant to section 415A(b)(2) for any fiscal year shall be allotted among the States in such manner as the Commissioner determines will best achieve the purposes for which such sums were appropriated.

"APPLICATIONS FOR STUDENT INCENTIVE GRANT PROGRAMS

"SEC. 415C. (a) A State which desires to obtain a payment under this subpart for any fiscal year shall submit an application therefor through the State agency administering its program of student incentive grants, at such time or times, and containing such information as may be required by, or pursuant to, regulation for the purpose of enabling the Commissioner to make the determinations required under this subpart.

"(b) From a State's allotment under this subpart for any fiscal year the Commissioner is authorized to make payments to such State for paying 50 per centum of the amount of student incentive grants pursuant to a State program which—

"(1) is administered by a single State agency;

"(2) provides that such grants will be in amounts not in excess of $1,500 per academic year for attendance on a full-time basis as an undergraduate at an institution of higher education;

"(3) provides for the selection of recipients of such grants on the basis of substantial financial need determined on the basis of criteria established by the Commissioner;

"(4) provides for the payment of the non-Federal portion of such grants from funds supplied by such State which represent an additional expenditure for such year by such State for grants for students attending institutions of higher education over the amount expended by such State for such grants during the second fiscal year preceding the fiscal year in which such State initially received funds under this subpart; and

"(5) provides (A) for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State agency under this subpart, and (B) for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this subpart.

"(c) Upon his approval of any application for a payment under this subpart, the Commissioner shall reserve from the applicable allotment (including any applicable reallotment) available therefor, the amount of such payment, which (subject to the limits of such allotment or reallotment) shall be equal to the Federal share of the cost of the student incentive grants covered by such application. The Commissioner shall pay such reserved amount, in advance or by way of reimbursement, and in such installments as he may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of the student incentive grants with respect to which such reservation was made, and in the event of an upward revision of such estimated cost approved by him he may reserve the Federal share of the added cost only from the applicable allotment (or reallotment) available at the time of such approval.

"ADMINISTRATION OF STATE PROGRAMS; JUDICIAL REVIEW

"SEC. 415D. (a)(1) The Commissioner shall not finally disapprove any application for a State program submitted under section 415C or any modification thereof, without first affording the State agency submitting the program reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering a State program approved under this subpart, finds—

"(A) that the State program has been so changed that it no longer complies with the provisions of this subpart, or

"(B) that in the administration of the program there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State agency that the State will not be regarded as eligible to participate in the program under this subpart until he is satisfied that there is no longer any such failure to comply.

"(b)(1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State program submitted under this subpart or with his final action under subsection (a), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

"(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

"Subpart 4—Special Programs for Students From Disadvantaged Backgrounds

"PROGRAM AUTHORIZATION

"SEC. 417A. (a) The Commissioner shall, in accordance with the provisions of this subpart, carry out a program designed to identify qualified students from low-income families, to prepare them for a program of postsecondary education, and to provide special services for such students who are pursuing programs of postsecondary education.

"(b) For the purpose of enabling the Commissioner to carry out this subpart, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975.

"AUTHORIZED ACTIVITIES

"SEC. 417B. (a) The Commissioner is authorized (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)) to make grants to, and contracts with, institutions of higher education, including institutions with vocational and career education programs, combinations of such institutions, public and private nonprofit agencies and organizations (including professional and scholarly associations), and, in exceptional cases, secondary schools and secondary vocational schools, for planning, developing, or carrying out within the States one or more of the services described in section 417A(a).

"(b) Services provided through grants and contracts under this subpart shall be specifically designed to assist in enabling youths from low-income families who have academic potential, but who may lack adequate secondary school preparation or who may be handicapped, to enter, continue, or resume a program of postsecondary education, including—

"(1) programs, to be known as 'Talent Search', designed to—

"(A) identify qualified youths of financial or cultural need with an exceptional potential for postsecondary educational training and encourage them to complete secondary school and undertake postsecondary educational training,

"(B) publicize existing forms of student financial aid, including aid furnished under this title, and

"(C) encourage secondary school or college dropouts of demonstrated aptitude to reenter educational programs, including postsecondary-school programs;

"(2) programs, to be known as 'Upward Bound', (A) which are designed to generate skills and motivation necessary for success in education beyond high school and (B) in which enrollees from low-income backgrounds and with inadequate secondary-school preparation participate on a substantially full-time basis during all or part of the programs;

"(3) programs, to be known as 'Special Services for Disadvantaged Students', of remedial and other special services for students with academic potential (A) who are enrolled or accepted for enrollment at the institution which is the beneficiary of the grant or contract, and (B) who, by reason of deprived educational, cultural, or economic background, or other handicap, are in need of such services to assist them to initiate, continue, or resume their postsecondary education; and

"(4) a program of paying up to 75 per centum of the cost of establishing and operating Educational Opportunity Centers which—

"(A) serve areas with major concentrations of low-income populations by providing, in coordination with other applicable programs and services—

"(1) information with respect to financial and academic assistance available for per-

sons in such areas desiring to pursue a program of postsecondary education;

"(ii) assistance to such persons in applying for admission to institutions, at which a program of postsecondary education is offered, including preparing necessary applications for use by admission and financial aid officers; and

"(iii) counseling services and tutorial and other necessary assistance to such persons while attending such institutions; and

"(B) serve as recruiting and counseling pools to coordinate resources and staff efforts of institutions of higher education and of other institutions offering programs of postsecondary education, in admitting educationally disadvantaged persons.

The portion of the cost of any project assisted under clause (4) in the preceding sentence which is borne by the applicant shall represent an increase in expenditure by such applicant for the purposes of such project.

"Subpart 5—Payments to Institutions of Higher Education for Cost of Instruction

"COST OF INSTRUCTION ALLOWANCES

"SEC. 419. (a) Each institution of higher education at which a student who is the recipient of a basic grant under subpart 1 is in attendance, shall be entitled for each fiscal year to a cost-of-instruction allowance (hereinafter in this section referred to as 'allowance'), in accordance with the provisions of this section.

"(b)(1)(A) The amount of the allowance to which an institution shall be entitled under this section for a fiscal year shall be determined on the basis of the total number of students in attendance at the institution, and the number of students who are in attendance at such institution and who are also recipients of basic grants under this part, and shall be determined in accordance with the following table:

"If the total number of students in attendance is—	*The amount of the grant is—*
Not over 1,000	$500 for each recipient.
Over 1,000 but not over 2,500.	$400 for each recipient or, if the number of recipients is at least 100, $50,000, plus $400 for each recipient in excess of 100.
Over 2,500 but not over 5,000.	$300 for each recipient or, if the number of recipients is at least 250, $110,000, plus $300 for each recipient in excess of 250.
Over 5,000 but not over 10,000.	$200 for each recipient or, if the number of recipients is at least 500, $185,000, plus $200 for each recipient in excess of 500.
Over 10,000	$100 for each recipient or, if the number of recipients is at least 1,000, $235,000, plus $100 for each recipient in excess of 1,000.

"(B) In any case where a recipient of a basic grant under subpart 1 attends an institution receiving an allowance under this subpart on less than a full-time basis, the amount of the allowance to that institution with respect to that student shall be reduced in proportion to the degree to which that student is not attending on a full-time basis.

"(C) The Commissioner shall make a separate determination of the number of students in attendance at an institution of higher education and the number of recipients of basic grants at any such institution at each branch or separate campus of that institution located in a different community from the principal campus of that institution pursuant to criteria established by him.

"(2) An institution of higher education may receive an allowance in accordance with this section only upon application therefor. An application under this section shall be submitted at such time or times, in such manner, and containing such information as the Commissioner determines necessary to carry out his functions under this title, and shall—

"(A) set forth such policies, assurances, and procedures as will insure that—

"(i) the funds received by the institution under this section will be used solely to defray instructional expenses in academically related programs of the applicant;

"(ii) except as is authorized in paragraph (3), the applicant will not increase tuition with respect to the recipients of basic grants under this part above the rate charged by the applicant for undergraduate students for the academic year 1970–1971;

"(iii) the funds received by the institution under this section will not be used for a school or department of divinity or for any religious worship or sectarian activity;

"(iv) the applicant will expend, during the academic year for which a grant is sought for all academically related programs of the institution, an amount equal to at least the average amount so expended during the three years preceding the year for which the grant is sought; and

"(v) the applicant will submit to the Commissioner such reports as the Commissioner may require by regulation; and

"(B contain such other statement of policies, assurances, and procedures as the Commissioner may require by regulation in order to protect the financial interests of the United States.

"(3) In accordance with criteria established by regulations promulgated for the purposes of this paragraph, the Commissioner is authorized to permit increases in tuition in cases where failure to do so would result in undue hardship for an institution. Such criteria shall, among other factors, take into consideration increases in the cost-of-living index established by the Department of Labor.

"(c)(1) The Commissioner shall pay to each institution of higher education for each fiscal year the amount to which it is entitled under this section.

"(2) If during any period of any fiscal year the funds available for payments for entitlements established under this subpart are insufficient to fully satisfy all such entitlements the amount paid with respect to each such entitlement shall be ratably reduced. When sufficient funds become available for such period for such purpose the amount of payment from such funds to be applied to the entitled of each institution shall be equal to the difference between the amount paid to that institution under the first sentence of this paragraph and the amount of the entitlement for that institution as determined under paragraph (1) of subsection (a). No method of computing or no distribution of payments under this subpart shall be used which is inconsistent with this paragraph.".

(2) The amendment made by paragraph (1) shall be effective after June 30, 1972.

(3) There are authorized to be appropriated for each of the fiscal years ending prior to July 1, 1975, such sums as may be necessary for payment to institutions which have in effect agreements with the Commissioner entered into under section 407 of the Higher Education Act of 1965 before July 1, 1972, for use by such institutions for making educational opportunity grants under part A of title IV of such Act, as such part A is in effect on June 30, 1972, to undergraduate students for academic years other than the initial year of their educational opportunity grant under such part A.

(c) Section 461 of the Higher Education Act of 1965 is amended by striking out subsection (b) thereof and inserting in lieu thereof the following:

"(b)(1) For the purposes of this title, except for subpart 5 of part A, the term 'institution of higher education' includes any school of nursing; and any proprietary institution of higher education which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this title has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

"(2) For the purposes of this subsection—

"(A) The term 'school of nursing' means a public or other nonprofit collegiate or associate degree school of nursing.

"(B) The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively an accredited program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing.

"(C) The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively an accredited two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree.

"(D) The term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies approved for such purpose by the Commissioner.

"(3) For the purposes of this subsection, the term 'proprietary institution of higher education' means a school (A) which provides not less than a six-month program of training to prepare students for gainful employment in a recognized occupation, (B) which meets the requirements of clauses (1) and (2) of section 1201(a), (C) which does not meet the requirement of section clause (4) of section 1201(a), (D) which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, and (E) which has been in existence for at least two years. For purposes of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"(c) For the purposes of this title—

"(1) the term 'academic year' shall be defined by the Commissioner by regulations; and

"(2) the term 'in attendance', when applied to a student, means a student who attends an institution of higher education at least on a half-time basis, as defined by the Commissioner by regulation.".

(d)(1) Section 1201 of the Higher Education Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(m) The term 'school or department of divinity' means an institution or a department or a branch of an institution the program of instruction of which is designed for the education of students (A) to prepare them to become ministers of religion or to

enter upon some other religious vocation (or to provide continuing training for any such vocation), or (B) to prepare them to teach theological subjects.".

(2) The Higher Education Act of 1965 is amended by striking out the following provisions:

(A) The second sentence of section 113;

(B) The second sentence of section 207;

(C) The second sentence of section 526;

(D) The second sentence of section 609; and

(E) The second sentence of section 923.

(e) No payments shall be paid on the basis of entitlements created by subpart 5 of part A of title IV of the Higher Education Act of 1965 for any fiscal year in which—

(1) the appropriations available for payments on the basis of entitlements created by subpart 1 of such part are insufficient to pay in full the amounts to which all students are entitled under such subpart 1 for that fiscal year; or

(2) the appropriation for grants under subpart 2 of such part for that fiscal year does not at least equal the appropriation for the purposes of part A of title IV of the Higher Education Act of 1965 for the fiscal year ending June 30, 1972; or

(3) the appropriation for grants under part C of such title IV for that fiscal year does not at least equal the appropriation for such part C for the fiscal year ending June 30, 1972; or

(4) the appropriation pursuant to section 461 of the Higher Education Act of 1965 (as added by section 137(b) of this Act) for that fiscal year does not at least equal the appropriation for contributions to loan funds under title II of the National Defense Education Act of 1958 for the fiscal year ending June 30, 1972.

INSURED STUDENT LOANS—EXTENSION OF PROGRAM

SEC. 132A. (a)(1) Section 424(a) of the Higher Education Act of 1965 is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

(2) Such section 424(a) is further amended by striking out "June 30, 1975" and inserting in lieu thereof "June 30, 1979".

(b) Paragraph (4) of section 428(a) of such Act is amended (A) by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1979" and (B) by striking out "shall end at the close of June 30, 1975" and inserting in lieu thereof "shall end at the close of June 30, 1979".

(c) Section 433(c) of such Act is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

(d) The amendments made by this section shall be effective after June 30, 1971.

INCREASE IN LOAN LIMITATION IN EXCEPTIONAL CASES

SEC. 132B. (a)(1) Section 425(a) of the Higher Education Act of 1965 is amended by inserting before the period at the end of the first sentence the following: ", except when the financial aid officer of the institution in which such student is enrolled or at which he has been accepted for enrollment determines (in accordance with general criteria prescribed by the Commissioner) that such student is in need of a larger total to continue his education, in which case such total may not exceed whichever is the lesser, $2,500 or such larger total".

(2) Section 428(b)(1)(A) of such Act is amended by inserting after "1,500" the following: "(except when the financial aid officer of the institution in which such student is enrolled or at which he has been accepted for enrollment determines, in accordance with general criteria prescribed by the Commissioner, that such student is in need of a larger amount to continue his education, in which case such total may not exceed which ever is the lesser, $2,500 or such larger amount)".

(b) The amendments made by subsection (a) shall be effective with respect to loans made after the enactment of this Act, and insured by the Commissioner under part B of title IV of the Higher Education Act of 1965, or by a State or non-profit private institution or organization with which the Commissioner has an agreement under section 428(b) of such part.

ELIGIBILITY OF INSTITUTIONS

SEC. 132C. (a) Part B of title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"ELIGIBILITY OF INSTITUTIONS

"SEC. 438. Notwithstanding any other provision of this part, the Commissioner is authorized to prescribe such regulations as may be necessary to provide for—

"(1) a fiscal audit of an eligible institution with regard to any funds obtained from a student who has received a loan insured under this part, or insured by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b);

"(2) the establishment of reasonable standards of financial responsibility and appropriate institutional capability for the administration by an eligible institution of a program of student financial aid with respect to funds obtained from a student who has received a loan insured under this part, or insured by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b);

"(3) the limitation, suspension, or termination of the eligibility under this part of any otherwise eligible institution, whenever the Commissioner has determined, after notice and affording an opportunity for hearing, that such institution has violated or failed to carry out any regulation prescribed under this part.".

(b) The amendment made by subsection (a) shall be effective on and after the sixtieth day following the enactment of this Act.

STUDENT LOAN MARKETING ASSOCIATION

SEC. 133. (a)(1) Part B of title IV of the Higher Education Act of 1965 is further amended by adding at the end thereof the following new section:

"STUDENT LOAN MARKETING ASSOCIATION

"SEC. 439. (a) The Congress hereby declares that it is the purpose of this section to establish a Government-sponsored private corporation which will be financed by private capital and which will serve as a secondary market and warehousing facility for insured student loans, insured by the Commissioner under this part or by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b), and which will provide liquidity for student loan investments.

"(b)(1) There is hereby created a body corporate to be known as the Student Loan Marketing Association (hereinafter referred to as the 'Association'). The Association shall have succession until dissolved. It shall maintain its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. Offices may be established by the Association in such other place or places as it may deem necessary or appropriate for the conduct of its business.

"(2) The Association, including its franchise, capital, reserves, surplus, mortgages, or other security holdings, and income shall be exempt from all taxation now or hereafter imposed by any State, territory, possession, Commonwealth, or dependency of the United States, or by the District of Columbia, or by any county, municipality, or local taxing authority, except that any real property of the Association shall be subject to State, territorial, county, municipal, or local taxation, to the same extent according to its value as other real property is taxed.

"(3) There is hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare $5,000,000 for making advances for the purpose of helping to establish the Association. Such advances shall be repaid within such period as the Secretary may deem to be appropriate in light of the maturity and solvency of the Association. Such advances shall bear interest at a rate not less than (A) a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such advances, adjusted to the nearest one-eighth of 1 per centum, plus (B) an allowance adequate in the judgment of the Secretary to cover administrative costs and probable losses. Repayments of such advances shall be deposited into miscellaneous receipts of the Treasury.

"(c)(1) The Association shall have a Board of Directors which shall consist of twenty-one persons, one of whom shall be designated Chairman by the Board members.

"(2) An interim Board of Directors shall be appointed by the President, one of whom he shall designate as interim Chairman. The interim Board shall consist of twenty-one members, seven of whom shall be representative of banks or other financial institutions which are insured lenders pursuant to this section, seven of whom shall be representative of educational institutions, and seven of whom shall be representative of the general public. The interim Board shall arrange for an initial offering of common and preferred stocks and take whatever other actions are necessary to proceed with the operations of the Association.

"(3) When in the judgment of the President, sufficient common stock of the Association has been purchased by educational institutions and banks or other financial institutions, the holders of common stock which are educational institutions shall elect seven members of the Board of Directors and the holders of common stock which are banks or other financial institutions shall elect seven members of the Board of Directors. The President shall appoint the remaining seven directors.

"(4) At the time the events described in paragraph (3) have occurred, the interim Board shall turn over the affairs of the Association to the regular Board so chosen or appointed.

"(5) The directors appointed by the President shall serve at the pleasure of the President and until their successors have been appointed and have qualified. The remaining directors shall each be elected for a term ending on the date of the next annual meeting of the common stockholders of the Association, and shall serve until their successors have been elected and have qualified. Any appointive seat on the Board which becomes vacant shall be filled by appointment of the President. Any elective seat on the Board which becomes vacant after the annual election of the directors shall be filled by the Board, but only for the unexpired portion of the term.

"(6) The Board of Directors shall meet at the call of its chairman. The Board shall determine the general policies which shall govern the operations of the Association. The Chairman of the Board shall, with the

approval of the Board, select, appoint, and and compensate qualified persons to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Association and shall discharge all such executive functions, powers, and duties.

"(d)(1) The Association is authorized, subject to the provisions of this section, pursuant to commitments or otherwise, to make advances on the security of, purchase, service, sell, or otherwise deal in, at prices and on terms and conditions determined by the Association, student loans which are insured by the Commissioner under this part or by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b).

"(2) Any warehousing advance made under paragraph (1) of this subsection shall not exceed 80 per centum of the face amount of an insured loan. The proceeds from any such advance shall be invested in additional insured student loans.

"(e) The Association, pursuant to such criteria as the Board of Directors may prescribe, shall make advances on security, purchase, service, sell, warehouse, or otherwise deal in student loans pursuant to subsection (d) only after the Association is assured in each instance—

"(1) that the lender (A) did not discriminate against any particular class or category of students by (i) requiring that, as a candidate to the receipt of a loan, the student or his family maintain a business relationship with the lender, except that in the case of a loan made by a Federal credit union pursuant to this part, nothing contained in this section shall be construed to limit the customary obligation of membership in such credit union and (ii) refusing to make loans to such student for their freshman year of study, and (B) did not discriminate on the basis of sex, color, creed, or national origin; and

"(2) that the lender's institution is in the geographical vicinity of the student's legal residence, or the loan was obtained only after the student had exercised reasonable efforts to obtain a loan from eligible lenders in the geographical vicinity of the student's legal residence, or the student obtained the loan with a lender outside the geographical vicinity of the student's legal residence because the lender maintained a business relationship with the student or his family.

"(f)(1) The Association shall have common stock having a par value of $100 per share which may be issued only to lenders under this part, pertaining to guaranteed student loans, who are qualified as insured lenders under this part.

"(2) Each share of common stock shall be entitled to one vote with rights of cumulative voting at all elections of directors. Voting shall be by classes as described in subsection (c)(3).

"(3) The common stock of the Association shall be transferable only as may be prescribed by regulations of the Secretary of Health, Education, and Welfare, and, as to the Association, only on the books of the Association. The Secretary of Health, Education, and Welfare shall prescribe the maximum number of shares of common stock the Association may issue and have outstanding at any one time.

"(4) To the extent that net income in earned and realized, subject to subsection (g)(2), dividends may be declared on common stock by the Board of Directors. Such dividends as may be declared by the Board shall be paid to the holders of outstanding shares of common stock, except that no such dividend shall be payable with respect to any share which has been called for redemption past the effective date of such call.

"(g)(1) The Association is authorized, with the approval of the Secretary of Health, Education, and Welfare, to issue nonvoting preferred stock with a par value of $100 per share. Any preferred share issued shall be freely transferable, except that, as to the Association, it shall be transferred only on the books of the Association.

"(2) The holders of the preferred shares shall be entitled to such rate of cumulative dividends and such shares shall be subject to such redemption or other conversion provisions, as may be provided for at the time of issuance. No dividends shall be payable on any share of common stock at any time when any dividend is due on any share of preferred stock and has not been paid.

"(3) In the event of any liquidation, dissolution, or winding up of the Association's business, the holders of the preferred shares shall be paid in full at par value thereof, plus all accrued dividends, before the holders of the common shares receive any payment.

"(h)(1) The Association is authorized with the approval of the Secretary of Health, Education, and Welfare and the Secretary of the Treasury to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Association. Such obligations may be redeemable at the option of the Association before maturity in such manner as may be stipulated therein.

"(2) The Secretary of Health, Education, and Welfare is authorized, within such limitations as may be specified in appropriations Acts, to guarantee payment when due of principal and interest on obligations issued by the Association in an aggregate amount determined by the Secretary in consultation with the Secretary of the Treasury.

"(3) To enable the Secretary of Health, Education, and Welfare to discharge his responsibilities under guarantees issued by him, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of Health, Education, and Welfare with the approval of the Secretary of the Treasury but only in such amounts as may be specified from time to time in appropriations Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the months preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. There is hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare such sums as may be necessary to pay the principal and interest on the notes or obligation issued by him to the Secretary of the Treasury.

(i) The Association shall have power—

"(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel;

"(2) to adopt, alter, and use the corporate seal, which shall be judicially noticed;

"(3) to adopt, amend, and repeal by its board of directors, bylaws, rules, and regulations as may be necessary for the conduct of its business;

"(4) to conduct its business, carry on its operations, and have officers and exercise the power granted by this section in any State without regard to any qualification or similar statute in any State;

"(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real personal, or mixed, or any interest therein, wherever situated;

"(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Association;

"(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

"(8) to appoint such officers, attorneys, employees, and agent as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them and fix the penalty thereof; and

"(9) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

"(j)(1) The financial transactions of the Association shall be audited annually by the Secretary of the Treasury in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as he may prescribe. The audit shall be concluded at the place or places where the accounts are normally kept. The representatives of the Secretary shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Association and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians.

"(2) The expenses of any audit performed under this section shall be borne out of appropriations to the Treasury Department, and appropriations in such sums as may be necessary are authorized. The Association shall reimburse the Department for the full cost of such audit as billed therefor by the Secretary, and the Department shall deposit the sums as reimbursed into the Treasury as miscellaneous receipts.

"(k) A report of each such audit for a fiscal year shall be made by the Secretary of the Treasury to the President and to the Congress not later than six months following the close of such fiscal year. The report shall set forth the scope of the audit and shall include a statement (showing intercorporate relations) of assets and liabilities, capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the President and the Congress informed of the operations and financial condition of the Association, together with such recommendations with respect thereto as the Secretary may deem advisable, including a report of any impairment of capital or lack of sufficient capital noted in the audit. A copy of each report shall be furnished to the Secretary of Health, Education, and Welfare and to the Association.

"(l) All obligations issued by the Associa-

tion shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All stock and obligations issued by the Association pursuant to this section shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are direct obligations of, or obligations guaranteed as to principal or interest by, the United States. The Association shall, for the purposes of section 14(b)(2) of the Federal Reserve Act, be deemed to be an agency of the United States.

"(m) In order to furnish obligations for delivery by the Association, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Board of Directors may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Association. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Association shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

"(n) The Association shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress a report of its operations and activities during each year.".

(2) The authority of the Student Loan Marketing Association to make advances on the security of, purchase, service, sell, or otherwise deal in, student loans and to issue obligations shall terminate five years after the enactment of the Education Amendments of 1971. Upon the termination provided in this subsection, the Board of Directors of the Association shall proceed to liquidate its assets and take whatever other action is necessary to wind up its affairs. Thereupon the Association shall notify the President and the Congress that it is dissolved.

(b)(1) The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations or other instruments or securities of the Student Loan Marketing Association," immediately after "or obligations, participation, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

(2) Section 5200 of the Revised Statutes, as amended (12 U.S.C. 84), is amended by adding at the end thereof the following new paragraph:

"(14) Obligations of the Student Loan Marketing Association shall not be subject to any limitation based upon such capital and surplus.".

(3) The first paragraph of section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)), is amended by inserting "or in obligations or other instruments or securities of the Student Loan Marketing Association;" in the second proviso immediately after "any political subdivision thereof".

(4) Section 8(8)(E) of the Federal Credit Union Act, amended (12 U.S.C. 1757(8)(E)), is amended by inserting before the semicolon at the end thereof the following: ", or in obligations or other instruments or securities of the Student Loan Marketing Association".

EXTENSION OF THE EMERGENCY INSURED STUDENT LOAN ACT OF 1969

SEC. 134. (a) Section 2(a)(7) of the Emergency Insured Student Loan Act of 1969 is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1973".

(b) The amendment made by subsection (a) shall be effective on and after July 1, 1971.

COLLEGE WORK STUDY PROGRAM—EXTENSION AND SELECTION OF STUDENTS FOR EMPLOYMENT

SEC. 135. (a)(1) Section 441(b) of the Higher Education Act of 1965 is amended by striking out "the fiscal year ending June 30, 1971" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

(2) The amendment made by subsection (a) shall be effective after June 30, 1971.

(b)(1) Clause (3)(A) of section 444(a) of the Higher Education Act of 1965 is amended by inserting immediately after "such institution" the following: "(taking into consideration the actual cost of attendance at such institution)".

(2) The amendment made by subsection (a) shall be effective on and after July 1, 1971, with respect to appropriations for fiscal years beginning on and after July 1, 1971.

COOPERATIVE EDUCATION

SEC. 136. (a)(1) Section 451(a) of the Higher Education Act of 1965 is amended by striking out "the fiscal year ending June 30, 1971" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

(2) Section 451(b) of such Act is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

(b) The amendments made by subsection (a) shall be effective after June 30, 1971.

DIRECT LOANS TO STUDENT IN INSTITUTIONS OF HIGHER EDUCATION

SEC. 137. (a)(1) Section 201 of the National Defense Education Act of 1958 is amended by inserting "each" after "$375,000,000", and by inserting after "June 30, 1971," the following: "and for the fiscal year ending June 30, 1972,".

(2) The amendments made by paragraph (1) shall be effective after June 30, 1971.

(b) Title IV of the Higher Education Act of 1965 is amended by striking out part F. Part E and sections 461, 462, 463, 464, and 469 of such title IV, and all references thereto (except the reference to section 461 in section 131(e)(4), are redesignated as part F and sections 491, 492, 493, 494, and 499, respectively. Such title IV is further amended by inserting after part D the following new parts:

"PART E—DIRECT LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

"APPROPRIATIONS AUTHORIZED

"SEC. 461. (a) The Commissioner shall carry out a program of stimulating and assisting in the establishment and maintenance of funds at institutions of higher education for the making of low-interest loans to students in need thereof to pursue their courses of study in such institutions.

"(b)(1) For the purpose of enabling the Commissioner to make contributions to student loan funds established under this part, there are hereby authorized to be appropriated $375,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975.

"(2) In addition, there are hereby authorized to be appropriated such sums for the fiscal year ending June 30, 1976, and each of the three succeeding fiscal years as may be necessary to enable students who have received loans for academic years ending prior to July 1, 1975, to continue or complete courses of study.

"(c) Any sums appropriated pursuant to subsection (b) for any fiscal year shall be available for apportionment pursuant to section 462 and for payments of Federal capital contributions therefrom to institutions of higher education which have agreements with the Commissioner under section 463. Such Federal capital contributions and all contributions from such institutions shall be used for the establishment, expansion, and maintenance of student loan funds.

"APPORTIONMENT OF APPROPRIATIONS

"SEC. 462. (a)(1) From the sums appropriated pursuant to section 461(b)(1) for any fiscal year, the Commissioner shall apportion to each State an amount which bears the same ratio to the amount so appropriated as the number of persons enrolled on a full-time basis in institutions of higher education, as determined by the Commissioner for the most recent year for which satisfactory data are available to him, in such State bears to the total number of persons so enrolled in all the States.

"(2) Any sums appropriated pursuant to section 461(b)(2) for any fiscal year shall be apportioned among institutions of higher education in such a manner as the Commissioner determines will best accomplish the purpose for which they were appropriated.

"(b)(1) Any institution of higher education desiring to receive payments of Federal capital contributions from the apportionment of the State in which it is located for any fiscal year shall make an agreement under section 463 and shall submit an application therefor to the Commissioner, in accordance with the provisions of this part. The Commissioner shall, from time to time, set dates before which such institutions must file applications under this section.

"(2) The Commissioner shall pay to each applicant under this subsection which has an agreement with him under section 463, from the amount apportioned to the State in which it is located, the amount requested in such application. Such payment may be made in such installments as the Commissioner determines will not result in unused accumulations of capital in the student loan fund of the applicant established under its agreement under section 463.

"(c)(1)(A) If the total amount of Federal capital contributions requested in the applications from a State for any fiscal year exceeds the amount apportioned to that State, the request from each institution shall be reduced ratably.

"(B) In case additional amounts become available for payments to student loan funds in a State in which requests have been ratably reduced under subparagraph (A), such requests shall be increased on the same basis as they were reduced, except that no request shall be increased above the request submitted under subsection (b)(1).

"(2) If the amount of an apportionment to a State for any fiscal year exceeds the total amount of Federal capital contributions requested in applications from that State, such excess shall be available for reapportionment from time to time on such date or dates as the Commissioner shall fix. From the aggregate of such excess for any fiscal year, the Commissioner shall reapportion to each State in which requests were reduced under subparagraph (A) of paragraph (1) an amount which bears the same ratio to such aggregate as the total amount of such reduction in that State bears to the total amount of such reductions in all the States.

"(d) The aggregate of the amounts of Federal capital contributions paid under this section for any fiscal year to proprietary institutions of higher education may not exceed the amount by which the sums appropriated pursuant to section 461(b)(1) for that fiscal year exceed $190,000,000.

"AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION

"SEC. 463. (a) An agreement with any institution of higher education for the payment of Federal capital contributions under this part shall—

"(1) provide for the establishment and maintenance of a student loan fund for the purposes of this part;

"(2) provide for the deposit in such fund of—

"(A) the Federal capital contributions,

"(B) a capital contribution by such institution in an amount equal to not less than one-ninth of the amount of such Federal contributions,

"(C) collections of principal and interest on student loans made from such fund,

"(D) charges collected pursuant to regulations under section 464(c)(1)(G), and

"(E) any other earnings of the fund;

"(3) provide that such student loan fund shall be used only for—

"(A) loans to students, in accordance with the provisions of this part,

"(B) administrative expenses, as provided in subsection (b),

"(C) capital distributions, as provided in section 466, and

"(D) costs of litigation, and other collection costs authorized by the Commissioner by regulation in connection with the collection of a loan from the fund (and interest thereon) or a charge assessed pursuant to regulations under section 464(c)(1)(G); and

"(4) include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this part as are agreed to by the Commissioner and the institution.

"(b) An institution which has entered into an agreement under subsection (a) shall be entitled, for each fiscal year during which it makes student loans from a student loan fund established under such agreement, to a payment in lieu of reimbursement for its expenses in administering its student loan program under this part during such year. Such payment shall be made in accordance with section 493.

"TERMS OF LOANS

"SEC. 464. (a)(1) Loans from any student loan fund established pursuant to an agreement under section 463 to any student by any institution shall, subject to such conditions, limitations, and requirements as the Commissioner shall prescribe by regulation, be made on such terms and conditions as the institution may determine.

"(2) The total of such loans for any academic year made by institutions from student loan funds assisted under this part shall not exceed—

"(A) $2,500, in the case of any graduate student or professional student (as defined by regulation); or

"(B) $1,500, in the case of any other student. The aggregate of the loans for all years from such funds shall not exceed $10,000, in the case of any such graduate or professional student, or $7,500, in the case of any other student.

"(3) Regulations of the Commissioner under paragraph (1) shall be designed to prevent the impairment of the capital of student loan funds to the maximum extent practicable.

"(b) A loan from a student loan fund assisted under this part may be made only to a student who—

"(1) is in need of the amount of the loan to pursue a course of study at such institution;

"(2) is capable, in the opinion of the institution, of maintaining good standing in such course of study;

"(3) has been accepted for enrollment as an undergraduate, graduate, or professional student in such institution or, in the case of a student already in attendance at such institution, is in good standing; and

"(4) is carrying at least one-half the normal academic workload, as determined by the institution.

In any case in which a student has been determined to be eligible for a loan under the preceding sentence, and such student thereafter fails to maintain good standing, the eligibility of such student shall be suspended, and further payments to, or on behalf of, such student shall not be made until such student regains good standing.

"(c)(1) Any agreement between an institution and a student for a loan from a student loan fund assisted under this part—

"(A) shall be evidenced by a note or other written instrument which, except as is provided in paragraph (2), provides for repayment of the principal amount of the loan, together with interest thereon, in installments over a period (i) beginning nine months after the student ceases to carry at least one-half the normal full-time academic workload at an institution of higher education and (ii) ending ten years and nine months after such date;

"(B) shall include provision for acceleration of repayment of the whole, or any part, of such loan, at the option of the borrower;

"(C) may provide, at the option of the institution in accordance with regulations of the Commissioner, that during the repayment period of the loan, payments of principal and interest by the borrower with respect to all outstanding loans made to him from student loan funds assisted under this part shall be at a rate equal to not less than $30 per month;

"(D) shall provide that the loan shall bear interest, on the unpaid balance of the loan, at the rate of 3 per centum per annum, except that no interest shall accrue (i) prior to the beginning date of repayment determined under clause (A)(i), or (ii) during any period in which repayment is suspended by reason of paragraph (2);

"(E) unless the borrower is a minor and the note or other evidence of obligation executed by him would not, under applicable law, create a binding obligation, shall provide that the loan shall be made without security and without endorsement;

"(F) shall provide that no note or evidence of obligation may be assigned by the lender, except upon the transfer of the borrower to another institution participating under this part (or, if not so participating, is eligible to do so and is approved by the Commissioner for such purpose), to such institution; and

"(G) may, pursuant to regulations of the Commissioner, provide for an assessment of a charge with respect to the loan for failure of the borrower (i) to pay all or part of an installment when it is due or (ii) to file timely and satisfactory evidence of an entitlement of the borrower to a deferment of repayment benefit or a cancellation benefit provided under this part.

"(2)(A) No repayment of principal of, or interest on, any loan from a student loan fund assisted under this part shall be required during any period in which the borrower—

"(i) is carrying at least one-half the normal fulltime academic workload at an institution of higher education or at a comparable institution outside the United States which is approved for this purpose by the Commissioner;

"(ii) is a member of the Armed Forces of the United States;

"(iii) is in service as a volunteer under the Peace Corps Act; or

"(iv) is in service as a volunteer under title VIII of the Economic Opportunity Act of 1964.

The period during which repayment may be deferred by reason of clause (ii), (iii), or (iv) shall not exceed three years.

"(B) Any period during which repayment is deferred under subparagraph (A) shall not be included in computing the ten-year maximum period provided for in clause (A) of paragraph (1).

"(3) The Commissioner is authorized, when good cause is shown, to extend, in accordance with regulations, the ten-year maximum repayment period provided for in clause (A) of paragraph (1) with respect to individual loans.

"(4) The amount of any charge under clause (G) of paragraph (1) shall not exceed—

"(A) in the case of a loan which is repayable in monthly installments, $1 for the first month or part of a month by which such installment or evidence is late and $2 for each such month or part of a month thereafter; and

"(B) in the case of a loan which has a bimonthly or quarterly repayment interval, $3 and $6, respectively, for each such interval or part thereof by which such installment or evidence is late.

The institution may elect to add the amount of any such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the institution not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

"(d) An agreement under this part for payment of Federal capital contributions shall include provisions designed to make loans from the student loan fund established pursuant to such agreement reasonably available (to the extent of the available funds in such funds) to all eligible students in such institution in need thereof.

"CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE

"SEC. 465. (a)(1) The per centum specified in paragraph (3) of this subsection of the total amount of any loan made after June 30, 1972, from a student loan fund assisted under this part shall be canceled for each complete year of service after such date by the borrower under circumstances described in paragraph (2).

"(2) Loans shall be canceled under paragraph (1) for service—

"(A) as a full-time teacher in a public or other nonprofit elementary or secondary school in a State, in an institution of higher education, or in an elementary or secondary school overseas of the Armed Forces of the United States;

"(B) as a full-time teacher in a public or other nonprofit elementary or secondary school in the school district of a local educational agency receiving assistance under title I of the Elementary and Secondary Education Act of 1965 if such school is determined (according to criteria established by regulation which shall permit such determination with respect to not more than 50 per centum of such schools in any State) to be serving an attendance area in which there is a high concentration of children from low-income families;

"(C) as a full-time teacher of handicapped children in a public or other nonprofit elementary or secondary school system; or

"(D) as a member of the Armed Forces of the United States.

For the purposes of this paragraph, (i) the term 'handicapped children' means children who are mentally retarded, hard of hearing, deaf, speech-impaired, visually handicapped, seriously emotionally disturbed, or other health-impaired children who by reason thereof require special education, and (ii) the term 'children from low-income families' means children from families with a family income which is not in excess of the low-in-

come factor determined under section 103 of title I of the Elementary and Secondary Education Act of 1965.

"(3) (A) The per centum of a loan which shall be canceled under paragraph (1) of this subsection is—

"(i) in the case of service described in clause (A) of paragraph (2), not to exceed a total of 50 per centum of such loan at the rate of 10 per centum for each year of such service;

"(ii) in the case of service described in clause (B) or (C) of paragraph (2), 15 per centum for the first or second year of such service, 20 per centum for the third or fourth year of such service, and 30 per centum for the fifth year of such service; and

"(iii) in the case of service described in clause (D) of paragraph (2), not to exceed a total of 50 per centum of such loan at the rate of 12½ per centum for each year of consecutive service.

"(B) If a portion of a loan is canceled under this subsection for any year, the entire amount of interest on such loan which accrues for such year shall be canceled.

"(C) Nothing in this subsection shall be construed to authorize refunding any repayment of a loan.

"(4) For the purposes of this subsection, the term 'year' where applied to service as a teacher means academic year as defined by the Commissioner.

"(b) The Commissioner shall pay to each institution for each fiscal year an amount equal to the aggregate of the amounts of loans from its student loan fund which are canceled pursuant to this section for such year. None of the funds apportioned pursuant to section 461(b) shall be available for payments pursuant to this subsection.

"DISTRIBUTION OF ASSETS FROM STUDENT LOAN FUNDS

"SEC. 466. (a) After June 30, 1980, and not later than December 31, 1980, there shall be a capital distribution of the balance of the student loan fund established under this part by each institution of higher education as follows:

"(1) The Commissioner shall first be paid an amount which bears the same ratio to the balance in such fund at the close of June 30, 1980, as the total amount of the Federal capital contributions to such fund by the Commissioner under this part bears to the sum of such Federal contributions and the institution's capital contributions to such fund.

"(2) The remainder of such balance shall be paid to the institution.

"(b) After December 31, 1980, each institution with which the Commissioner has made an agreement under this part, shall pay to the Commissioner the same proportionate share of amounts received by the institution after June 30, 1974, in payment of principal and interest on student loans made from the student loan fund established pursuant to such agreement (which amount shall be determined after deduction of any costs of litigation incurred in collection of the principal or interest on loans from the fund and not already reimbursed from the fund or from such payments of principal or interest), as was determined for the Commissioner under subsection (a).

"(c) Upon a finding by the institution or the Commissioner prior to July 1, 1980, that the liquid assets of a student loan fund established pursuant to an agreement under this part exceed the amount required for loans or otherwise in the foreseeable future, and upon notice to such institution or to the Commissioner, as the case may be, there shall be, subject to such limitations as may be included in regulations of the Commissioner or in such agreement, a capital distribution from such fund. Such capital distribution shall be made as follows:

"(1) The Commissioner shall first be paid an amount which bears the same ratio to the total to be distributed as the Federal capital contributions by the Commissioner to the student loan fund prior to such distribution bear to the sum of such Federal capital contributions and the capital contributions to the fund made by the institution.

"(2) The remainder of the capital distribution shall be paid to the institution.".

(c) (1) Upon enactment of this Act, the program authorized by part E of title IV of the Higher Education Act of 1965 as added by subsection (b) is, and shall be deemed to be, a continuation of the program authorized by title II of the National Defense Education Act of 1958. In accordance with regulations of the Commissioner, all rights, privileges, duties, functions, and obligations under such title II prior to the enactment of this Act shall be deemed to be vested, as the Commissioner determines to be appropriate, under such part E. Any student loan fund established under an agreement under such title II shall, in accordance with regulations, be deemed to have been established under such part E; and any assets of any such student loan fund of any institution shall be deemed to be the assets of a student loan fund established under an agreement of that institution with the Commissioner under such part E.

(2) Title II of the National Defense Education Act of 1958 is amended by striking out section 206.

ELIGIBILTY FOR STUDENT ASSISTANCE

SEC. 138. (a) Part F of title IV of the Higher Education Act of 1965 is amended by inserting after section 494, the following new section:

"ELIGIBILTY FOR STUDENT ASSISTANCE

"SEC. 495. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after June 30, 1972, and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized under this title. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any program authorized by this title.

"(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after June 30, 1972, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any program authorized by this title.

"(c) (1) Nothing in this section shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under this title to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

"(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

"(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.".

(b) Effective July 1, 1972, section 504 of Public Law 90–575 is repealed.

AFFIDAVIT OF EDUCATIONAL PURPOSE REQUIRED

SEC. 139. (a) Part F of title IV of the Higher Education Act of 1965 is amended by inserting after section 495 the following new section:

"AFFIDAVIT OF EDUCATIONAL PURPOSE REQUIRED

"SEC. 496. (a) Notwithstanding any other provision of law, no grant, loan, or loan guarantee authorized under this title may be made unless the student to whom the grant, loan, or loan guarantee is made has filed with the institution of higher education which he intends to attend, or is attending, an affidavit stating that the money attributable to such grant, loan, or loan guarantee will be used solely for expenses related to attendance or continued attendance at such institution.

"(b) Whenever the institution of higher education determines, after notice and opportunity for hearing, that any student has violated the affidavit required by subsection (a) of this section, that student shall be obligated to return any assistance subject to the violation and shall not be eligible for any further assistance received under this title after the date of the violation.

"(c) Nothing in this section shall be construed to invalidate any loan guarantee made under this title.".

(b) The amendment made by subsection (a) of this section shall become effective after the sixtieth day after the date of enactment of this Act.

POSTSECONDARY EDUCATION STUDY

SEC. 140. (a) It is the purpose of this section to authorize a study of the impact of past, present, and anticipated private, local, State, and Federal support for postsecondary education, the appropriate role for the States in support of higher education (including the application of State law upon postsecondary educational opportunities), alternative student assistance programs, and the potential Federal, State, and private participation in such programs.

(b) The Secretary shall conduct a thorough study and investigation of the impact of past and present support and the appropriate level of future support for higher education from private sources and from Federal, State, and local governments.

(c) In conducting such investigation and study, the Secretary shall consider—

(1) alternative models of State and local support for postsecondary education;

(2) new Federal initiatives to complement alternative State and local programs; and

(3) alternative forms of student assistance, including—

(A) loan programs based on income contingent lending;

(B) loan programs which utilized fixed, graduated repayment schedules; and

(C) loan programs which provide for cancellation or deferment of part or all of repayment in any given year based on a certain level of a borrower's income;

(4) the potential Federal, State, local, and private participation in such programs; and

(5) suggested national uniform standards for determining the annual per student costs of providing postsecondary education for students in attendance at various types and classes of institutions of higher education.

(d) In order to carry out the provisions of this section, the Secretary is authorized to—

(1) enter into contracts with institutions of higher education and other appropriate individuals, public agencies and private organizations;

(2) appoint and fix the compensation of such personnel as may be necessary;

(3) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) utilize, with their consent, the services, personnel, information, and facilities of other Federal, State, local, and private agencies with or without reimbursement; and

(5) consult with the heads of such Federal agencies as he deems appropriate.

(e) Not later than December 31, 1972, the Secretary shall report to the President and Congress the results of the investigation and study authorized by this section, together with such recommendations, including recommendations for legislation, as he deems appropriate.

(f) There are authorized to be appropriated such sums, not to exceed $5,000,000, as may be necessary to carry out the provisions of this section.

PART E—EDUCATION PROFESSIONS DEVELOPMENT

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 141. (a)(1) Title V of the Higher Education Act of 1965 is amended—

(A) in section 511(b), by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each for the fiscal years ending June 30, 1971, and June 30, 1972";

(B) in sections 504(b), 518(b), 528, 532, and 543, by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1972" in each instance.

(2) The amendments made by paragraph (1) shall be effective after June 30, 1971.

(b)(1) Section 501 of the Higher Education Act of 1965 is amended by inserting "(a)" after "SEC. 501." and by adding at the end thereof the following new subsection:

"(b) For the purpose of carrying out the provisions of this title, there are authorized to be appropriated $600,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975, of which—

"(1) not less than $500,000 shall be for the purposes of section 504;

"(2) not less than 25 per centum or $37,500,000, whichever is greater, shall be for the purposes of subpart 1 of part B;

"(3) not less than 5 per centum shall be for the purposes of part C;

"(4) not less than 5 per centum shall be for the purposes of part D;

"(5) not less than 5 per centum shall be for the purposes of part E;

"(6) not less than 10 per centum shall be for the purposes of part F; and

"(7) not less than 5 per centum of the amounts available for the purposes of part C or part D shall be used for the training of teachers for service in programs for children with limited English speaking ability.".

(2) The amendments made by paragraph (1) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

(c)(1) Effective on and after July 1, 1972, title V of the Higher Education Act of 1965 is amended by striking out the following provisions:

(A) Section 502(f);

(B) Section 504(b);

(C) Section 511(b) and "(a)" where it appears after "SEC. 511.";

(D) Section 518(b) and "(a)" where it appears after "SEC. 518.";

(E) Section 528;

(F) Section 532;

(G) Section 543; and

(H) Section 555.

(2)(A)(i) The caption head of section 518 of such title V is amended to read as follows: "PROGRAM AUTHORIZED".

(ii) Such section 518 is amended by striking out "during the fiscal year ending June 30, 1969, and the succeeding fiscal year,".

(B) Effective on and after July 1, 1972, section 519(a) of such title V is amended by striking out that part of the first sentence which precedes ", the Commissioner" and inserting in lieu thereof the following: "From the amount available for grants under this subpart for any fiscal year".

(3) Section 525(b) of such Act is amended by striking out all that follows "federally supported programs" and inserting in lieu thereof a period.

(4) The Department of Health, Education, and Welfare shall, under the authority of section 401(c) and of part C of the General Education Provisions Act, submit to the Congress an estimate of the sums necessary to carry out section 502 of such title V.

FUNCTIONS OF, AND COMPENSATION FOR, THE DIRECTOR OF THE TEACHER CORPS

SEC. 142. (a) The second sentence of section 512 of the Higher Education Act of 1965 is amended to read as follows: "The Teacher Corps shall be headed by a Director who shall be compensated at the rate prescribed for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code, and a Deputy Director who shall be placed in grade 17 of such General Schedule; and such positions shall be in addition to the number of positions placed in those grades under section 5108 of such title 5.".

(b) The third sentence of such section 512 is amended by inserting before the period at the end thereof the following: ", except that (1) the Commissioner may delegate his functions under this subpart only to the Director, and (2) the Director and Deputy Director shall not be given any function authorized by law other than that granted by this subpart".

RETRAINING OF TEACHERS AND EMPLOYMENT OF TUTORS AND INSTRUCTIONAL ASSISTANTS

SEC. 143. (a)(1) Section 518 of the Higher Education Act of 1965 is amended (1) by striking out "to (1)" and inserting in lieu thereof "(1) to", (2) by striking out "to (1)" and inserting in lieu thereof "(2) to", and (3) and by adding the following before the period: ", (3) to employ high school and college students as tutors or instructional assistants for educationally disadvantaged children, (4) to compensate such tutors and instructional assistants at such rates as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported work-study programs, and (5) to provide necessary training to teachers to enable them to teach other grades or other subjects in which such agencies have a teacher shortage".

(2) Section 520(a)(2) of such Act is amended (A) by striking out "and (C)" and inserting in lieu thereof "(C) programs of such agencies to employ high school and college students as tutors or instructional assistants for educationally disadvantaged children, (D) programs of such agencies to compensate such tutors and instructional assistants at such rates as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported work-study programs, (E) programs of such agencies to provide necessary training to teachers to enable them to teach other grades or other subjects in which such agencies have a teacher shortage, and (F)".

(3) Section 520(a)(3) of such Act is amended by inserting "or for the retraining of teachers" immediately before the semicolon at the end thereof.

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

PROVISION FOR ADMINISTRATIVE EXPENSES FOR OPERATION OF STATE PLAN

SEC. 144. (a) Section 520(a)(2) of the Higher Education Act of 1965 is amended, in clause (F) thereof, by (1) striking out "3" and inserting in lieu thereof "5", and (2) by inserting before the semicolon: "or, $20,000, whichever is greater".

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

ELIMINATION OF CEILING ON EXPENDITURES FOR TEACHING AIDES

SEC. 145. (a) Section 520(a) of the Higher Education Act of 1965 is amended by striking out clause (5) thereof. Clauses (6) through (9) of such section 520(a), and all references thereto, are redesignated as clauses (5) through (8), respectively.

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

TRAINING FOR TEACHERS AND AIDES IN PRIVATE SCHOOLS

SEC. 146. (a) Clause (5) of section 520(a) of the Higher Education Act of 1965 is amended by inserting "is teaching, or" after "because he".

(b) The amendment made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

IMPROVING TRAINING PROGRAMS FOR THE EDUCATION OF TEACHERS AND RELATED EDUCATIONAL PERSONNEL

SEC. 147. (a)(1) Section 531(b) of the Higher Education Act of 1965 is amended by striking out the period at the end thereof and inserting in lieu thereof "; and", and by adding at the end thereof the following new clause:

"(11) programs or projects (including cooperative arrangements or consortia between institutions of higher education, junior and community colleges, or between such institutions and State or local educational agencies and nonprofit education associations) for the improvement of undergraduate programs for preparing educational personnel, including design, development, and evaluation of exemplary undergraduate training programs, introduction of high quality and more effective curricula and curricular materials, and the provision of increased opportunities for practical teaching experience for prospective teachers in elementary and secondary schools.".

(2) Section 531(c) of such Act is amended by striking out the "or" at the end of clause (1) and the period at the end of clause (2), by inserting a semicolon and "or" at the end of clause (2), and by adding the following new clause:

"(3) projects or programs to improve undergraduate or other programs for training educational personnel.".

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

SUPPORT OF TUTORS AND INSTRUCTIONAL ASSISTANTS

SEC. 148. (a)(1) Section 531(b) of the Higher Education Act of 1965 is amended by striking out the period at the end of clause (11) and inserting in lieu thereof a semicolon and the word "and", and by adding the following new clause:

"(12 programs or projects to employ

tutors or instructional assistants in preschool, elementary school, or secondary school classes, especially for educationally disadvantaged children, and children with limited English speaking ability.".

(2) Section 531(c) of such Act is amended by striking out "or" at the end of clause (2), by striking out the period at the end of clause (3) and inserting a semicolon and the word "or" in lieu thereof, and by adding the following clause:

"(4) compensating tutors and instructional assistants at such rates as the Commissioner may determine to be consistent with the prevailing practices under comparable federally supported work-study programs.".

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

PROGRAMS FOR TEACHERS OF MIGRANT CHILDREN

SEC. 149. (a)(1) Section 531(b) of the Higher Education Act of 1965 is further amended by striking out the word "and" after clause (11) and by striking out the period at the end of clause (12) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following new clause:

"(13) programs and projects designed to meet the need for the training of teachers for participation in education programs for migratory children of migratory agricultural workers, including teacher exchange programs.".

(2) Section 531(c) of such Act is amended by striking out "or" at the end of clause (3), by striking out the period at the end of clause (4) and inserting in lieu thereof a semicolon and the word "or", and by adding at the end thereof the following new clause (5):

"(5) such activities as may be necessary to carry out the purposes of clause (13) of subsection (b), to the extent that such activities are not inconsistent with the other provisions of this part.".

(b) The amendments made by subsection (a) shall be effective after June 30, 1972.

PART F—INSTRUCTIONAL EQUIPMENT

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 151. (a) Subsections (b) and (c) of section 601 and the Higher Education Act of 1965 are each amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

(b) The amendments made by subsection (a) of this section shall be effective after June 30, 1971.

PART G—ACADEMIC FACILITIES

TRANSFER OF THE PROVISIONS OF THE HIGHER EDUCATION FACILITIES ACT OF 1963

SEC. 161. (a) Title VII of the Higher Education Act of 1965 is amended to read as follows:

"TITLE VII—CONSTRUCTION OF ACADEMIC FACILITIES

"PART A—GRANTS FOR THE CONSTRUCTION OF UNDERGRADUATE ACADEMIC FACILITIES

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 701. (a) The Commissioner shall carry out a program of grants to institutions of higher education for the construction of academic facilities in accordance with this part.

"(b) For the purpose of making grants under this part, there are hereby authorized to be appropriated $936,000,000 for the fiscal year ending July 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975.

"(c) Of the sums appropriated pursuant to section 701(b), not less than 24 per centum nor more than 33⅓ per centum, shall be reserved by the Commissioner and allotted among the States under section 702. The remainder of such sums shall be available for allotment among the States under section 703.

"PUBLIC COMMUNITY COLLEGES AND PUBLIC TECHNICAL INSTITUTES

"SEC. 702. (a) Sums reserved pursuant to the first sentence of section 701(c) shall be available for allotments to States for providing academic facilities for public community colleges and public technical institutes.

"(b) From the sums available for any fiscal year for the purposes of this section, the Commissioner shall allot to each State an amount which bears the same ratio to such sums as the product of—

"(1) the number of high school graduates of the State, and

"(2) the State's allotment ratio,

bears to the sum of the corresponding products for all the States, except that the amount allowed to any State shall not be less than $50,000.

"(c)(1) Except as is provided in paragraph (2), the amount allotted to a State under this section shall be available for the payment of the Federal share of the development cost of approved projects for the construction of academic facilities within such State for public community colleges and public technical institutes.

"(2) Any portion of a State's allotment under this section for any fiscal year for which applications from an institution qualified to receive grants under this section have not been received by the State Commission prior to January 1 of such fiscal year, shall, if the State Commission so requests, be available for payment of the Federal share of the development cost of approved projects under section 703.

"(d) All amounts allotted under this section for any fiscal year which are not reserved as provided in section 701(c) by the close of the fiscal year for which they are allotted shall be reallotted by the Commissioner, on the basis of such factors as he determines to be equitable and reasonable, among the States which, as determined by the Commissioner, are able to use without delay any amounts so reallotted for the purpose set forth in subsection (c)(1). Amounts reallotted under this subsection shall be available for reservation until the close of the fiscal year next succeeding the fiscal year for which they were originally allotted.

"(e) For the purposes of clause (2) of subsection (b), the 'allotment ratio' for any State shall be 1.00 less the product of (A) 0.50 and (B) the quotient obtained by dividing the income per person for the State by the income per person for all the States (not including Puerto Rico, the Virgin Islands, American Samoa, and Guam), except that (i) the allotment ratio shall in no case be less than 0.33⅓ or more than 0.66⅔, (ii) the allotment ratio for Puerto Rico, the Virgin Islands, American Samoa, and Guam shall be 0.66⅔, and (iii) the allotment ratio of any State shall be 0.50 for any fiscal year if the Commissioner finds that the cost of school construction in such State exceeds twice the median of such costs in all the States as determined by him on the basis of statistics and data as the Commissioner shall dean adequate and appropriate. The allotment ratios shall be promulgated by the Commissioner as soon as possible after June 30, 1972, and annually thereafter, on the basis of the average of the incomes per person of the State and of all the States for the three most recent consecutive calendar years for which satisfactory data are available from the Department of Commerce.

"INSTITUTIONS OF HIGHER EDUCATION OTHER THAN PUBLIC COMMUNITY COLLEGES AND PUBLIC TECHNICAL INSTITUTES

"SEC. 703. (a) Sums appropriated pursuant to section 701(b) which remain after the reservation provided for in the first sentence of section 701(c) for any fiscal year shall be available for allotments to States for providing academic facilities for institutions of higher education other than institutions eligible for grants under section 702.

"(b) Sums available for the purposes of this section for any fiscal year shall be allotted among the States as follows:

"(1) The Commissioner shall allot to each State an amount which bears the same ratio to 50 per centum of such sums as the number of students enrolled in institutions of higher education in such States bears to the number of students so enrolled in all the States; and

"(2) The Commissioner shall allot to each State an amount which bears the same ratio to 50 per centum of such sums as the number of students enrolled in grades nine through twelve (both inclusive) of schools in such State bears to the total number of students so enrolled in all the States.

The amount allotted to any State under the preceding sentence for any fiscal year shall not be less than $50,000.

"(c)(1) Any amount allotted to a State under this section for any fiscal year shall, except as provided in paragraph (2), be available, in accordance with the provisions of this title, for payment of the Federal share of the development cost of approved projects for the construction of academic facilities within such State for institutions of higher education which are not eligible for grants under section 702.

"(2) Any portion of a State's allotment under this section for any fiscal year for which applications from an institution qualified to receive grants under this section have not been received by the State Commission prior to January 1 of such fiscal year, shall, if the State Commission so requests, be available for payment of the Federal share of the development cost of approved projects under section 702.

"STATE PLANS

"SEC. 704. (a) Any State desiring to participate in the grant program authorized by this part for any fiscal year shall submit for that year to the Commissioner through the State Commission a State plan for such participation. Such plan shall be submitted at such time, in such manner, and containing such information as may be necessary to enable the Commissioner to carry out his functions under this part and shall—

"(1) provide that it shall be administered by the State Commission;

"(2) set forth objective standards and methods, which are consistent with basic criteria prescribed by regulations pursuant to section 706, for—

"(A) determining the relative priorities of eligible projects submitted by institutions of higher education within the State for the construction of academic facilities, and

"(B) determining the Federal share of the development cost of each such project;

"(3) provide that the funds apportioned for any fiscal year under section 702 or 703 shall be used only for the purposes set forth therein;

"(4) provide for—

"(A) assigning priorities solely on the basis of such criteria, standards, and methods to eligible projects submitted to the State Commission and found by it otherwise approvable under the provisions of this part, and

"(B) approving and recommending to the Commissioner, in the order of such priority, applications covering such eligible projects, and for certifying to the Commissioner the Federal share of the development cost of the project involved;

"(5) provide for affording to every applicant which has submitted a project to the State Commission an opportunity for a fair hearing before the State Commission as to the priority assigned to such project, or as to any other determination of the State Com-

mission adversely affecting such applicant; and

"(6) provide for—

"(A) such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State Commission under this part, and

"(B) making such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this part.

"(b) The Commissioner shall approve any State plan submitted under this section if he determines that it complies with the provisions of this section and other appropriate provisions of this title.

"ELIGIBILITY FOR GRANTS

"SEC. 705. (a) Except as is provided in subsection (b), an institution of higher education shall be eligible for a grant under this part only if the State Commission determines, in accordance with criteria prescribed by regulation, that the construction project for which assistance is sought will, either alone or together with other construction to be undertaken within a reasonable time, result in—

"(1) a substantial expansion of, or

"(2) the creation of,

urgently needed (A) enrollment capacity, (B) the capacity to provide student health care or other student services, or (C) capacity to carry out extension and continuing education programs on the campus of such institution.

"(b) If the Commissioner determines, in accordance with criteria established by regulation, that the student enrollment capacity of an institution of higher education would decrease if an urgently needed academic facility is not constructed, the construction of such a facility may be considered, for the purposes of this section, to result in an expansion of the institution's student enrollment capacity.

"BASIC CRITERIA FOR DETERMINING PRIORITIES AND FEDERAL SHARE

"SEC. 706. (a) (1) The Commissioner shall, by regulation, prescribe basic criteria to which the provisions of State plans setting forth standards and methods for determining relative priorities of eligible construction projects, and the application of such standards and methods to such projects under such plans, shall be subject.

"(2) Such basic criteria shall, at least—

"(A) be such as will best tend to achieve the objectives of this part, while leaving opportunity and flexibility to State Commissions for the development of State plan standards and methods that will best accommodate the varied needs of institutions in the several States;

"(B) give special consideration to the expansion of undergraduate enrollment capacity; and

"(C) give consideration to the expansion of capacity to provide needed health care to students.

"(3) Subject to paragraph (2), such regulations may establish additional and appropriate basic criteria, including—

"(A) provision for considering the degree to which applicant institutions are effectively utilizing existing facilities;

"(B) provision for allowing State plans to group, or to allow grouping, in a reasonable manner, facilities or institutions according to functional or educational type for priority purposes; and

"(C) in view of the national objectives of this title, for considering the degree to which applicant institutions serve students from two or more States or from outside the United States.

"(4) In no event shall such basic criteria permit the readiness of an institution to admit out-of-State students to be considered as a priority adverse to such institution.

"(b) (1) The Commissioner shall prescribe, by regulation, the basic criteria for determining the Federal share of the development cost of any eligible project under this part within a State, to which criteria the applicable standards and methods set forth in the State plan for such State shall conform.

"(2) In no case shall such basic criteria permit the Federal share to exceed 50 per centum of the development cost of a project, except in the case of a developing institution approved pursuant to section 302(b) in which case such percentage may not be in excess of 66⅔ per centum.

"(c) Section 553 of title V, United States Code, shall apply to the prescription of regulations under this section, notwithstanding clause (2) of subsection (a) thereof.

"APPLICATIONS FOR GRANTS; AMOUNT OF GRANTS

"SEC. 707. (a) (1) Any institution of higher education which desires to receive a grant under this part shall submit an application therefor at such time or times, in such manner, and containing such information as the Commissioner shall prescribe by regulation.

"(2) The Commissioner shall approve an application for a construction project under this part if he determines that—

"(A) it meets the requirements prescribed under paragraph (1);

"(B) the project for which assistance is sought is an eligible project under section 705;

"(C) such project has been submitted through, and been approved and recommended by, the appropriate State Commission;

"(D) such State Commission has certified to the Commissioner, in accordance with the State plan, the Federal share of the development cost of the project, and sufficient funds to pay such Federal share are available from the applicable apportionment of the State;

"(E) such project has, pursuant to the State plan, been assigned a priority that is higher than that assigned to all other projects within the State which are chargeable to the same apportionment, and meet the requirements of this section, and for which Federal funds have not yet been reserved;

"(F) the construction to be carried out under the application will be undertaken in a timely and economic manner and will not be of elaborate or extravagant design or materials;

"(G) in the case of a student health care facility, no assistance will be provided for such facility under title IV of the Housing Act of 1950; and

"(H) the application contains assurances or is supported by satisfactory assurances—

"(i) that title to the site is in accordance with regulations of the Commissioner relating thereto,

"(ii) that Federal funds received by the applicant will be solely used for defraying the development cost of the project covered by the application,

"(iii) that sufficient funds will be available to meet the non-Federal portion of such cost and to provide for the effective use of the academic facility upon completion,

"(iv) that the facility will be used as an academic facility for at least the period of the Federal interest therein, as provided in section 781, and

"(v) that the plans for such facilities comply with such standards as the Secretary may prescribe, or approve, in order to insure that facilities constructed with the use of Federal funds appropriated under this part shall be, to the extent appropriate in view of the uses to be made of the facility, accessible to, and usable by, handicapped persons.

"(b) Amendments to applications submitted under this section shall, except as the Commissioner may otherwise provide by regulations, be subject to approval in the same manner as original applications.

"(c) (1) Upon his approval of any application under this section, the Commissioner shall reserve from the applicable allotment available therefor, the amount of such grant, which shall be equal to the Federal share of the development cost of the project covered by the application, and, in accordance with regulations, shall pay the amount reserved to the applicant.

"(2) Upon approval of an amendment of an application, or revision of the estimated development cost of a project, for which there has been a reservation made under paragraph (1), the Commissioner may adjust the amount so reserved, accordingly. If an adjustment under the first sentence of this paragraph results in a greater amount being reserved, he may reserve the Federal share of the added cost only from the applicable allotment available at the time of such approval.

"ADMINISTRATION OF STATE PLANS; JUDICIAL REVIEW

"SEC. 708. (a) (1) The Commissioner shall not finally disapprove any State plan submitted under this part, or any modification thereof, without first affording the State Commission submitting the plan reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State Commission administering a State plan approved under this part, finds—

"(A) that the State plan has been so changed that it no longer complies with the provisions of section 704, or

"(B) that in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State Commission that the State will not be regarded as eligible to participate in the program under this part until he is satisfied that there is no longer any such failure to comply.

"(b) (1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under section 704, or with his final action under subsection (a), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

"(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

"PART B—GRANTS FOR CONSTRUCTION OF GRADUATE ACADEMIC FACILITIES

"AUTHORIZATION

"SEC. 721. (a) The Commissioner shall carry out a program of making grants to institutions of higher education to assist them in improving existing graduate schools and cooperative graduate centers, and in establishing graduate schools and cooperative graduate centers of excellence, in order to increase the supply of highly qualified per-

sonnel needed by communities, industries, and governments and for teaching and research.

"(b) For the purpose of making grants under this part, there are authorized to be appropriated $60,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, and $90,000,000 for each of the succeeding fiscal years ending prior to July 1, 1975.

"APPLICATION FOR, AND AMOUNT OF, GRANTS

"SEC. 722. (a) (1) Any institution of higher education desiring to receive a grant under this part shall submit an application therefor at such time, in such manner, and containing such information as the Commissioner may require.

"(2) In determining whether to approve applications under this section, the order in which to approve such applications, and the amount of grants, the Commissioner shall give consideration to the extent to which the projects for which assistance is sought will contribute toward achieving the objectives of this part, and the extent to which they will aid in attaining a wider distribution of graduate schools and cooperative graduate centers throughout the States. In no case shall the total of the payments from appropriations for any fiscal year pursuant to section 721 made with respect to projects in any State exceed an amount equal to 12½ per centum of such appropriations.

"(3) For the purposes of this section, the term 'institution of higher education' includes cooperative graduate center boards.

"(b) The Commissioner shall not approve any application under this section until he has obtained the advice and recommendations of a panel of specialists who are not regular full-time employees of the Federal Government and who are competent to evaluate such application.

"(c) No grant under this part may be in an amount in excess of 50 per centum of the development cost of the project covered by the application.

"PART C—LOANS FOR CONSTRUCTION OF ACADEMIC FACILITIES

"AUTHORIZATION

"SEC. 741. (a) (1) The Commissioner shall carry out a program of making and insuring loans, in accordance with the provisions of this part.

"(2) The Commissioner is authorized to make loans to institutions of higher education and to higher education building agencies, which, in the case of undergraduate facilities, have submitted approvable applications under part A, for the construction of academic facilities and to insure loans.

"(b) For the purpose of making payments into the fund established under section 744, there are hereby authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975. Sums appropriated pursuant to this subsection for any fiscal year shall be available without fiscal year limitations.

"ELIGIBILITY CONDITIONS, AMOUNTS, AND TERMS OF LOANS

"SEC. 742. (a) No loan pursuant to this part shall be made unless the Commissioner finds (1) that not less than 20 per centum of the development cost of the facility will be financed from non-Federal sources, (2) that the applicant is unable to secure the amount of such loan from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this part, (3) that the construction will be undertaken in an economical manner and that it will not be of elaborate or extravagant design or materials, and (4) that, in the case of a project to construct an infirmary or other facility designed to provide primarily for outpatient care of students and institutional personnel, no financial assistance will be provided such project under title IV of the Housing Act of 1950.

"(b) A loan pursuant to this part shall be secured in such manner and shall be repaid within such period not exceeding fifty years, as may be determined by the Commissioner; and it shall bear interest at (1) a rate determined by the Commissioner which shall not be less than a per annum rate that is one-quarter of 1 percentage point above the average annual interest rate on all interest-bearing obligations of the United States forming a part of the public debt as computed at the end of the preceding fiscal year, adjusted to the nearest one-eighth of 1 per centum, or (2) the rate of 3 per centum per annum, whichever is the lesser.

"GENERAL PROVISION FOR LOAN PROGRAM

"SEC. 743. (a) Financial transactions of the Commissioner under this part, except with respect to administrative expenses, shall be final and conclusive on all officers of the Government and shall not be reviewable by any Court.

"(b) In the performance of, and with respect to, the functions, powers, and duties vested in him by this part, the Commissioner may—

"(1) prescribe such rules and regulations as may be necessary to carry out the purposes of this part;

"(2) sue and be sued in any court of record of a State having general jurisdiction or in any district court of the United States, and such district courts shall have jurisdiction of civil actions arising under this part without regard to the amount in controversy, and any action instituted under this subsection by or against the Commissioner shall survive notwithstanding any change in the person occupying the office of Commissioner or any vacancy in such office; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Commissioner or property under his control, and nothing herein shall be construed to except litigation arising out of activities under this part from the application of sections 507(b) and 517 and 2679 of title 28, United States Code;

"(3) foreclose on any property or commence any action to protect or enforce any right conferred upon him by any law, contract, or other agreement, and bid for and purchase at any foreclosure or any other sale any property in connection with which he has made a loan pursuant to this part; and, in the event of any such acquisition (and notwithstanding any other provisions of law relating to the acquisition, handling, or disposal of real property by the United States), complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property; except that (1) such action shall not preclude any other action by him to recover any deficiency in the amounts loaned and (2) any such acquisition of real property shall not deprive any State or political subdivision thereof of its civil or criminal jurisdiction in and over such property or impair the civil rights under the State or local laws of the inhabitants on such property;

"(4) sell or exchange at public or private sale, or lease, real or personal property, and sell or exchange any securities or obligations, upon such terms as he may fix;

"(5) subject to the specific limitations in this part, consent to the modification, with respect to the rate of interest, time of payment of any installment of principal or interest, security, or any other term of any contract or agreement to which he is a party or which has been transferred to him pursuant to this section; and

"(6) include in any contract or instrument made pursuant to this part such other covenants, conditions, or provisions (including provisions designed to assure against use of the facility, constructed with the aid of a loan under this part, for purposes described in section 782(1)), as he may deem necessary to assure that the purpose of this part will be achieved.

"REVOLVING LOAN FUND AND INSURANCE FUND

"SEC. 744. (a) There is hereby created within the Treasury a separate fund for higher education academic facilities loans and loan insurance (hereafter in this section called the 'fund') which shall be available to the Commissioner without fiscal year limitation as a revolving fund for the purposes of making loans and insuring loans under this part.

"(b) (1) The Commissioner shall transfer to the fund available appropriations provided under section 741(b) to provide capital for the fund. All amounts received by the Commissioner as interest payments or repayments of principal on loans, and any other moneys, property, or assets derived by him from his operations in connection with this part, including any moneys derived directly or indirectly from the sale of assets, or beneficial interests or participations in assets of the fund, shall be deposited in the fund.

"(2) All loans, expenses, and payments pursuant to operations of the Commissioner under this part shall be paid from the fund. including (but not limited to) expenses and payments of the Commissioner in connection with sale, under section 302(c) of the Federal National Mortgage Association Charter Act, of participations in obligations acquired under this part. From time to time, and at least at the close of each fiscal year, the Commissioner shall pay from the fund into the Treasury as miscellaneous receipts interest on the cumulative amount of appropriations paid out for loans under this part or available as capital to the fund, less the average undisbursed cash balance in the fund during the year. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the average market yield during the month preceding each fiscal year on outstanding Treasury obligations of maturity comparable to the average maturity of loans made from the fund. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. If at any time the Commissioner determines that moneys in the fund exceed the present and any reasonably prospective future requirements of the fund, such excess shall be available for the purposes of part A and shall be deemed to have been appropriated pursuant to section 701(b).

"ANNUAL INTEREST GRANTS

"SEC. 745. (a) To assist institutions of higher education and higher education building agencies, which, in the case of undergraduate facilities, have an approvable application submitted under part A, to reduce the cost of borrowing from other sources for the construction of academic facilities, the Commissioner may make annual interest grants to such institutions and agencies.

"(b) Annual interest grants to an institution of higher education or higher education building agency with respect to any academic facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the construction of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were the maximum rate specified in section 744(b)(2). The amount

on which such grant is based shall be approved by the Secretary.

"(c) (1) There are hereby authorized to be appropriated to the Commissioner such sums as may be necessary for the payment of annual interest grants to institutions of higher education and higher education building agencies in accordance with this section.

"(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants which may be paid to institutions of higher education and higher education building agencies in any year pursuant to contracts entered into under this section shall not exceed $5,000,000 which amount shall be increased by $6,750,000 on July 1, 1969, and by $13,500,000 on July 1, 1970 and on July 1 of each of the four succeeding years.

"(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

"(e) No annual interest grant pursuant to this section shall be made unless the Commissioner finds (1) that not less than 10 per centum of the development cost of the facility will be financed from non-Federal sources, (2) that the applicant is unable to secure a loan in the amount of the loan with respect to which the annual interest grant is to be made, from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this title, and (3) that the construction will be undertaken in an economical manner and that it will not be of elaborate or extravagant design or materials. For purposes of this section, a loan with respect to which an interest grant is made under this section shall not be considered financing from a non-Federal source. For purposes of the other provisions of this title, such a loan shall be considered financing from a non-Federal source.

"ACADEMIC FACILITIES LOAN INSURANCE

"SEC. 746. (a) (1) In order to assist institutions of higher education and higher education building agencies to procure loans for the construction of academic facilities, the Commissioner may insure the payment of interest and principal on such loans if such institutions and agencies meet, with respect to such loans, criteria prescribed by or under section 745 for the making of annual interest grants under such section.

"(2) No loan insurance under paragraph (1) may apply to so much of the principal amount of any loan as exceeds 90 per centum of the development cost of the academic facility with respect to which such loan was made.

"(b) (1) The United States shall be entitled to recover from any institution or agency to which loan insurance has been issued under this section the amount of any payment made pursuant to that insurance, unless the Commissioner for good cause waives its right of recovery. Upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payment with respect to which the payment was made.

"(2) Any insurance issued by the Commissioner pursuant to subsection (a) shall be incontestable in the hands of the institution or agency on whose behalf such insurance is issued, and as to any agency, organization, or individual who makes or contracts to make a loan to such institution or agency in reliance thereon, except for fraud or misrepresentation on the part of such institution or agency or on the part of the agency, organization, or individual who makes or contracts to make such loan.

"(c) Insurance may be issued by the Commissioner under subsection (a) only if he determines that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Commissioner determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States. The Commissioner may charge a premium for such insurance in an amount reasonably determined by him to be necessary to cover administrative expenses and probable losses under subsections (a) and (b). Such insurance shall be subject to such further terms and conditions as the Commissioner determines to be necessary.

"PART D—ASSISTANCE IN MAJOR DISASTER AREAS

"AUTHORIZATION

"SEC. 761. (a) The Commissioner shall carry out a program of financial assistance to public institutions of higher education, in accordance with the provisions of this part.

"(b) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this part.

"ASSISTANCE FOR CONSTRUCTION OF ACADEMIC FACILITIES

"SEC. 762. (a) If the Director of the Office of Emergency Planning determines that a public institution of higher education is, in whole or in part, within an area which, after June 30, 1971, and before July 1, 1975, has suffered a disaster which is a major disaster, and if the Commissioner determines with respect to such institution that—

"(1) the academic facilities of such institution have been destroyed or seriously damaged as a result of the disaster;

"(2) such institution is exercising due diligence in availing itself of State and other financial assistance available for restoration or replacement of such facilities; and

"(3) the institution does not have sufficient funds available from such other sources including proceeds of insurance on the facilities, to provide for the restoration or replacement of such facilities;

the Commissioner is authorized to provide such assistance to such institution as is provided in subsection (b).

"(b) (1) Assistance under this section shall be a grant to an eligible institution, as determined under subsection (a), of an amount necessary to enable the institution to carry out the construction necessary to restore or replace the academic facilities determined under clause (1) of subsection (a) to be damaged or destroyed.

"(2) The maximum amount of a grant under this section shall not exceed the cost of construction incident to the restoration or replacement of the facilities determined to be damaged or destroyed under clause (1) of subsection (a) less the amount of additional assistance determined under clause (3) of subsection (a) to be available.

"(c) (1) Assistance under this section may include a grant of an amount necessary to enable the institution to lease, or otherwise obtain the use of, such facilities as are needed to replace, temporarily, facilities which have been made unavailable as a result of a major disaster.

"(2) An institution shall be eligible for assistance under this subsection if it qualifies for assistance under subsection (a), whether or not it receives assistance under subsection (b).

"EQUIPMENT AND SUPPLIES

"SEC. 763. If an institution is eligible for assistance under section 762(a), the Commissioner is authorized, whether or not such institution receives assistance under section 762(b), to make a grant to such institution of not in excess of an amount he determines necessary to replace equipment, maintenance supplies, and instructional supplies (including books, and curricular and program materials) destroyed or seriously damaged as a result of the major disaster.

"REPAYABLE ASSISTANCE IN LIEU OF A GRANT

"SEC. 764. If the Commissioner's determinations under clauses (2) and (3) of section 762(a) indicate that financial resources will become available to an institution otherwise qualified for assistance under section 762 at some future date or dates, he is authorized, subject to such terms and conditions as may be in the public interest, to extend assistance to such institution under section 762(b), 762(c), or 763 (or all such sections) with an agreement with such institution which provides that the institution will repay part or all of the funds received by it under this part.

"APPLICATIONS

"SEC. 765. No payment may be made to a public institution of higher education for academic facilities under this part unless an application therefor is submitted through the appropriate State Commission and is filed with the Commissioner in accordance with regulations prescribed by him. In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the institutions which have submitted approvable applications. No payment may be made under section 762(b) unless the Commissioner finds, after consultation with the State Commission, that the project or projects with respect to which it is made are not inconsistent with overall State plans, submitted under section 704(a), for the construction of academic facilities. All determinations made by the Commissioner under this part shall be made only after consultation with the appropriate State Commission.

"DEFINITIONS

"SEC. 766. For the purposes of this part—

"(1) the term 'major disaster' means a disaster determined to be a major disaster as defined in section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)); and

"(2) an institution of higher education shall be deemed to be a 'public institution of higher education' if such institution is found by the Commissioner to be under public supervision and control.

"PART E—GENERAL

"RECOVERY OF PAYMENTS

"SEC. 781. (a) The Congress hereby finds and declares that, if a facility constructed with the aid of a grant or grants under part A or B of this title is used as an academic facility for twenty years following completion of such construction, the public benefit accruing to the United States from such use will equal in value the amount of such grant or grants. The period of twenty years after completion of such construction shall therefore be deemed to be the period of Federal interest in such facility for the purposes of this Act.

"(b) If, within twenty years after completion of construction of an academic facility which has been constructed in part with a grant or grants under part A or B of this title—

"(1) the applicant (or its successor in title or possession) ceases or fails to be a public or nonprofit institution, or

"(2) the facility ceases to be used as an academic facility, or the facility is used as a facility excluded from the term 'academic facility',

the United States shall be entitled to recover from such applicant (or successor) an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal grant or grants bore to the development cost of the facility financed with the aid of such grant or grants. Such value shall be deter-

mined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

"(c) Notwithstanding the provisions of subsections (a) and (b), no facility constructed with assistance under this title shall ever be used for religious worship or a sectarian activity or for a school or department of divinity.

"DEFINITIONS

"SEC. 782. The following definitions apply to terms used in this title:

"(1)(A) Except as provided in subparagraph (B) of this paragraph, the term 'academic facilities' means structures suitable for use as classrooms, laboratories, libraries, and related facilities necessary or appropriate for instruction of students, or for research, or for administration of the educational or research programs, of an institution of higher education, and maintenance, storage, or utility facilities essential to operation of the foregoing facilities. For purposes of parts A, C, and D, such term includes infirmaries or other facilities designed to provide primarily for outpatient care of students and instructional personnel.

"(B) The term 'academic facilities' shall not include (i) any facility intended primarily for events for which admission is to be charged to the general public, or (ii) any gymnasium or other facility specially designed for athletic or recreational activities, other than for an academic course in physical education or where the Commissioner finds that the physical integration of such facilities with other academic facilities included under this title is required to carry out the objectives of this title, or (iii) any facility used or to be used for sectarian instruction or as a place for religious worship, or (iv) any facility which (although not a facility described in the preceding clause) is used or to be used primarily in connection with any part of the program of a school or department of divinity, or (v) any facility used or to be used by a school of medicine, school of dentistry, school of osteopathy, school of pharmacy, school of optometry, school of podiatry, or school of public health as these terms are defined in section 724 of the Public Health Service Act, or a school of nursing as defined in section 843 of that Act.

"(2) The term 'construction' means (A) erection of new or expansion of existing structures, and the acquisition and installation of initial equipment therefor; or (B) acquisition of existing structures not owned by the institution involved; or (C) rehabilitation, alteration, conversion, or improvement (including the acquisition and installation of initial equipment, or modernization or replacement of built-in equipment) of existing structures; or (D) a combination of any two or more of the foregoing. For the purposes of the preceding sentence, the term 'equipment' includes, in addition to machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, all other items necessary for the functioning of a particular facility as an academic facility, including necessary furniture, except books, curricular and program materials, and items of current operating expense such as fuel, supplies, and the like; the term 'initial equipment' means equipment acquired and installed in connection with construction as defined in paragraph (2) (A) or (B) or, in cases referred to in paragraph (2)(C), equipment acquired and installed as part of the rehabilitation, alteration, conversion, or improvement of an existing structure, which structure would otherwise not be adequate for use as an academic facility; and the terms 'equipment', 'initial equipment', and 'built-in equipment' shall be more particularly defined by the Commissioner by regulation. For the purposes of clause (C) in the first sentence of this paragraph, the term 'rehabilitation, alteration, conversion, or improvement' includes such action as may be necessary to provide for the architectural needs of, or to remove architectural barriers to, handicapped persons with a view toward increasing the accessibility to, and use of, academic facilities by such persons.

"(3)(A) The term 'development cost', with respect to an academic facility, means the amount found by the Commissioner to be the cost, to the applicant for a grant or loan under this title, of the construction involved and the cost of necessary acquisition of the land on which the facility is located and of necessary site improvements to permit its use for such facility. There shall be excluded from the development cost—

"(i) in determining the amount of any grant under part A or B, an amount equal to the sum of (I) any Federal grant which the institution has obtained, or is assured of obtaining, under any law other than this title, with respect to the construction that is to be financed with the aid of a grant under part A or B, and (II) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant; and

"(ii) in determining the amount of any loan under part C, an amount equal to the amount of any Federal financial assistance which the institution has obtained, or is assured of obtaining, under any law other than this title, with respect to the construction that is to be financed with the aid of a loan under part C.

"(B) In determining the development cost with respect to an academic facility, the Commissioner may include expenditures for works of arts for the facility of not to exceed 1 per centum of the total cost (including such expenditures) to the applicant of construction of, and land acquisition and site improvements for, such facility.

"(4) The term 'Federal share' means, except as provided in section 706(b)(2), in the case of any project a percentage (as determined under the applicable State plan) not in excess of 50 per centum of its development cost.

"(5) The term 'higher education building agency' means (A) an agency, public authority, or other instrumentality of a State authorized to provide, or finance the construction of, academic facilities for institutions of higher education (whether or not also authorized to provide or finance other facilities for such or other educational institutions, or for their students or faculty), or (B) any corporation (no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual) (I) established by an institution of higher education for the sole purpose of providing academic facilities for the use of such institution, and (II) upon dissolution of which, all title to any property purchased or built from the proceeds of any loan made under part C will pass to such institution.

"(6) The term 'public community college and public technical institute' means an institution of higher education which is under public supervision and control, and is organized and administered principally to provide a two-year program which is acceptable for full credit toward a bachelor's degree, or a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge; and the term includes a branch of an institution of higher education offering four or more years of higher education which is located in a community different from that in which its parent institution is located.

"(7) The term 'cooperative graduate center' means an institution or program created by two or more institutions of higher education which will offer to the students of the participating institutions of higher education graduate work which could not be offered with the same proficiency or economy (or both) at the individual institution of higher education. The center may be located or the program carried out on the campus of any of the participating institutions or at a separate location.

"(8) The term 'cooperative graduate center board' means a duly constituted board established to construct and maintain the cooperative graduate center and coordinate academic programs. The board shall be composed of representatives of each of the institutions of higher education participating in the center and of the community involved. At least one-third of the board's members shall be community representatives. The board shall elect by a majority vote a chairman from among its membership.".

(b)(1) The programs authorized by title VII of the Higher Education Act of 1965 shall be deemed to be a continuation of the comparable programs authorized by the Higher Education Facilities Act of 1963.

(2) Effective July 1, 1972, the Higher Education Facilities Act of 1963 is amended by striking out titles I and II thereof.

(3) Effective July 1, 1971, such Act is amended by striking out section 306 thereof.

(4) The revolving fund created by section 744 of the Higher Education Act of 1965 shall be deemed to be a continuation of the revolving fund created by section 305 of the Higher Education Facilities Act of 1963. Any sums in the fund for higher education academic facilities created by such section 305 on the date of enactment of this Act shall be transferred to the fund created by section 744 of the Higher Education Act of 1965, and all such funds shall be deemed to have been made available for such fund. Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this sentence, any sums appropriated pursuant to section 303(c) of the Higher Education Facilities Act of 1963 for any fiscal year ending prior to July 1, 1972, which have not been loaned under title III of that Act of 1963 shall be deemed to have been appropriated pursuant to section 741(b) of the Higher Education Act of 1965 for the fiscal year ending June 30, 1972.

EXTENSION OF AUTHORIZATIONS OF APPROPRIATIONS FOR THE HIGHER EDUCATION FACILITIES ACT OF 1963

SEC. 162. (a) Sections 101(b), 201, 303(c), and 408(a) of the Higher Education Facilities Act of 1963 are each amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1972".

(b) The amendments made by subsection (a) of this section shall be effective after June 30, 1971.

STATE HIGHER EDUCATION COMMISSIONS

SEC. 163. (a) Section 1202 of the Higher Education Act of 1965, having been superseded by section 425 of the General Education Provisions Act, is hereby repealed.

(b) Title XII of such Act is amended by adding after section 1201 the following new section:

"STATE HIGHER EDUCATION COMMISSIONS

"SEC. 1202. (a)(1) Any State desiring to participate, after June 30, 1972, in any program authorized by this Act which requires the use of a State Commission in the administration thereof shall designate, for such purpose, a State agency which is broadly representative of the public and of the public and private institutions of higher education (including public community colleges and public technical institutes) in the State. If, in the case of any State, no such State agency exists, such State shall create such an agency.

"(2) Each State Commission shall be authorized to, and shall carry out, such func-

tions as may be required or authorized with respect to the program in which the State is participating. The Commissioner shall pay to each State Commission the amount necessary for the proper and efficient administration by such Commission of each State plan which is approved by him under a program authorized by this Act which requires the use of a State Commission in the administration of such program.

"(3) The Commissioner is authorized to make grants, upon such terms and conditions as the Commissioner determines will best further the purposes of title VII, to State Commissions for conducting comprehensive planning to determine construction needs of institutions of higher education.

"(b)(1) The Commissioner is authorized to make grants to State Commissions to enable them to make comprehensive inventories of, and studies with respect to, the postsecondary educational resources in the States and means by which such resources may be better planned and coordinated, improved, expanded, or altered in order to insure that all persons within the States who desire, and who can benefit from, postsecondary education may have an opportunity to do so.

"(2) The Commissioner is further authorized to make grants to State Commissions to enable them to conduct comprehensive planning for statewide postsecondary education systems which will achieve the purpose set forth in paragraph (1). Such planning shall include a consideration of a system of comprehensive public community colleges as a means of achieving such purpose.

"(c) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.".

(c)(1) Unless a State otherwise creates or designates a State Commission for the purposes of section 1202 of the Higher Education Act of 1965 prior to June 30, 1972, the State Commission of any State, designated or established pursuant to that part of section 105(a) of the Higher Education Facilities Act of 1963 which precedes clause (1) thereof, which exists on June 30, 1972, shall become, and be deemed to be, the State Commission of that State pursuant to section 1202 of the Higher Education Act of 1965 for the purposes of such section 1202(a). The State Commissions under such section 1202 shall be successor State Commissions to those designated or established under such part of such section 105(a) for the purposes of such section 1202(a).

(2) On July 1, 1972, all functions, powers, duties, and responsibilities vested in any State Commission established pursuant to such part of such section 105(a) on June 30, 1972, shall be vested in their successor State Commissions.

(3) All orders, determinations, rules, procedures, or other decisions of State Commissions under such part of such section 105(a), which are in effect on June 30, 1972, shall continue to be in effect and shall be deemed to be orders, determinations, rules, procedures, or other decisions of their successor State Commissions until changed or modified, in accordance with law, by such successor State Commissions.

(4) All personnel, assets, liabilities, contracts, property, and records as are determined by the Commissioner to be necessary for the transitions required under this section, are, effective July 1, 1972, transferred to successor State Commissions.

(5) No successor State Commission under this subsection shall be eligible to receive a grant under section 1202(b) of the Higher Education Act of 1965, prior to sixty days after the end of the first legislative session of the State legislature of the State for which it is the State Commission which begins after the date of enactment of this Act.

PART H—NETWORKS FOR KNOWLEDGE EXTENSION

INCUSION OF LAW AND GRADUATE PROFESSIONAL SCHOOLS

SEC. 171. Section 802 of the Higher Education Act of 1965 is amended by inserting before the period at the end thereof "and for each of the succeeding fiscal years ending prior to July 1, 1975".

INCLUSION OF LAW AND GRADUATE PROFESSIONAL SCHOOLS

SEC. 172. (a)(1) Section 801(a) of the Higher Education Act of 1965 is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "The Commissioner shall carry out a program of encouraging institutions of higher education (including law and other graduate professional schools) to share, to the optimal extent, their technical and other educational and administrative facilities and resources in accordance with this title. The Commissioner is authorized to make grants to, and contracts with, institutions of higher education to pay all or part of the cost of cooperative arrangements and of pilot or demonstration projects designed to accomplish the purpose set forth in the first sentence of this subsection.".

(2) Clause (1)(A) of section 801(b) of such Act is amended by inserting after "libraries" a comma and "including law libraries", and by inserting after "collections" a comma and "including law library collections,".

(b) The amendments made by subsection (a) shall be effective after June 30, 1972.

PART I—GRADUATE PROGRAMS AND COMMUNITY COLLEGE PROGRAMS

EXTENSION OF TITLES IX AND X OF THE HIGHER EDUCATION ACT OF 1965

SEC. 181. (a)(1) The first sentence of section 925 of the Higher Education Act of 1965 is amended to read as follows: "There is authorized to be appropriated $13,000,000 for the fiscal year ending June 30, 1972.".

(2) The amendment made by paragraph (1) shall be effective after June 30, 1971.

(b)(1) Section 1002 of the Higher Education Act of 1965 is amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each of the fiscal years ending June 30, 1971, and June 30, 1972".

(2) The amendment made by paragraph (1) shall be effective after June 30, 1971.

NEW TITLE IX OF THE HIGHER EDUCATION ACT OF 1965 (GRADUATE PROGRAMS)

SEC. 182. (a) The Higher Education Act of 1965 is amended by striking out title IX and inserting in lieu thereof the following:

"TITLE IX—GRADUATE PROGRAMS

"PART A—GRANTS TO INSTITUTIONS OF HIGHER EDUCATION

"PURPOSES; AUTHORIZATION

"SEC. 901. (a) It is the purpose of this part to make financial assistance available to institutions of higher education—

"(1) to strengthen and improve the quality of graduate and professional programs leading to an advanced degree in such institutions and to increase the number of such programs;

"(2) to establish, strengthen, and support graduate centers for the study of the languages and cultures of foreign countries, areas, or regions;

"(3) to establish, strengthen, and support graduate centers to serve as national and international resources for research and training in international studies;

"(4) to establish, strengthen, and improve programs designed to prepare graduate and professional students for public service; and

"(5) to assist in strengthening undergraduate programs of instruction in the areas described in clauses (2), (3), and (4), whenever the Commissioner determines that strengthened undergraduate programs of instruction will contribute to the purposes of such clauses.

"(b) The Commissioner shall carry out a program of making grants to institutions of higher education to carry out the purposes set forth in subsection (a).

"(c) There are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975, for the purposes of this part.

"APPLICATIONS FOR GRANTS

"SEC. 902. (a) The Commissioner is authorized to make grants to institutions of higher education in accordance with the provisions of this part. An institution of higher education desiring to receive a grant under this part shall submit to the Commissioner an application therefor at such time or times, in such manner, and containing such information as the Commissioner may prescribe by regulation. Such application shall set forth a program of activities for carrying out one or more of the purposes set forth in section 901(a) in such detail as will enable the Commissioner to determine the degree to which such program will accomplish such purpose or purposes, and such other policies, procedures, and assurances as the Commissioner may require by regulation.

"(b) The Commissioner shall approve an application only if he determines—

"(1) that the application sets forth a program of activities which are likely to make substantial progress toward achieving the purposes of this part; and

"(2) that the approval of the application will result in a wider distribution of the programs described in section 901(a) throughout the States.

"AUTHORIZED ACTIVITIES

"SEC. 903. (a) The funds appropriated pursuant to section 901(c) may be used for such purposes as the Commissioner determines will best accomplish the purposes of this part.

"(b) Such funds may be used solely for the purposes set forth in an application approved under section 902 and solely for the purpose of accomplishing the purposes stated in section 901(a), and to that end such funds may be used for—

"(1) faculty improvement;

"(2) the expansion of graduate and professional programs of study;

"(3) the acquisition of appropriate instructional equipment and materials;

"(4) cooperative arrangements among graduate and professional schools; and

"(5) the strengthening of graduate and professional school administration.

"RESEARCH AND STUDIES

"SEC. 904. The Commissioner is authorized, directly or by contract, to conduct studies and research activities in connection with the need for, and improvement of, graduate programs in various fields of study in institutions of higher education throughout the United States.

"PART B—FEDERAL FELLOWSHIPS

"PROGRAM AUTHORIZED

"SEC. 921. (a) It is the purpose of this part to provide grants, to be known as Federal fellowships, to assist graduate students of exceptional ability, who also demonstrate a financial need, and graduate and professional students of ability who are from economically disadvantaged backgrounds, to complete their study toward an advanced degree, to the end that the flow of highly trained individuals from universities may be speeded. The demonstration of financial need shall be determined in accordance with regulations prescribed by the Commissioner.

"(b) (1) The Commissioner is authorized to award under the provisions of this part not to exceed 13,200 fellowships for the fiscal year ending June 30, 1973, 19,200 fellowships for the fiscal year ending June 30, 1974, and 25,200 fellowships for the fiscal year ending June 30, 1975.

"(2) In addition to the number of fellowships authorized to be awarded by paragraph (1), the Commissioner is authorized to award fellowships equal to the number previously awarded during any fiscal year under this part but vacated prior to the end of the period for which they were awarded, except that each fellowship awarded under this paragraph shall be for such period of graduate or professional work or research, not in excess of the remainder of the period for which the fellowship which it replaces was awarded, as the Commissioner may determine.

"(c) (1) Fellowships awarded under this part shall be for graduate and professional study leading to an advanced degree or research incident to the presentation of a doctoral dissertation. Such fellowships may be awarded for graduate and professional study and research at any institution of higher education, library, archive, or any other research center approved for such purpose by the Commissioner. Such fellowships shall be awarded for such periods as the Commissioner may determine, but not to exceed three years.

"(2) Fellowships awarded under this part shall be, among others—

"(A) for persons who are (i) interested in teaching, planning to teach, or continuing to teach, in institutions of higher education, and (ii) pursuing, or intending to pursue, a course of study leading to a degree of doctor of philosophy, or an equivalent degree; or

"(B) for graduate or professional study for persons who plan to pursue environmental careers, in such fields as ecology, hydrology, chemistry, biology, and engineering related to the protection of the environment and the control of environmental pollution; or

"(C) for persons planning to pursue a career in the public service, which term 'public service' means service as an officer or employee in any branch of local, State, or Federal Government;

"(D) for persons undertaking advanced study or training in any modern foreign language and in fields needed for a full understanding of the area, region, or country in which such language is commonly used;

"(E) for persons from disadvantaged backgrounds, as determined by the Commissioner, undertaking graduate or professional study in fields to which their backgrounds are particularly relevant; or

"(F) for persons undertaking advanced study in domestic mining, and mineral and mineral fuel conservation, including oil, gas, coal, oil shale, and uranium.

"AWARD OF FELLOWSHIPS

"SEC. 922. Recipients of fellowships under this part shall be—

"(1) persons who have been accepted by an institution of higher education for graduate study leading to an advanced degree or for a professional degree, or

"(2) persons who have completed all course work required for granting of a doctoral degree or an equivalent degree (except such course work credited on the dissertation) and comprehensive examinations where appropriate, and whose doctoral dissertation (or other equivalent dissertation) proposal has been approved by appropriate officials of an institution of higher education.

"DISTRIBUTION OF FELLOWSHIPS

"SEC. 923. In awarding fellowships under the provisions of this part, the Commissioner shall endeavor to provide an equitable distribution of such fellowships throughout the Nation, except that, to the extent he deems proper, to provide for those who are in greatest financial need of such fellowships.

"STIPENDS AND INSTITUTION OF HIGHER EDUCATION ALLOWANCES

"SEC. 924. (a) The Commissioner shall pay to persons awarded fellowships under this part such stipends as he may determine to be consistent with prevailing practices under comparable federally supported programs, except that the stipend shall not be less than $2,800 for each academic year of study. An additional amount of $300 for each such year shall be paid to each such person on account of each of his dependents, not to exceed the amount of $1,500 per academic year.

"(b) In addition to the amount paid to persons pursuant to subsection (a) there shall be paid to the institution of higher education at which each such person is pursuing his course of study an amount equal to 150 per centum of the amount paid to such person, less the amount paid on account of each of such person's dependents, to such person, less any amount charged such person for tuition.

"(c) The Commissioner shall reimburse any person awarded a fellowship pursuant to this part for actual and necessary traveling expenses of such person and his dependents from his ordinary place of residence to the institution of higher education, library, archive, or other research center where he will pursue his studies under such fellowship, and to return to such residence.

"LIMITATION

"SEC. 925. No fellowship shall be awarded under this part for study at a school or department of divinity.

"FELLOWSHIP CONDITIONS

"SEC. 926. (a) A person awarded a fellowship under the provisions of this part shall continue to receive the payments provided in section 924(a) only during such periods as the Commissioner finds that he is maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, in an institution of higher education, and is not engaging in gainful employment other than part-time employment in teaching, research, or similar activities, approved by the Commissioner.

"(b) The Commissioner is authorized to require reports containing such information in such form and to be filed at such times as he determines necessary from any person awarded a fellowship under the provisions of this part. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, library, archive, or other research center approved by the Commissioner, stating that such person is making satisfactory progress in, and is devoting essentially full time to, the program for which the fellowship was awarded.

"APPROPRIATIONS AUTHORIZED

"SEC. 927. There are authorized to be appropriated such sums as may be necessary for the purposes of this part.".

(b) Of the sums appropriated pursuant to section 901(c) of the Higher Education Act of 1965 for any fiscal year at least $18,000,000 shall be for the purposes of sections 901(a) (2) and (3) of such Act.

(c) The amendment made by subsection (a) shall be effective after June 30, 1972.

IMPROVEMENT OF COMMUNITY COLLEGES

SEC. 183. (a) (1) Title X of the Higher Education Act of 1965 is amended to read as follows:

"TITLE X—IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES THROUGH COMMUNITY COLLEGES

"PART A—STATEWIDE PLANS FOR COMMUNITY COLLEGES

"STATE PLANS

"SEC. 1001. (a) Each State Commission (established under section 1202) shall establish a committee, hereinafter in this section referred to as the committee, the membership of which shall include representatives of—

"(1) all State agencies having responsibility for, or an interest in postsecondary education;

"(2) the community colleges in the State and local agencies having responsibility for supervision or control of such colleges; and

"(3) the general public.

At least one-half of the members of the committee shall be persons with direct responsibility for the operation of a community college; one of which persons shall be designated by the Governor of the State as chairman of the committee.

"(b) (1) The committee shall develop and adopt a statewide plan for the expansion and improvement of postsecondary education programs in community colleges. Such plan shall—

"(A) designate areas of the State in which residents do not have access to at least two years of tuition-free or low-tuition postsecondary education within reasonable commuting distance;

"(B) designate areas of the State in which existing community colleges cannot meet the postsecondary educational needs of the residents;

"(C) set forth a comprehensive statewide plan for the establishment, expansion, and improvement of community colleges in order to achieve the goal of making available, within reasonable commuting distance, to all residents of the State an opportunity to attend a community college;

"(D) establish priorities for the use of financial and other resources in achieving the goal set forth in clause (C);

"(E) make recommendations wth respect to adequate State and local financial support, within the priorities set forth pursuant to clause (D), for community colleges;

"(F) set forth a statement analyzing the duplications of post secondary educational programs and make recommendations for coordination of such programs in order to eliminate such duplications;

"(G) set forth a plan for the use of existing and new educational resources in the State in order to achieve the goal set forth in clause (C), including recommendations for the modification of State plans for federally assisted vocational education, community services, and academic facilities as they may affect community colleges.

"(2) Each plan developed and adopted pursuant to paragraph (1) shall be submitted, through the State Commission of the State for which it is developed, to the Commissioner for his approval. The Commissioner shall not approve a plan submitted pursuant to this paragraph unless he determines that (A) the plan has been developed on the basis of hearings conducted throughout the State in which all interested parties have been given an opportunity to present their views and (B) each State and local agency responsible for postsecondary education has had an opportunity to review, and make recommendations with respect to, the plan.

"(c) (1) There is hereby authorized to be appropriated $15,700,000 during the period beginning July 1, 1972 and ending July 1, 1974, to carry out the provisions of this section.

"(2) Sums appropriated pursuant to paragraph (1) shall be allotted by the Commissioner equally among the States, except that the amount allotted to Guam, American Samoa, and the Virgin Islands shall not exceed $100,000 each. Such sums shall remain available until expended.

"(d) The State plan for federally assisted vocational education, community services, or academic facilities of each State shall be modified by June 30, 1976, in accordance with the plan the Commissioner has ap-

proved from that State submitted pursuant to subsection (b).

"PART B—ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLEGES

"PURPOSE

"SEC. 1011. It is the purpose of this title to encourage and assist the States and localities in establishing and expanding community colleges in communities throughout the States in order that every American will have an opportunity to attend a community college within reasonable commuting distance of his residence.

"PROGRAM AUTHORIZATION

"SEC. 1012. (a) The Commissioner shall carry out a program of making grants to community colleges in order to improve educational opportunities through community colleges as provided in this title.

"(b) For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $75,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 30, 1975.

"APPORTIONMENT

"SEC. 1013. (a) From the sums appropriated pursuant to section 1012(b) for each fiscal year the Commissioner shall apportion not more than 5 per centum thereof among Puerto Rico, Guam, American Samoa, and the Virgin Islands according to their respective needs. From the remainder of such sums the Commissioner shall apportion to each State an amount which bears the same ratio to such remainder as the population aged eighteen and over in such State bears to the total of such population in all States. For the purpose of the second sentence of this subsection, the term 'State' does not include Puerto Rico, Guam, American Samoa, and the Virgin Islands.

"(b) The portion of any State's apportionment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such apportionment is available, for carrying out the purposes of this part shall be available for reapportionment from time to time, on such dates during such period as the Commissioner shall fix, to other States in proportion to the original apportionments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period for carrying out such portion of its State application approved under this part, and the total of such reductions shall be similarly reapportioned among the States whose proportionate amounts are not so reduced. Any amount reapportioned to a State under this subsection during a year shall be deemed part of its apportionment under subsection (a) for such year.

"ESTABLISHMENT GRANTS

"SEC. 1014. (a) The Commissioner is authorized to make grants to new community colleges to assist them in planning, developing, establishing, and conducting initial operations of new community colleges in areas of the States in which there are no existing community colleges or in which existing community colleges cannot adequately provide postsecondary educational opportunities for all of the residents thereof who desire and can benefit from postsecondary education.

"(b) For the purposes of subsection (a), the term 'new community college' means a board of trustees or other governing board (or its equivalent) which is established by, or pursuant to, the law of a State, or local government, for the purpose of establishing a community college, as defined in section 1019 or any existing board so established which has the authority to create, and is in the process of establishing, a new community college.

"EXPANSION GRANTS

"SEC. 1015. The Commissioner is authorized to make grants to existing community colleges to assist them—

"(1) in expanding their enrollment capacities,

"(2) in establishing new campuses, and

"(3) in altering or modifying their educational programs,

in order that they may (A) more adequately meet the needs, interests, and potential benefits of the communities they serve, or (B) provide educational programs especially suited to the needs of educationally disadvantaged persons residing in such communities.

"APPLICATIONS; FEDERAL SHARE

"SEC. 1016. (a)(1) Grants under sections 1014 and 1015 may be made only upon application to the Commissioner. Applications for assistance under such sections shall be submitted at such time, in such manner and form, and containing such information as the Commissioner shall require by regulation.

"(2) No application submitted pursuant to paragraph (1) shall be approved unless the Commissioner determines that it is consistent with the plan approved by him from the State in which the applicant is located under section 1001.

"(b)(1) No application for assistance under section 1014 or 1015 shall be approved for a period of assistance in excess of four years.

"(2) The Federal share of carrying out the project for which assistance is sought in an application submitted pursuant to this section shall not exceed—

"(A) 40 per centum of such cost for the first year of assistance;

"(B) 30 per centum thereof for the second year of assistance;

"(C) 20 per centum thereof for the third year of assistance; and

"(D) 10 per centum thereof for the fourth year of assistance.

"(c)(1) Funds appropriated pursuant to section 1012 and granted under section 1014 or 1015 shall, subject to paragraph (2), be available for those activities the Commissioner determines to be necessary to carry out the purposes of such sections.

"(2) Such funds may be used (A) to remodel or renovate existing facilities, or (B) to equip men and existing facilities, but such funds may not be used for the construction of new facilities or the acquisition of existing facilities.

"LEASE OF FACILITIES

"SEC. 1017. (a) The Commissioner is authorized to make grants to community colleges to enable them to lease facilities, for a period of not to exceed five years, in connection with activities carried out by them under section 1014 or section 1015.

"(b) The Federal share of carrying out a project through a grant under this section shall not exceed—

"(1) 90 per centum of the cost of such project for the first year of assistance under this section;

"(2) 70 per centum thereof for the second such year;

"(3) 50 per centum thereof for the third such year;

"(4) 30 per centum thereof for the fourth such year; and

"(5) 20 per centum thereof for the fifth such year.

"PAYMENTS

"SEC. 1018. From the amount apportioned to each State pursuant to section 1013, the Commissioner shall pay to each applicant from that State which has had an application for assistance approved under this part the Federal share of the amount expended under such application.

"DEFINITION

"SEC. 1019. As used in this title, the term 'community college' means any junior college, technical institute, or any other educational institution (which may include a four-year institution of higher education or a branch thereof) in any State which—

"(1) is legally authorized within such State to provide a program of education beyond secondary education;

"(2) admits as regular students high school graduates or equivalent, or persons at least eighteen years of age;

"(3) provides a two-year postsecondary educational program leading to an associate degree, or acceptable for credit toward a bachelor's degree, and also provides programs of postsecondary veocational, technical, occupational, and specialized education;

"(4) is a public or other nonprofit institution;

"(5) is accredited as an institution by a nationally recognized accrediting agency or association, or if not so accredited—

"(A) is an institution that has obtained recognized preaccreditation status from a nationally recognized accrediting body, or

"(B) is an institution whose credits are accepted on transfer, by not less than three accredited institutions, for credit on the same basis as if transferred from an institution so accredited.

"COMMUNITY COLLEGE UNIT

"SEC. 1020. (a) There is established, in the Office of Education, a Community College Unit (hereinafter in this section referred to as the 'Unit') which shall have the responsibility for coordinating all programs administered by the Commissioner which affect, or can benefit, community colleges, including those authorized by this Act, and the Vocational Education Act of 1963.

"(b) The Unit shall be headed by a Director who shall be placed in grade 17 of the General Schedule set forth in section 5332 of title 5, United States code."

(2) The position created by section 1020 of the Higher Education Act of 1965 shall be in addition to the number of positions placed in that grade under section 5108 of title 5, United States Code.

(b) The amendment made by subsection (a) shall be effective after June 30, 1972.

EXTENSION OF TITLES IV AND VI OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958 AND OF THE INTERNATIONAL EDUCATION ACT OF 1966

SEC. 184. (a)(1) Section 402(a) of the National Defense Education Act of 1958 is amended by striking out "seven succeeding fiscal years" and inserting in lieu thereof "eight succeeding fiscal years".

(2)(A) The first sentence of section 601 of such Act is amended by striking out "during the period beginning July 1, 1958, and ending with the close of June 30, 1971,".

(B) Section 603 of such Act is amended by striking out "for the fiscal year ending June 30, 1971," and inserting in lieu thereof "for each of the fiscal years ending June 30, 1971, and June 30, 1972,".

(b) The second sentence of section 105(a) of the International Education Act of 1966 is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1972".

The amendments made by subsections (b) and (c) shall be effective after June 30, 1971.

PART J—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

AMENDMENTS TO TITLE XI OF THE HIGHER EDUCATION ACT OF 1965

SEC. 191. (a) Title XI of the Higher Education Act of 1965 is amended by inserting "grant or" before "contract", and "grants or" before "contracts" wherever they appear.

(b)(1) Section 1101(a) of such Act is amended by striking out "The" where it appears at the beginning of such section, and inserting in lieu thereof the following: "In

order to provide law students and experience, based on effective experimental programs, in dealing directly with the problems of the disadvantaged and other individuals and groups in society adversely affected by circumstances beyond their capacity to control, the".

(2) Such section 1101(a) is amended by inserting "for students" before "clinical", and striking out "to students in the practice of law, with preference being given to to programs providing such experience, to the extent practicable, in", and inserting in lieu thereof "in providing legal services and advice, including".

(c) Clause (5) of section 1101(b) of such Act is amended to read as follows:

"(5) equipment and library resources; and".

(d) Section 1101(d) of such Act is amended by striking out all that follows "association", and inserting in lieu thereof "listed by the Commissioner as a nationally recognized accrediting agency."

(e) Section 1103 of such Act is amended by striking out "$340,000 for the fiscal year ending June 30, 1969", and by striking out "fiscal years ending June 30, 1970, and June 30, 1971", and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975". Such section is further amended by striking out the second sentence.

(f) The amendments made by this section shall be effective after June 30, 1971.

TITLE II—VOCATIONAL EDUCATION

SPECIAL PROGRAMS FOR THE DISADVANTAGED

SEC. 201. Section 102(b) of the Vocational Education Act of 1963 is amended by inserting after "1972," the following: "and for the fiscal year ending prior to July 1, 1973,".

BUREAU OF OCCUPATIONAL AND ADULT EDUCATION

SEC. 202. (a)(1) The Vocational Education Act of 1963 is amended by inserting after section 104 the following new section:

"FEDERAL ADMINISTRATION

"SEC. 105. (a) There is established within the Office of Education a Bureau of Occupational and Adult Education, hereinafter in this section referred to as the 'Bureau', which shall be responsible for carrying out those responsibilities of the Commissioner which he is authorzed to delegate under ths Act, the Adult Education Act, and any other Act vesting authority in the Commissioner for vocational, occupational, or career education (including manpower training) or for adult or continuing education.

"(b)(1) The Bureau shall be headed by an Associate Commissioner, who shall be appointed by the Commissioner and who shall be compensated at the rate specified for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code.

"(2) Additional positions are created for, and shall be assigned to, the Bureau as follows:

"(A) Three positions to be placed in grade 17 of such General Schedule, one of which shall be filled by a person with broad experience in the field of junior and community college education.

"(B) Seven positions to be placed in grade 16 of such General Schedule, at least two of which shall be filled by persons with broad experience in the field of postsecondary-occupational education in community and junior colleges, at least one of which shall be filled by a person with broad experience in education in private proprietary institutions, and at least one of which shall be filled by a person with professional experience in occupational guidance and counseling.

"(c) The Commission is authorized to delegate any of his functions under this Act or under the Adult Education Act, except the approval of State plans under section 123 of this Act and section 306 of the Adult Education Act, to the Associate Commissioner."

(2) The positions created by section 105 (b) of the Vocational Education Act of 1963, as amended by paragraph (1), shall be in addition to the number of positions placed in the appropriate grades under section 5108 of title 5, United States Code.

(b) The amendment made by subsection (a) shall be effective July 1, 1972.

CLARIFICATION OF DEFINITION OF VOCATIONAL EDUCATION WITH RESPECT TO INDUSTRIAL ARTS PROGRAMS; INCLUSION OF VOLUNTEER FIREMEN

SEC. 203. (a) Section 108(1) of the Vocational Education Act of 1963 is amended by inserting at the end thereof the following new sentence: "Such term includes industrial arts education programs in cases where the Commissioner determines by regulation that such programs will accomplish or facilitate one or more of the purposes of the first sentence of this paragraph.".

(b) Such section 108(1) is further amended by inserting immediately after the word "employment" the first time it appears in such section the following: "(including volunteer firemen)".

EXEMPLARY PROGRAMS AND PROJECTS

SEC. 204. Section 142(a) of the Vocational Education Act of 1963 is amended by striking out "two" and inserting in lieu thereof "three".

RESIDENTIAL VOCATIONAL SCHOOLS

SEC. 205. (a) Section 151(b) of the Vocational Education Act of 1963 is amended by striking out "the succeeding fiscal year" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1973".

(b) Section 152(a)(1) of such Act is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1973".

(c) Section 153(d)(2) of such Act is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1 of each of the two succeeding fiscal years".

CONSUMER AND HOMEMAKING EDUCATION

SEC. 206. (a) Section 161(a)(1) of the Vocational Education Act of 1963 is amended by striking out "the fiscal year ending June 30, 1972" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1973".

(b) Section 161(c) of such Act is amended by striking out "and the two succeeding" and inserting in lieu thereof "and the three succeeding".

COOPERATIVE VOCATIONAL EDUCATION

SEC. 207. Section 172(a) of the Vocational Education Act of 1963 is amended by striking out "the fiscal year ending June 30, 1972" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1973".

WORK-STUDY PROGRAMS

SEC. 208. Section 181(a) of the Vocational Education Act of 1963 is amended by inserting after "June 30, 1972," the following: "and for each of the succeeding fiscal years ending prior to July 1, 1973,".

CURRICULUM DEVELOPMENT

SEC. 209. Section 191(b) of the Vocational Education Act of 1963 is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1973".

TITLE III—ESTABLISHMENT OF A NATIONAL FOUNDATION FOR POSTSECONDARY EDUCATION AND A NATIONAL INSTITUTE OF EDUCATION

AMENDMENT TO THE GENERAL EDUCATION PROVISIONS ACT

SEC. 301. (a) The General Education Provisions Act (title IV of Public Law 90-247) is amended—

(1) by redesignating parts A, B, and C thereof, and all references thereto, as parts B, C, and D and redesignating sections 401, 402, 403, 404, 405, 406, 411, 412, 413, 414, 415, 416, 417, 421, 422, 423, 424, 425, 426, 431, 432, 433, 434, 435, 436, 437, 438, and all references thereto, as sections 400, 411, 412, 413, 414, 415, 421, 422, 423, 424, 425, 426, 427, 431, 432, 433, 434, 435, 436, 441, 442, 443, 444, 445, 446, 447, and 448, respectively; and

(2) by inserting after section 400 (as so redesignated by clause (1)) the following new part:

"PART A—EDUCATION DIVISION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

"THE EDUCATION DIVISION

"SEC. 401. There shall be, within the Department of Health, Education, and Welfare, an Education Division which shall be composed of the Office of Education, the National Foundation for Postsecondary Education, and the National Institute of Education, and shall be headed by the Commissioner of Education.

"THE OFFICE OF EDUCATION

"SEC. 402. (a) The purpose and duties of the Office of Education shall be to collect statistics and facts showing the condition and progress of education in the United States, and to disseminate such information respecting the organization and management of schools and school systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country. Nothing in this section, or any other provision of law, shall be construed to grant the Office of Education any authority which is not expressly provided for by statute or implied therein.

"(b)(1) The management of the Office of Education shall, subject to the direction and supervision of the Secretary, be entrusted to a Commissioner of Education, who shall be appointed by the President by and with the advice and consent of the Senate, and who shall serve at the pleasure of the President.

"(2) There shall be a Deputy Commissioner of Education (referred to in this section as 'Deputy Commissioner') who shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President, and who shall perform such duties as the Commissioner may prescribe by regulation. The Deputy Commissioner shall serve as Commissioner during the absence or disability of the Commissioner or in the event of a vacancy in the Office of the Commissioner.

"(3) Persons holding the offices created by paragraphs (1) and (2) shall be compensated at the following rates specified for the Executive Schedule in subchapter II of title 5, United States Code:

"(A) The Commissioner shall be compensated at the rate provided for level IV under section 5315 thereof.

"(B) The Deputy Commissioner shall be compensated at the rate provided for level V under section 5316 thereof.

"(4) The Commissioner and the Deputy Commissioner may not engage in any other business, vocation, or employment while serving in any such position; nor may either of them, except with the express approval of the President in writing, hold any office in, or act in any capacity for, or have a financial interest in, any organization, agency, or institution to which the Office of Education makes a grant or with which it makes a contract or other financial arangement.

"(5) There are hereby created six additional positions wtihin the Office of Education which shall be placed in grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code; and such positions shall be in addition to the number

of positions placed in that grade under section 5108 of such title.

"NATIONAL FOUNDATION FOR POSTSECONDARY EDUCATION

"SEC. 403. (a) (1) The National Foundation for Postsecondary Education (referred to in this section as the 'Foundation'), shall consist of a Postsecondary Education Board (referred to in this section as the 'Board') and a Director. The Foundation shall have only such authority as may be vested therein by this section or delegated thereto by the Commissioner and shall be subject to the general regulations of the Commissioner promulgated for its management.

"(2) It shall be the purpose of the Foundation—

"(A) to encourage excellence, innovation, and reform in postsecondary education;

"(B) to provide assistance for the design and establishment of innovative structures for providing postsecondary education and innovative modes of teaching and learning therein;

"(C) to expand the ways and patterns of acquiring postsecondary education and to open opportunities for such education to individuals of all ages and circumstances;

"(D) to strengthen the autonomy, individuality, and sense of mission of postsecondary educational institutions, and to support programs which are distinctive or of special value to American society; and

"(E) to encourage postsecondary educational institutions to develop policies, programs, and practices responsive to social needs, and to provide an organization concerned with the rationalization of public policies toward postsecondary education.

"(b) (1) The Board shall consist of fifteen members, at least one of whom shall be a student at the time of his appointment, appointed by the President, by and with the advice and consent of the Senate, the Director, and such other ex officio members who are officers of the United States as the President may designate. Eight members (excluding ex officio members) shall constitute a quorum. The Chairman of the Board shall be designated by the President from among its appointed members. Ex officio members shall not have a vote on the Board.

"(2) The term of office of members of the Board (other than ex officio members) shall be six years, except that (A) any member appointed to fill a vacancy shall serve only such portion of a term as shall not have been expired at the time of such appointment, and (B) in the case of initial members, five shall serve for terms of four years and five for terms of two years. Any person, whose term of office is subject to this paragraph, who has been a member of the Board for six consecutive years shall thereafter be ineligible for appointment to the Board during the two-year period following the expiration of such sixth year.

"(3) Subject to general regulations of the Commissioner promulgated for the management of the Foundation, the Board shall—

"(A) establish general policies for, and review the conduct of, the Foundation;

"(B) meet at the call of the Chairman of the Board, except that it shall meet (i) at least four times during each fiscal year, or (ii) whenever one-third of the members request a meeting in writing, in which event one-third of the members (excluding ex officio members) shall constitute a quorum;

"(C) submit an annual report to the President on the activities of the Foundation and the status of postsecondary education in the United States, which (i) shall include such recommendations and comments as the Board may deem appropriate, and (ii) shall be submitted to the Congress not later than March 31 of each year;

"(D) make and submit to the President and the Congress such other reports as it may deem necessary.

"The Board shall have the responsibility for the general policies with respect to the powers, duties, and authorities vested in the Foundation under this section. The Director shall make available to the Board such information and assistance as may be necessary to enable the Board to carry out its functions.

"(c) (1) The Director of the Foundation (referred to in this section as the 'Director') shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code, and shall perform such duties and exercise such powers as the Board, subject to general regulations of the Commissioner, may prescribe.

"(2) There shall be a Deputy Director of the Foundation (referred to in this section as the 'Deputy Director') who shall be appointed by the President and shall serve at the pleasure of the President. The Deputy Director shall be compensated at the rate provided for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code. The Deputy Director shall exercise such powers as the Director may prescribe and Deputy Director shall serve as Director during the absence or disability of the Director or in the event of a vacancy in the Office of Director. The position created by this paragraph shall be in addition to the number of positions placed in grade 18 of the General Schedule under section 5108 of title 5, United States Code.

"(3) There are hereby created three additional positions within the Foundation which shall be placed in grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code; and such positions shall be in addition to the number of positions placed in that grade under section 5108 of such title.

"(d) The Foundation is authorized to make grants to, and contracts with, institutions of higher education (including combinations of such institutions) and other public and private educational institutions and agencies (except that no grant shall be made to an educational instiution or agency other than a nonprofit institution or agency) to improve postsecondary educational opportunities by providing assistance for—

"(1) encouraging the reform, innovation, and improvement of postsecondary education, and providing equal educational opportunity for all;

"(2) the creation of institutions and programs involving new paths to career and professional training, and new combinations of academic and experiential learning;

"(3) the establishment of institutions and programs based on the technology of communications;

"(4) the carrying out in postsecondary educational institutions of changes in internal structure and operations designed to clarify institutional priorities and purposes;

"(5) the design and introduction of cost-effective methods of instruction and operation;

"(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering institutions and pursuing programs of study tailored to individual needs;

"(7) the introduction of reforms in graduate education, in the structure of academic professions, and in the recruitment and retention of faculties;

"(8) the creation of new institutions and programs for examining and awarding credentials to individuals, and the introduction of reforms in current institutional practices related thereto;

"(e) In carrying out this section, the Director shall have the authority—

"(1) to enter into contracts without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

"(2) to make advance, progress, and other payments without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

"(3) to receive money and other property donated, bequeathed, or devised to the Foundation with or without a condition or restriction, including a condition that the Foundation use other funds for the purposes of the gift; and to use, sell, or otherwise dispose of such property for the purposes of this section;

"(4) to publish or arrange for the publication of information without regard to the provisions of section 501 of title 44, United States Code;

"(5) to accept and utilize the services of voluntary and uncompensated personnel, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)), and to provide transportation and substitutence as authorized by section 5703 of title 5, United States Code, for persons serving without compensation;

"(6) to arrange with and reimburse the heads of other Federal agencies for the performance of any activity which the Foundation is authorized to conduct; and

"(7) to appoint, for terms not to exceed three years, and compensate without regard to the civil service or classification laws such technical or professional employees of the Foundation as he deems necessary to accomplish its functions, and also to appoint and compensate without regard to such laws not to exceed one-fifth of the number of full-time, regular technical or professional employees of the Foundation.

"(f) There is authorized to be appropriated, without fiscal year limitations, $250,000,000, in the aggregate, for the period beginning July 1, 1972, and ending June 30, 1975, to carry out the functions of the Foundation. Sums so appropriated shall, notwithstanding any other provision of law, unless enacted in express limitation of this subsection, remain available for the purposes of this section until expended.

"NATIONAL INSTITUTE OF EDUCATION

"SEC. 404. (a) (1) The National Institute of Education (hereinafter referred to as the 'Institute') shall consist of a National Council on Educational Research (hereinafter referred to as the 'Council') and a Director of the Institute (hereinafter referred to as the 'Director'). The Institute shall have only such authority as may be vested therein by this section and shall be subject to general regulations of the Commissioner promulgated for its management.

"(2) The Institute shall, in accordance with the provisions of this section, seek to improve education, including career education, in the United States through—

"(A) helping to solve or to alleviate the problems of, and achieve the objectives of American education;

"(B) advancing the practice of education, as an art, science, and profession;

"(C) the strengthening of the scientific and technological foundations of education; and

"(D) building an effective educational research and development system.

"(b) (1) The Council shall consist of fifteen members appointed by the President, by and with the advice and consent of the Senate, the Director, and such other ex officio members who are officers of the United States as the President may designate. Eight members of the Council (excluding ex officio members) shall constitute a quorum. The Chairman of the Council shall be designated from among its appointed members by the President. Ex officio members shall not have a vote on the Council.

"(2) The term of office of the members of

the Council (other than ex officio members) shall be three years, except that (A) any member appointed to fill a vacancy shall serve only such portion of a term as shall not have been expired at the time of such appointment, and (B) in the case of initial members, five shall serve terms of two years and five shall serve terms of one year. Any appointed member who has been a member of the Council for six consecutive years shall thereafter be ineligible for appointment to the Council during the two-year period following the expiration of such sixth year.

"(3) Subject to general regulations of the Commissioner promulgated for the management of the Institute, the Council shall—

"(A) establish general policies for, and review the conduct of, the Institute;

"(B) review, and advise the 'Commissioner on the status of, educational research in the United States;

"(C) meet at the call of the Chairman, except that it shall meet (i) at least six times during each fiscal year, or (ii) whenever one-third of the members request a meeting in writing, in which event one-third of the members (excluding ex officio members) shall constitute a quorum;

"(D) submit an annual report to the President on the activities of the Institute, and on educational research in general, which (i) shall include such recommendations and comments as the Council may deem appropriate, and (ii) shall be submitted to the Congress not later than March 31 of each year; and

"(E) make and submit to the President and the Congress such other reports as it may deem necessary.

The council shall have the responsibility for the general policies with respect to the powers, duties, and authorities vested in the Institute under this section. The Director shall make available to the Council such information and assistance as may be necessary to enable the Council to carry out its functions.

"(c) (1) The Director of the Institute shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code, and shall perform such duties and exercise such powers and authorities as the Council, subject to general regulations of the Commissioner, may prescribe.

"(2) There shall be a Deputy Director of the Institute (referred to in this section as the 'Deputy Director') who shall be appointed by the President and shall serve at the pleasure of the President. The Deputy Director shall be compensated at the rate provided for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code, and shall act for the Director during the absence or disability of the Director and exercise such powers and authorities as the Director may prescribe. The position created by this paragraph shall be in addition to the number of positions placed in grade 18 of the General Schedule under section 5108 of title 5, United States Code.

"(3) There are hereby created three additional positions within the Institute which shall be placed in grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code; and such positions shall be in addition to the number of positions placed in that grade under section 5108 of such title.

"(d) (1) In order to carry out the objectives of the Institute, the Commissioner is authorized, through the Institute, to conduct educational research; collect and disseminate the findings of educational research; train individuals in educational research; assist and foster such research, collection, dissemination, or training through grants, or technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals; promote the coordination of such research and research support within the Federal Government; and may construct or provide (by grant or otherwise) for such facilities as he determines may be required to accomplish such purposes. As used in this subsection, the term 'educational research' includes research, planning, survey, evaluations, investigations, experiments, developments, and demonstrations in the field of education (including career education).

"(2) The Commissioner may appoint, for terms not to exceed three years, and compensate without regard to the civil service or classification laws, such technical or professional employees of the Institute as he deems necessary to accomplish its functions and also appoint and compensate without regard to such laws not to exceed one-fifth of the number of full-time, regular technical or professional employees of the Institute.

"(e) There are hereby authorized to be appropriated, without fiscal year limitations, $550,000,000, in the aggregate, for the period beginning July 1, 1972, and ending June 30, 1975, to carry out the functions of the Institute. Sums so appropriated shall, notwithstanding any other provision of law unless enacted in express limitation of this subsection, remain available for the purposes of this subsection until expended.".

(b) (1) The amendments may by subsection (a) shall be effective after June 30, 1972.

(2) (A) Effective July 1, 1972, sections 516 and 517 of the Revised Statutes of the United States (20 U.S.C. 1, 2) are repealed.

(B) Effective July 1, 1972, section 422 of the General Education Provisions Act is amended by striking out "(as set forth in section 516 of the Revised Statutes (20 U.S.C. 1))" and inserting in lieu thereof "(as set forth in section 402(a) of this Act)".

(3) (A) Effective July 1, 1972, the functions of the Secretary of Health, Education, and Welfare administered through the Office of Education and the functions of the Commissioner of Education are transferred to the Commissioner of Education established pursuant to section 402 of the General Education Provisions Act.

(B) All orders, determinations, rules, regulations, procedures, or other decisions of the Commissioner of Education which are in effect on June 30, 1972, shall continue to be in effect and shall be deemed to be orders; determinations, rules, regulations, procedures, or other decisions of the Commissioner of Education established under section 402 of such Act until changed or modified in accordance with law. No suit, action, or other proceeding lawfully commenced by or against any office or officer of the United States acting in his official capacity shall abate by reason of any transfer made pursuant to this section, but the court, on motion or supplemental petition filed at any time within twelve months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the appropriate office or officer of the United States.

(C) All personnel, assets, liabilities, contracts, property, and records as are determined by the Commissioner to be necessary for the transitions required under this section, are, effective July 1, 1972, transferred to the Commissioner of Education established pursuant to section 402 of such Act.

(4) Effective July 1, 1972, the Cooperative Research Act is amended by striking out sections 2 and 3.

(5) Effective July 1, 1972, section 421 of the General Education Provisions Act (as redesignated by section 301(a) (1) of this Act) is amended by adding the following new subsection at the end thereof:

"(d) (1) The Commissioner is authorized to make grants to, or contracts with, any public or nonprofit private agency, institution, or organization or contracts with any private agency, institution, or organization for the dissemination of information, for surveys, for exemplary projects in the field of education, and for the conduct of studies related to the management of the Office of Education.

"(2) There are authorized to be appropriated for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975, $25,000,000 for the purposes of this subsection.

TITLE IV—INDIAN EDUCATION

PART A—REVISION OF IMPACTED AREAS PROGRAM AS IT RELATES TO INDIAN CHILDREN

AMENDMENTS TO PUBLIC LAW 874, EIGHTY-FIRST CONGRESS

SEC. 401. (a) The Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by redesignating title III as title IV, by redesignating sections 301 through 303 and references thereto as sections 401 through 403, respectively, and by adding after title II the following new title:

"TITLE III—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Indian Elementary and Secondary School Assistance Act'.

"DECLARATION OF POLICY

"SEC. 302. (a) In recognition of the special educational needs of Indian students in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs specially designed to meet these special educational needs.

"(b) The Commissioner shall, in order to effectuate the policy set forth in subsection (a), carry out a program of making grants to local educational agencies which are entitled to payments under this title and which have submitted, and had approved, applications therefor, in accordance with the provisions of this title.

"GRANTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 303. (a) (1) For the purpose of computing the amount to which a local educational agency is entitled under this title for any fiscal year ending prior to July 1, 1975, the Commissioner shall determine the number of Indian children who were enrolled in the schools of a local educational agency, and for whom such agency provided free public education, during such fiscal year.

"(2) (A) The amount of the grant to which a local educational agency is entitled under this title for any fiscal year shall be an amount equal to (i) the average per pupil expenditure for such agency as determined under subparagraph (C) multiplied by (ii) the sum of the number of children determined under paragraph (1).

"(B) A local educational agency shall not be entitled to receive a grant under this title for any fiscal year unless the number of children under subsection (a), with respect to such agency, is at least ten or constitutes at least 50 per centum of its total enrollment.

"(C) For the purposes of this subsection, the average per pupil expenditure for a local educational agency shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all of the local educational agencies in the State in which such agency is located, plus any direct current expenditures by such State for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by

the aggregate number of children who were in average daily enrollment for whom such agencies provided free public education during such preceding fiscal year.

"(b) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this title, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 5 per centum of the amount appropriated for payments on the basis of entitlements computed under subsection (a) for that fiscal year, for the purpose of enabling the Commissioner to provide financial assistance to schools on or near reservations which are not local educational agencies or have not been local educational agencies for more than three years, in accordance with the appropriate provisions of this title.

"USE OF FEDERAL FUNDS

"SEC. 304. Grants under this title may be used, in accordance with applications approved under section 305, for—

"(1) planning for and taking other steps leading to the development of programs specifically designed to meet the special educational needs of Indian children, including pilot projects designed to test the effectiveness of plans so developed; and

"(2) the establishment, maintenance, and operation of programs, including, in accordance with special regulations of the Commissioner, minor remodeling of classroom or other space used for such programs and acquisition of necessary equipment, specially designed to meet the special educational needs of Indian children.

"APPLICATION FOR GRANTS; CONDITIONS FOR APPROVAL

"SEC. 305. (a) A grant under this title, except as provided in section 303(b), may be made only to a local educational agency or agencies, and only upon application to the Commissioner at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

"(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purposes of section 304, and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

"(3) in the case of an application for payments for planning, provide that (A) the planning was or will be directly related to programs or projects to be carried out under this title and has resulted, or is reasonably likely to result, in a program or project which will be carried out under this title, and (B) the planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this title;

"(4) provide that effective procedures, including provisions for appropriate objective measurement of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs and projects in meeting the special educational needs of Indian children;

"(5) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the education of Indian children and in no case supplant such funds;

"(6) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this title; and

"(7) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of Indian children in the area served, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) An application by a local educational agency or agencies for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

"(1) meets the requirements set forth in subsection (a);

"(2) provides that the program or project for which application is made—

"(A) will utilize the best available talents and resources (including persons from the Indian community) and will substantially increase the educational opportunities of Indian children in the area to be served by the applicant; and

"(B) has been developed—

"(i) in open consultation with parents of Indian children, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

"(ii) with the participation and approval of a committee composed of, and selected by, parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students, of which at least half the members shall be such parents; and

"(C) sets forth such policies and procedures as will insure that the program for which assistance is sought will be operated and evaluated in consultation with, and the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (2)(B)(ii).

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

"PAYMENTS

"SEC. 306. (a) The Commissioner shall, subject to the provisions of section 307, from time to time pay to each local educational agency which has had an application approved under section 305, an amount equal to the amount expended or to be expended by such agency in carrying out activities under such application.

"(b)(1) No payments shall be made under this title for any fiscal year to any local educational agency in a State which has taken into consideration payments under this title in determining the eligibility of such local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

"(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year.

"ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

"SEC. 307. (a) If the sums appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which all local educational agencies are eligible to receive under this title for that fiscal year, the maximum amounts which all such agencies are eligible to receive under this title for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the first sentence of this subsection is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(b) In the case of any fiscal year in which the maximum amounts for which local educational agencies are eligible have been reduced under the first sentence of subsection (a), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the second sentence of such subsection, the Commissioner shall fix dates prior to which each local educational agency shall report to him on the amount of funds available to it, under the terms of section 306(a) and subsection (a) of this section, which it estimates, in accordance with regulations of the Commissioner, that it will expend under approved applications. The amounts so available to any local educational agency, or any amount which would be available to any other local education agency if it were to submit an approvable application therefor, which the Commissioner determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies, in the manner provided in the second sentence of subsection (a), which the Commissioner determines will need additional funds to carry out approved applications, except that no local educational agency shall receive an amount under this sentence which, when added to the amount available to it under subsection (a), exceeds its entitlement under section 303.

"DEFINITION

"SEC. 308. As used in this title, the term 'Indian' means any individual who (1) is an enrolled member of a tribe, band, or other organized group of Indians, including those tribes, bands or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such enrolled member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education, which regulations shall further define the term 'Indian'.".

(b) Effective July 1, 1972, paragraph (1) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended—

(A) by striking out subparagraph (B), and by striking out "(A)" where it appears after "SEC. 103. (a)(1)";

(B) in the fourth sentence thereof, by striking out "and the terms upon which payment shall be made to the Department of Interior"; and

(C) by striking out the third sentence thereof.

PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

AMENDMENT TO TITLE VIII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 421. (a) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding to the end thereof the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR AMERICAN INDIAN CHILDREN

"SEC. 810. (a) The Commissioner shall carry out a program of making grants for the im-

provement of educational opportunities for American Indian children—

"(1) to support planning, pilot, and demonstration projects, in accordance with subsection (b), which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for American Indian children;

"(2) to assist in the establishment and operation of programs, in accordance with subsection (c), which are designed to stimulate (A) the provision of educational services not available to American Indian children in sufficient quantity or quality, and (B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which American Indian children are educated;

"(3) to assist in the establishment and operation of preservice and inservice training programs, in accordance with subsection (d), for persons serving Indian children as educational personnel; and

"(4) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to American Indian children.

In the case of activities of the type described in clause (3), preference shall be given to the training of Indians.

"(b) The Commissioner is authorized to make grants to State and local educational agencies and other appropriate public and private educational and research agencies, organizations, and institutions (including federally supported elementary and secondary schools for Indian children) and to Indian tribes to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for American Indian children, including—

"(1) innovative programs related to the educational needs of educationally deprived children;

"(2) bilingual and bicultural education programs and projects;

"(3) special health and nutrition services, and other related activities, which meet the special health, social, and psychological problems of Indian children; and

"(4) coordinating the operation of other federally assisted programs which may be used to assist in meeting the needs of such children.

"(c) The Commissioner is also authorized to make grants to State and local educational agencies and to tribal and other Indian community organizations to assist and stimulate them in developing and establishing educational services and programs specifically designed to improve educational opportunities for American Indian children. Grants may be used—

"(1) to provide educational services not available to such children in sufficient quantity or quality, including—

"(A) remedial and compensatory instruction, school health, physical education, psychological, and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

"(B) comprehensive academic and vocational instruction;

"(C) instructional materials (such as library books, textbooks, and other printed or published or audiovisual materials) and equipment;

"(D) comprehensive guidance, counseling, and testing services;

"(E) special education programs for handicapped;

"(F) preschool programs;

"(G) bilingual and bicultural education programs; and

"(H) other services which meet the purposes of this subsection; and

"(2) for the establishment and operation of exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children.

"(d) The Commissioner is also authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

"(1) to prepare persons to serve Indian children as teachers, teacher aides, social workers, and ancillary educational personnel; and

"(2) to improve the qualifications of such persons who are serving Indian children in such capacities. Grants for the purposes of this subsection may be used for the establishment of fellowship programs leading to an advanced degree, for institutes and, as part of a continuing program, for seminars, symposia, workshops, and conferences.

"(e) The Commissioner is also authorized to make grants to, and contracts with, public and private agencies, organizations, and institutions (except that no grant may be made to an agency, organization, or institution other than one which is nonprofit) for—

"(1) the dissemination of information concerning education programs, services, and resources available to Indian children, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purposes of such programs with respect to such children.

"(f) Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) in the case of an application for the purposes of subsection (c), subject to such criteria as the Commissioner shall prescribe, provide for the use of funds available under this section, and for the coordination of other resources available to the applicant, in order to insure that, within the scope of the purpose of the project, there will be a comprehensive program to achieve the purposes of this section;

"(3) in the case of an application for the purposes of subsection (c), make adequate provision for the training of the personnel participating in the project; and

"(4) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (b) or (c) unless he is satisfied that such application, and any documents submitted with respect thereto, show that there has been adequate participation by the parents of the children to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under this section, the Commissioner shall give priority to applications from Indian educational agencies, organizations, and institutions.

"(g) For the purpose of making grants under this section there are hereby authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973, and $35,000,000 for each of the two succeeding fiscal years.".

(b)(1) Effective after June 30, 1972, the Elementary and Secondary Education Act of 1965 is amended—

(A) in section 202(a)(1), by striking out "(A) the Secretary of the Interior the amount necessary for such assistance for children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior, and (B)" and by striking out "Secretary of the Interior and the".

(B) in section 302(a)(1), by striking out "(A) the Secretary of the Interior the amount necessary to provide programs and projects for the purpose of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and (B)" and by striking out "Secretary of the Interior and the".

(2) Effective after June 30, 1972, the second sentence of paragraph (1) of section 612(a) of the Education of the Handicapped Act is amended to read as follows: "The Commissioner shall allot the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs.".

PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR AMERICAN INDIANS

AMENDMENT TO THE ADULT EDUCATION ACT

SEC. 441. Title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act) is amended by redesignating sections 314 and 315, and all references thereto, as sections 315 and 316, respectively, and by adding after section 313 the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT AMERICAN INDIANS

"SEC. 314. (a) The Commissioner shall carry out a program of making grants to State and local educational agencies and other appropriate public and private educational and research agencies, organizations, and institutions, Indian tribes and other Indian organizations, to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for providing adult education for American Indians—

"(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult American Indians;

"(2) to assist in the establishment and operation of programs which are designed to stimulate (A) the provision of basic literacy opportunities to all nonliterate Indian adults, and (B) the provisions of opportunities to all Indian adults to qualify for a high school equivalency certificate in the shortest period of time feasible;

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

"(4) to provide for basic surveys and evaluations thereof to define accurately the extent of the problems of illiteracy and lack of high school completion on Indian reservations;

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

"(b) The Commissioner is also authorized to make grants to, and contracts with, public and private agencies, organizations, or institutions, Indian tribes and other Indian organizations (except that no grant may be made to an agency, organization, or institution other than one which is nonprofit) for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian

adults may participate in achieving the purposes of such programs with respect to such adults.

"(c) Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (a) unless he is satisfied that such application, and any documents submitted with respect thereto, indicate that there has been adequate participation by the individuals to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under subsection (a), the Commissioner shall give priority to applications from Indian educational agencies, organizations, and institutions.

"(d) For the purpose of making grants under this section there are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and $8,000,000 for each of the two succeeding fiscal years.".

PART D—BUREAU OF INDIAN EDUCATION

BUREAU OF INDIAN EDUCATION

SEC. 461. (a) There is hereby established, in the Office of Education, a bureau to be known as the "Bureau of Indian Education" which, under the direction of the Commissioner, shall have the responsibility for administering the provisions of title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, section 810 of title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act, and section 314 of title III of the Elementary and Secondary Education Amendments of 1966, as added by this Act. The Bureau shall be headed by a Deputy Commissioner of Indian Education, who shall be appointed by the Commissioner of Education from a list of nominees submitted to him by the National Advisory Council on Indian Education.

(b) The Deputy Commissioner of Indian Education shall be compensated at the rate prescribed for, and shall be placed in, grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code, and shall perform such duties as are delegated or assigned to him by the Commissioner. The position created by this subsection shall be in addition to the number of positions placed in grade 18 of such General Schedule under section 5108 of title 5, United States Code.

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

SEC. 462. (a) There is hereby established the National Advisory Council on Indian Education (referred to in this title as the "National Council"), which shall consist of fifteen members who are Indians and Alaskan Natives appointed by the President of the United States. Such appointments shall be made by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations, and shall represent diverse geographic areas of the country.

(b) The National Council shall—

(1) advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, and section 810, title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act and with respect to adequate funding thereof;

(2) review applications for assistance under title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), section 810 of title VIII of the Elementary and Secondary Education Act of 1965, and section 314 of the Adult Education Act, and make recommendations to the Commissioner with respect to their approval;

(3) evaluate programs and projects carried out under any program in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Public Law 814, Eighty-first Congress); and

(6) to submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

(c) With respect to functions of the National Council stated in clauses (2), (3), and (4) of subsection (b), the National Council is authorized to contract with any public or private nonprofit agency, institution, or organization for assistance in carrying out such functions.

(d) From the sums appropriated pursuant to section 401(c) of the General Education Provisions Act which are available for the purposes of section 411 of such Act and for part C of such Act, the Commissioner shall make available such sums as may be necessary to enable the National Council to carry out its functions under this section.

PART E—MISCELLANEOUS PROVISIONS

AMENDMENT TO TITLE V OF HIGHER EDUCATION ACT OF 1965

SEC. 481. (a) Section 503(a) of the Higher Education Act of 1965 is amended by inserting after "and higher education," the following: "including the need to provide such programs and education to Indians,".

(b) Part D of title V of the Higher Education Act of 1965 is amended by adding after section 531 the following new section:

"TEACHERS FOR INDIAN CHILDREN

"SEC. 532. (a) Of the sums made available for the purposes of this part, not less than 5 per centum shall be used for grants to, and contracts with, institutions of higher education and other public and private nonprofit agencies and organizations for the purpose of preparing persons to serve as teachers of children living on reservations serviced by elementary and secondary schools for Indian children operated or supported by the Department of the Interior.

"(b) Nothing in this section shall be construed to authorize the transfer of funds available for the purposes of this part to the Secretary of the Interior.".

AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 482. Section 706(a) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"(a) For the purpose of carrying out programs pursuant to this title for individuals on or from reservations serviced by elementary and secondary schools operated on or near such reservation for Indian children, a nonprofit institution or organization of the Indian tribe concerned which operates any such school and which is approved by the Commissioner for the purpose of this section, may be considered to be a local educational agency, as such term is used in this title.".

TITLE V—MISCELLANEOUS

ADMINISTRATION OF PROGRAMS AND PROJECTS

SEC. 501. Section 434 of the General Education Provisions Act (title IV of Public Law 90-247) is amended by—

(1) amending the caption head thereof to read "ADMINISTRATION OF EDUCATION PROGRAMS AND PROJECTS;

(2) striking out "(a)" after "SEC. 424." and inserting in lieu thereof "(a)(1)" and striking out "(b)" and inserting in lieu thereof "(2)";

(3) adding at the end thereof the following new subsection:

"(b) Each application for assistance under any applicable program, with respect to which the Commissioner determines that this subsection should apply, whether such application is approved by the Commissioner or by an agency administering a State plan approved by him and each State plan submitted to the Commissioner under any applicable program shall, as a precondition for approval—

"(1) provide for such methods of administration as are necessary for the proper and efficient administration of the program or project for which application is made;

"(2) set forth such policies and procedures as will insure that Federal funds made available under the application will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such funds, be available for the purposes of the program or project for which application is made, and in no case supplant such funds;

"(3) procedures have been adopted (A) for the periodic evaluation of the effectiveness of the programs to be supported under such title, and (B) for appropriate dissemination of the results of such evaluation;

"(4) make provision for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under the application; and

"(5) provide for making such reports as the Commissioner may require to carry out his functions.".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS OF TITLE III OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958

SEC. 502. (a) The first sentence of section 301 of the National Defense Education Act of 1958 is amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "for each of the succeeding fiscal years ending prior to July 1, 1976".

(b) The second sentence of such section 301 is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1976".

STUDY AND REPORT ON RULES AND REGULATIONS

SEC. 503. (a) The Commissioner shall conduct a study of all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary of Health, Education, and Welfare (or any of their delegates) in connection with, or affecting, the administration of any program to which the General Education Provisions Act applies, which have been issued after June 30, 1965. Such study shall include a review of each such rule, regulation, guideline, interpretation, or order as it relates to the statutory or other legal authority upon which it is based, and to committee reports relating to such statutory authority.

(b) No later than 120 days after the

enactment of this Act, the Commissioner shall submit a report on the study conducted pursuant to subsection (a) to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives, which report shall include the specific legal authority of each section, or other division, of each rule, regulation, guideline, interpretation, or other order to which this section applies.

(c) Not earlier than one-hundred fifty days after the date of the enactment of this Act nor later than one-hundred eighty days after such date all rules, regulations, guidelines, interpretations, or other orders to which this section applies shall be published in the Federal Register. During the thirty-day period following such publication, the Commissioner shall provide interested parties an opportunity for a public hearing on the matters so published.

(d) After a study of comments and recommendations offered to the Commissioner during the thirty-day period specified in subsection (c), he shall submit a report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives on such comments and recommendations, and any action he has taken as a result thereof, and he shall, not later than two-hundred ten days after the enactment of this Act, republish all rules, regulations, guidelines, interpretations and orders in the Federal Register, which shall supersede all preceding rules, regulations, guidelines, interpretations and orders issued in connection with, or affecting, any program to which the General Education Provisions Act applies, and become effective thirty days after such republication.

ETHNIC HERITAGE STUDIES CENTERS

SEC. 504. (a) The Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE IX—ETHNIC HERITAGE PROGRAMS

"STATEMENT OF POLICY

"SEC. 901. In recognition of the heterogeneous composition of the Nation and of the fact that in a multiethnic society a greater understanding of the contributions of one's own heritage and those of one's fellow citizens can contribute to a more harmonious, patriotic, and committed populace, and in recognition of the principle that all persons in the educational institutions of the Nation should have an opportunity to learn about the differing and unique contributions to the national heritage made by each ethnic group, it is the purpose of this title to provide assistance designed to afford to students opportunities to learn about the nature of their own cultural heritage, and to study the contributions of the cultural heritages of the ethnic groups of the Nation.

"ETHNIC HERITAGE STUDIES CENTERS

"SEC. 902. The Commissioner is authorized to make grants to, and contracts with, public and private nonprofit educational agencies, institutions, and organizations to assist them in planning, developing, establishing, and operating ethnic heritage studies centers, as provided in this title.

"ACTIVITIES OF ETHNIC HERITAGE STUDIES CENTERS

"SEC. 903. Each center assisted under this title shall—

"(1) develop curriculum materials for use in elementary and secondary schools and institutions of higher education relating to the history, geography, society, economy, literature, art, music, drama, language, and general culture of the groups with which the center is concerned, and the contributions of those ethnic groups to the American heritage;

"(2) disseminate curriculum materials to permit their use in elementary and secondary schools and institutions of higher education throughout the Nation;

"(3) provide training for persons using, or preparing to use, curriculum materials developed under this title; and

"(4) cooperate with persons and organizations in the communities being served by the center to assist them in promoting, encouraging, developing, or producing programs or other activities in such communities which relate to the history, culture, or traditions of ethnic groups.

"APPLICATIONS

"SEC. 904. (a) Any public or private nonprofit agency, institution, or organization desiring assistance to establish and operate a center under this title shall make application therefor in accordance with the provisions of this title and other applicable law and with regulations of the Commissioner promulgated for the purposes of this title. The Commissioner shall approve an application under this title only if he determines that—

"(1) the center for which the application seeks assistance will be operated by the applicant and that the applicant will operate such center in accordance with this title;

"(2) such center will be operated under the direction of a Director who will be selected by the Commissioner, in consultation with, and with the approval of, the applicant;

"(3) such center will carry out the activities described in section 903 and will offer programs and courses of study related to all ethnic groups represented in the area to be served; and

"(4) such center has been planned, and will be established and operated, in consultation with an advisory council which is representative of the ethnic groups in the area to be served and of the cultural and educational resources of such area and which is appointed in a manner prescribed by regulation.

"(b) In approving applications under this title, the Commissioner shall insure there is cooperation and coordination of efforts among the Ethnic Heritage Studies Centers assisted under this title, including the exchange of materials and information and joint projects where appropriate.

"ADMINISTRATIVE PROVISIONS

"SEC. 905. (a) In carrying out this title, the Commissioner shall make arrangements which will utilize (1) the research facilities and personnel of institutions of higher education, (2) the special knowledge of ethnic groups in local communities and of foreign students pursing their education in this country, (3) the expertise of teachers in elementary and secondary schools and institutions of higher education, and (4) the talents and experience of any other groups in the regional area to be served by centers assisted under this title such as foundations, civic groups, and fraternal organizations which would further the goals of the centers.

"(b) Funds appropriated to carry out this title may be used to cover all or part of the cost of establishing equipping, and operating the centers, including the cost of research materials and resources, academic consultants, and the cost of training of staff for the purpose of carrying out the purposes of this title. Such funds may also be used to provide stipends (in such amounts as may be determined in accordance with regulations of the Commissioner) to individuals receiving training in such centers, including allowances for dependents.

"NATIONAL ADVISORY COUNCIL

"SEC. 906. (a) There is hereby established a National Advisory Council on Ethnic Heritage Studies consisting of fifteen members appointed by the Secretary who shall be appointed, serve, and be compensated as provided in part D of the General Education Provisions Act.

"(b) Such Council shall, with respect to the program authorized by this title, carry out the duties and functions specified in part D of the General Education Provisions Act.

"APPROPRIATIONS AUTHORIZED

"SEC. 907. For the purposes of carrying out this title, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1972, and $20,000,000 for the fiscal year ending June 30, 1973. Sums appropriated pursuant to this section shall, notwithstanding any other provision of law unless enacted in express limitation of this sentence, remain available for expenditure and obligation until the end of the fiscal year succeeding the fiscal year for which they were appropriated."

(b) The amendment made by subsection (a) shall be effective after June 30, 1971.

SEC. 505. (a)(1) The Congress of the United States finds that there do not exist adequate resources for educating and informing consumers about their role as participants in the marketplace.

(2) It is the purpose of the amendment made by this section to encourage and support the development of new improved curricula to prepare consumers for participation in the marketplace to demonstrate the use of such curricula in model educational programs and to evaluate the effectiveness thereof; to provide support for the initiation and maintenance of programs in consumer education at the elementary and secondary and higher education levels; to disseminate curricular materials and other information for use in educational programs throughout the Nation; to provide training programs for teachers, other educational personnel; public service personnel, and community and labor leaders and employees, and government employees at State, Federal, and local levels; to provide for community consumer education programs; and to provide for the preparation and distribution of materials by mass media in dealing with consumer education.

(3) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new section:

"CONSUMERS' EDUCATION PROGRAMS

"SEC. 811. (a) There shall be within the Office of Education, a Director of Consumers' Education (hereafter in this section referred to as the 'Director') who, subject to the management of the Commissioner, shall have primary responsibility for carrying out the provisions of this section and who shall be placed in grade 17 of the General Schedule set forth in section 5332 of title 5, United States Code. The position created by this subsection shall be in addition to the number of positions placed in such grade 17 under section 5108 of title 5, United States Code.

"(b)(1)(A) The Director shall carry out a program of making grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private agencies, organizations, and institutions (including libraries) to support research, demonstration, and pilot projects designed to provide consumer education to the public except that no grant may be made other than to a nonprofit agency, organization, or institution.

"(B) Funds appropriated for grants and contracts under this section shall be available for such activities as—

"(i) the development of curricula (including interdisciplinary curricula) in consumer education;

"(ii) dissemination of information relating to such curricula;

"(iii) in the case of grants to State and local educational agencies and institutions of higher education, for the support of education programs at the elementary and secondary and higher education levels; and

"(iv) preservice and inservice training programs and projects (including fellowship programs, institutions, workshops, symposiums, and seminars) for educational personnel to prepare them to teach in subject matter areas associated with consumer education.

In addition to the activities specified in the first sentence of this paragraph, such funds may be used for projects designed to demonstrate, test, and evaluate the effectiveness of any such activities, whether or not assisted under this section. Activities pursuant to this section shall provide bilingual assistance when appropriate.

"(C) Financial assistance under this subsection may be made available only upon application to the Director. Applications under this subsection shall be submitted at such time, in such form, and containing such information as the Director shall prescribe by regulation and shall be approved only if it—

"(i) provides that the activities and service for which assistance is sought will be administered by, or under the supervision of, the applicant;

"(ii) describes a program for carrying out one or more of the purposes set forth in the first sentence of paragraph (2) which holds promise of making a substantial contribution toward attaining the purposes of this section;

"(iii) sets forth such policies and procedures as will insure adequate evaluation of the activities intended to be carried out under the application;

"(iv) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in this section, and in no case supplant such funds.

"(v) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(vi) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records, and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

Applications from local educational agencies for financial assistance under this section may be approved by the Director only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

"(C) Federal assistance to any program or project under this subsection, other than those involving curriculum development, dissemination of curricular materials, and evaluation, shall support up to 100 per centum of the cost of such program including costs of administration; contributions in kind are acceptable as local contributions to program costs.

"(d) Each recipient of Federal funds under this section shall make such reports and evaluations as the Commissioner shall prescribe by regulation.

"(e) There is authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $35,000,000 for the year ending June 3, 1975, for carrying out the purposes of this section.".

(b) The amendment made by this section shall be effective after June 30, 1972.

LAND-GRANT STATUS FOR THE COLLEGE OF THE VIRGIN ISLANDS AND THE UNIVERSITY OF GUAM

SEC. 506. (a) The College of the Virgin Islands and the University of Guam shall be considered land-grant colleges established for the benefit of agriculture and mechanic arts in accordance with the provisions of the Act of July 2, 1862, as amended (12 Stat. 503; 7 U.S.C. 301–305, 307, 308).

(b) (1) In lieu of extending to the Virgin Islands and Guam those provisions of the Act of July 2, 1862, as amended, relating to donations of public land or land script for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, there is authorized to be appropriated to the Virgin Islands and Guam an amount computed in accordance with paragraph (2). Amounts appropriated pursuant to this section shall be held and considered to have been granted to the Virgin Islands and Guam subject to the provisions of that Act applicable to the proceeds from the sale of land or land script.

(2) (A) The amounts authorized to be appropriated pursuant to paragraph (1) shall be computed in the following manner:

(i) In the case of the Virgin Islands, the amount so authorized shall be an amount which bears the same ratio to the population of the Virgin Islands at the beginning of the first calendar year which begins after the enactment of this section as $6,000,000 bore to the population of the State of Hawaii as determined by the census of 1950.

(ii) In the case of Guam, the amount so authorized shall be an amount which bears the same ratio to the population of Guam at the beginning of the first calendar year which begins after the enactment of this section as $6,000,000 bore to the population of the State of Hawaii as determined by the census of 1950.

(B) The population of the Virgin Islands and Guam at the beginning of the first calendar year which begins after the enactment of this section shall be estimated by the Commissioner on the basis of the most recent satisfactory data available to him. Estimates of such populations shall be published in the Federal Register as soon as practicable after the beginning of the first calendar year which begins after the enactment of this section.

(c) The Act of August 30, 1890 (26 Stat. 417; 7 U.S.C. 322–326) is amended—

(1) by striking out "and Territory" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking out "and Territories" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, and Guam";

(3) by striking out "or Territory" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, or Guam";

(4) by striking out "or Territories" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, or Guam"; and

(5) by striking out "or Territorial" where it appears.

(d) Section 22 of the Act of June 29, 1935, as amended (49 Stat. 439; 7 U.S.C. 329), is further amended—

(1) by striking out "and Puerto Rico" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking out "$7,800,000" and inserting in lieu thereof the figure "$8,100,000"; and

(3) by striking out "$4,320,000" and inserting in lieu thereof the figure "$4,360,000".

(e) The Act of March 4, 1940 (54 Stat. 39; 7 U.S.C. 331) is amended—

(1) by striking out "and Territories" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking out "or Territories" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, or Guam"; and

(3) by striking out "State" wherever it appears in the third proviso of that Act and inserting in lieu thereof the following: "State, Puerto Rico, the Virgin Islands, or Guam".

(f) Section 207 of the Agricultural Marketing Act of 1946 (60 Stat. 1091; 7 U.S.C. 1626), is amended by striking out the period at the end of the section and inserting in lieu thereof the following: ", and the term 'State' when used in this chapter shall include the Virgin Islands and Guam.".

(g) Section 3 of the Act of May 8, 1914, as amended (38 Stat. 373; 7 U.S.C. 343), is further amended by redesignating subsection (b) as paragraph (1) of subsection (b), and adding a new paragraph (2) to subsection (b) to read as follows:

"(2) There is authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, for payment to the Virgin Islands and Guam, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virginia Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.".

(h) Section 10 of the Act of May 8, 1914, is amended by striking out "and Puerto Rico" and inserting in lieu thereof the following: "Puerto Rico, the Virgin Islands, and Guam".

(i) Section 4 of the Act of October 10, 1962 (76 Stat. 806; 16 U.S.C. 582a–3), is amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof the following: ", except that for the fiscal years ending June 30, 1971, and June 30, 1972, the matching funds requirement hereof shall not be applicable to the Virgin Islands and Guam, and sums authorized for such years for the Virgin Islands and Guam may be used to pay the total cost of programs for forestry research.".

(j) Section 8 of the Act of October 10, 1962 (76 Stat. 807; 16 U.S.C. 582a–7), is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", the Virgin Islands, and Guam.".

(k) Section 1 of the Act of August 11, 1955 (7 U.S.C. 361a–361i), is amended by striking out the period at the end of the second sentence and inserting in lieu thereof the following: "Guam and the Virgin Islands," and striking out "and" between the words "Hawaii and Puerto Rico.".

(l) Section 3 of the Act of August 11, 1955 (7 U.S.C. 361a–361i) is amended by redesignating subsection (b) as paragraph (1) of subsection (b), and adding a new paragraph (2) to subsection (b) to read as follows:

"(2) There is authorized to be appropriated for the fiscal year ending June 30, 1973, and for each fiscal year thereafter, for payment to the Virgin Islands and Guam, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing

services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.".

(m) With respect to the Virgin Islands and Guam, the enactment of this section shall be deemed to satisfy any requirement of State consent contained in laws or provisions of law referred to in this section.

(n) The amendments made by this section shall be effective after June 30, 1970, and this section shall be deemed to have been enacted on such date.

AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 WITH RESPECT TO MIGRATORY CHILDREN OF MIGRATORY AGRICULTURAL WORKERS

SEC. 507. (a) Section 103(a)(6) of title I of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new sentence: "The Commissioner shall by regulation establish criteria for the allocation of funds within each State for which a State educational agency is eligible under this paragraph, after considering the areas of the State and local educational agencies of the State which have the highest concentrations of such children.".

(b) Section 141(c)(1) of such title I is amended by striking out the word "and" at the end of clause (B) of such section, by redesignating clause (C) of such section as clause (D), and by inserting immediately after clause (B) the following new clause (C):

"(C) that, effective after June 30, 1971, in planning and carrying out programs and projects, there has been adequate assurance that provision will be made for the preschool educational needs of migratory children of migratory agricultural workers, whenever such agency determines that compliance with this clause will not detract from the operation of programs and projects described in clause (A) of this paragraph after considering the funds available for this purpose; and".

(c) Section 141(3)(C) of such title I is amended by adding at the end thereof the following new sentence: "Such children who are presently migrant, as determined pursuant to regulations of the Commissioner, shall be given priority in the consideration of programs and activities contained in applications submitted under this section."

(d)(1) The Commissioner shall conduct a study of the operation of title I of the Elementary and Secondary Education Act of 1965 as such title effects the education of migratory children of migratory agricultural workers. Such study shall include an evaluation of the specific programs and projects assisted under such title I for such children, with a view toward the assessment of their effectiveness, and shall include a review of the administration of such programs and projects by the States.

(2) Not later than December 31, 1972, the Commissioner shall submit a report on the study required by paragraph (1), which report shall contain a statement with respect to the effectiveness of individual programs and projects assisted under such title I with respect to migrant children, an evaluation of State administration of such programs and projects, and make recommendations for the improvement of such programs and projects.

TECHNICAL AMENDMENT WITH RESPECT TO NEGLECTED OR DELINQUENT CHILDREN

SEC. 508. Section 103(a)(7) of title I of the Elementary and Secondary Education Act of 1965, is amended by striking out "for children in institutions for neglected or delinquent children" and inserting in lieu thereof the following: "for children in institutions for neglected or delinquent children or in adult correctional institutions, if such funds are used solely for delinquent children".

NUMBER OF MEMBERS OF THE NATIONAL COMMISSION ON SCHOOL FINANCE

SEC. 509. Section 809(d) of Public Law 91-230 is amended by striking out "fifteen members" and inserting in lieu thereof "eighteen members".

Mr. BAYH. Mr. President, a parliamentary inquiry.

Is it appropriate to call up amendments to the Higher Education Act at this time?

The PRESIDING OFFICER. Amendments are in order.

Mr. MANSFIELD. Mr. President, will the Senator withhold offering his amendment until the manager of the bill gets here, because a commitment has been made of 3 days' standing in which the Senator from New Hampshire would like to raise a few questions, which will take about 5 minutes.

AMENDMENT NO. 398

Mr. BAYH. Mr. President, I ask that my amendment No. 398 be read.

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that the amendment be considered as read.

Mr. DOMINICK. Mr. President, I object.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. I submitted this amendment yesterday. Is there any rule or regulation that requires that it be read?

The PRESIDING OFFICER. When an amendment is called up it must be read.

Mr. BAYH. Even if it has been read when it was submitted?

The PRESIDING OFFICER. The amendment has no status until it is called up.

The clerk will proceed.

The legislative clerk read the amendment (No. 398) as follows:

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 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. Section 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 twelve 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 post-secondary education between the sexes. There are authorized to be appropriated such funds as are necessary to carry out the purposes of this section.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I yield myself 2 minutes on the amendment, and yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I think that under the unanimous-consent agreement I had 5 minutes.

Mr. MANSFIELD. That is right. The Senator from New York just yielded himself 2 minutes. I can yield additional time from this side.

Mr. JAVITS. I yield myself 5 minute under the amendment and yield them to the Senator from New Hampshire.

Mr. MANSFIELD. I yield the Senator five more.

Mr. COTTON. Mr. President, I note that this bill would add to title IV of the Higher Education Act two programs—a program for making basic educational opportunity grants to students and a program for paying cost of instruction allowances to institutions of higher education—and that the amounts to be paid under these programs to any particular student or institution are expressed in terms of "entitlements." Under the first program the Commissioner of Education would be required to pay a basic grant to each undergraduate student enrolled in, or accepted for enrollment at, an institution of higher education. Under the second program, the Commissioner would be required to pay to each institution of higher education, at which there is a student who is a recipient of a basic grant, and institutional allowance. Under both programs the bill prescribes the methods by which the amount of the grant would be determined.

The total cost of paying grants under the basic educational opportunity grant program—and may I say that these are estimates that I obtained from the Department of Health, Education, and Welfare—for only the first fiscal year—fiscal year 1973—is estimated at $940 million, and the total cost over the 3 fiscal years for which the grants are authorized is estimated to be close to $3 billion. The total cost of paying the cost of instruction allowances for the first fiscal year is $674 million, and the total cost over the 3 fiscal years for which the allowances are to be paid is estimated to be $2.1 billion.

In other words, Mr. President, there is a total of, I think, approximately $5.1 billion involved. In view of the amounts involved here, I would appreciate determining the intent of the committee in expressing these payments in terms of "entitlements."

Although the bill, throughout its course, refers to authorizations, as is customary, there is this use of a new term, "entitlements," and it would seem to me, after having the matter drawn to my attention, that it might mean something different from an authorization. The point that I would like to establish as a matter of legislative history is whether—and I address the question both to the distinguished Senator from New York and the distinguished manager of the bill—the use of the term "entitlements" is intended to establish a claim for these grants which will be legally enforceable against the Commissioner of Education and which would automatically require that Federal appropriation be made in amounts sufficient to pay in full all grants to all students and all institutions which met the requirements of the bill.

Mr. JAVITS. Mr. President, I am prepared to reply for the minority. First, however, I would like to yield to the manager of the bill, Senator PELL.

Mr. PELL. I thank the Senator.

In answer to the Senator's question, I would say that the Committee on Labor and Public Welfare carefully considered the cost of going to college and the need for assistance. The amount of entitlements in this bill embodies the most accurate assessment of need that our committee, or, in my opinion, any other committee, could make. Therefore, the committee expects the appropriation for the basic grants to be sufficient to satisfy all entitlements.

If the appropriation is sufficient to satisfy all entitlements, then of course the Commissioner could be sued if he were to fail to pay an entitlement. If, for some reason, the initial appropriation for any year is insufficient to pay all entitlements, a student would have a right to his pro rata share based on the amount appropriated. If, later in that year, say in a supplemental appropriations act, more funds are appropriated, then the student would have a right to an increased payment. To the extent that appropriations satisfy entitlements, students will have a right to enforce their claims against the Government. However, if no funds are appropriated, there is no claim on the basis of which a student could sue.

The PRESIDING OFFICER. The 5 minutes of the Senator from New Hampshire have expired.

Mr. PELL. I yield myself 2 minutes.

Mr. COTTON. Mr. President, before the distinguished Senator from New York summarizes the situation, I should like to ask a few more questions.

Mr. JAVITS. Mr. President, I yield 5 minutes on the bill.

Mr. COTTON. I want to make sure that I understand what the Senator from Rhode Island is saying. Incidentally, I showed him and the Senator from New York the inquiry I was going to make, and I was supplied, late last night, the answer he just read.

Of course, involved in this is the question of whether the appropriating process of Congress is in any way bypassed by this.

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

Mr. COTTON. I yield.

Mr. YOUNG. May I ask one question? Can the Department spend or obligate more than the money appropriated?

Mr. COTTON. If the Senator will permit me to finish this question, I will bring that out.

If I correctly understand the answer of the distinguished Senator from Rhode Island, it means that if for the first year—I mean fiscal 1973—50 institutions qualified for entitlement and 1 million students qualified—or, in reverse, if 1 million students qualified, which would necessitate 50 institutions—but the appropriation recommended by the Appropriations Committee and enacted by Congress was only sufficient to take care of 25 institutions and a half million students, the very next appropriations made by Congress, whether in a supplemental the same year or the following year, would immediately create a claim against those appropriations. In other words, the appropriation could not be limited and 25 institutions cut out. The appropriation would immediately have to go to the remaining 25 institutions and the remaining half million students for that year, because it is a fixed obligation which, as soon as an appropriation is made for any purpose under title IV, would have to be satisfied.

Am I correct in interpreting the Senator's answer as meaning that?

Mr. PELL. I wish the Senator were correct, for I would like it to have priority. But, in fact, what it means is that it is an item in the appropriations bill, all the appropriated funds would go first to pay the basic grant to students once that is met the institutions can receive the institutional aid if enough funds are appropriated.

Mr. COTTON. The Senator has said:

If, for some reason, the initial appropriation for any year is insufficient to pay all entitlements, a student would have a right to his pro-rata share based on the amount appropriated. If, later in that year, say in a supplemental appropriation Act, more funds are appropriated, then the student would have a right to an increased payment. To the extent that appropriations satisfy entitlements, students will have a right to enforce their claims against the Government. However, if no funds are appropriated, there is no claim on the basis of which a student could sue.

Mr. PELL. That is correct.

Mr. COTTON. But it seems to me that, according to the Senator's interpretation, we just cannot take care of part of it, as we frequently do, under the appropriation, and next year take care of more, because there is an unsatisfied obligation that has to be supplied first in any subsequent appropriations.

Mr. PELL. No. As the bill is written, it means that if the money appropriated under that item is the full amount, then obviously there is no problem. If it is half the amount, then the students will receive their pro rata share of one-half, then the institutions will not receive a dime. But if there is a supplemental appropriation for that fiscal year, that money goes to complete the student's entitlement and then the institution's would share.

We wrote it this way because we thought it might provide a gentle pressure on the Appropriations Committee to have the institutions at the end of the line pressing for the whole appropria-

tion, which is what we hope will be given.

Mr. JAVITS. Mr. President, I adopt completely what Senator PELL has said.

When the student has been vested with an entitlement by the fact that he is the one admitted as an eligible student by his institution, then everything that Senator PELL has said springs into being.

The last point is this—and now I speak as a lawyer. There can be no debt without a debtor and a creditor. The creditor, once he gets the entitlement, is the student. But the limit of the debtor's liability is the allocated or apportioned part of the appropriation.

Thus, the Appropriations Committee is secure in the fact that, unlike other Federal appropriations—and I gather that is the thrust of the Senator's request—where there exists either a legal obligation, such as interest on the debt, where the Government has contracted to pay interest and if Congress does not appropriate, it has the power to refuse to give the money but it is in default, or in certain twilight zone situations, such as the public housing situation, where there is always the statement that the full faith and credit of the United States has been pledged and that we are deeply and morally in default if we do not appropriate, this creates yet another special category in which there is a responsibility which can be enforced once the United States has actually credited it by an appropriation to which that particular student has become entitled because he is the one picked by his institution.

Other than that, we do not automatically create, nor do we have a full faith and credit pledge that we will appropriate, the full amount.

That is the situation.

Mr. COTTON. Mr. President, will the Senator yield me 2 minutes?

Mr. JAVITS. I yield.

Mr. COTTON. Mr President, I thank both Senators for the light they have thrown on the matter.

I have served with the distinguished Senator from New York for almost a quarter century, with ever increasing respect and admiration for his legal ability, his skill, and his dedication to his principles, so that no matter how wide apart we might be philosophically, I always feel he is able to throw much light on these matters.

One of the favorite expressions of the Senator from New York, when he talks about similar problems, is "words of art." As a member of the Appropriations Committee, I will say frankly that I was somewhat alarmed at the term "entitlements." I felt that word was a word of art.

Now I should like to get down to brass tacks and ask the Senator in terms that can be understood by a country lawyer like the Senator from New Hampshire, and not a city lawyer like the Senator from New York: What is the distinction between an entitlement as used in the proposed bill, and an authorization, so far as the appropriating process is concerned?

Mr. JAVITS. I should like to speak to that. The entitlement gives a vested right to the individual student that if there is money, he will get as much of it as is his share. That is why it is called an entitlement. The word entitlement applies to the student, not to the United States. That is the distinction. The word entitlement applies to the student and not to the United States.

The student gets an entitlement in the sense that he has a vested right when he is the one chosen by his institution. But, what is the extent of his vested right, is the next question. The extent is the amount available. That depends on the appropriation. But the word entitlement is a proper word as it applies to the student.

Mr. COTTON. In other words, if the student is found to be entitled to $1,400 the first year, but the appropriation recommended by the Appropriations Committee and enacted by Congress gives him $1,000——

Mr. JAVITS. Then his entitlement is limited to the $1,000.

Mr. COTTON. Both distinguished Senators have talked about a vested interest or a claim against the Government—the Senator from New York has talked about a moral claim not a legal claim—but what is the status of that $400, as regards the debt of the Congress or the Government?

Mr. JAVITS. If money is available, his entitlement extends to the added $400 or so much as is available. If it is not available, then his entitlement does not have that content, nor does it have a right upon which he can sue and recover.

Mr. COTTON. In the next fiscal year, if Congress appropriates x number of dollars for the program, that student can step in and ask for his $400?

Mr. JAVITS. No. Then we have another class. We have a shift in the whole population which has the entitlement.

Mr. COTTON. In other words, I think this makes clear that the word "entitlement" does not change—I am not talking about the moral obligation—is not intending to change or take away from the appropriation committees of Congress the privilege of treating these as authorizations and appropriating as much of these as they see fit.

Mr. JAVITS. My answer to that, speaking for myself, and the Senator from Rhode Island will hear me, is that, on the part of the United States, the answer to that would be yes. On the part of the student, however, it is that particular student who will be able to collect the money, if there is money available—to wit, by the appropriation.

Mr. COTTON. I thank both Senators. I hope very much that this colloquy will serve to clarify the situation.

Mr. YOUNG. Mr. President, will the Senator from New York yield me 2 minutes?

Mr. JAVITS. I yield 2 minutes to the Senator from North Dakota.

The PRESIDING OFFICER (Mr. CHILES). The Senator from North Dakota is recognized for 2 minutes.

Mr. YOUNG. Mr. President, the Appropriations Committee is always being accused of appropriating money that is not authorized. I am not clear on this discussion yet.

Can anyone, under the program, obligate the Federal Government for more than the amount of money appropriated? It seems to me that it can, that the student would have a prior right on future funds to be appropriated.

If we followed that premise with the Defense Department, we would have a chaotic situation. It would be bad practice all through the Government if we did that.

Am I clear that the Federal Government is not obligated for funds beyond the amount appropriated for that 1 year, that no one has a prior right to funds to be appropriated next year?

Mr. JAVITS. The Senator is correct, but the Federal Government has no liability beyond what it appropriates. The only thing we have is the fact that within the year in which that appropriation first occurred, a particular student could have the right to collect up to the extent of his entitlement, if the appropriation made it possible.

I do not think there is an analogy with the Department of Defense because there is, here, a named student whom the institution verifies as eligible to be the recipient of as much as is available from appropriations up to the amount of his entitlement. That is the difference between this and the Department of Defense situation.

That particular student continues to have that right throughout the fiscal year. But that does not impose any new additional obligation on the United States or in respect of appropriations. Whatever the Appropriations Committee will appropriate, it will appropriate.

Mr. YOUNG. There is a difference in educational institutions as to how they administer a program. One may be liberal in allocating funds to students and they would have many students who would have a prior claim to the next appropriation. Another institution might try to keep within its allocation, and it would be thus penalized.

Mr. JAVITS. No. It is uniform for students in all institutions. So long as that student is in a position to go through with his education, that student, in that fiscal year, has the entitlement.

It is almost analogous to the fact that we may give someone the right to draw on a given fund, if the fund will stand it. We do that, for example, in the Foreign Claims Act. We have done exactly that. We have given the individual creditor on a foreign claim a vessel right to, say, $10,000. The Government may, for the moment, have only enough to pay him 40 cents on the dollar. But that does not mean that he gives up the 60 cents on the dollar. That does not mean that the Government is liable for the 60 cents on the dollar. It does mean that the 60 cents on the dollar, or any part thereof, if available, will go to the foreign claimant.

That is what this comes down to.

Mr. YOUNG. The problem of appropriation committees would be different if, say, $700 million were needed for the next fiscal year for this program and we had to provide for a prior claim of $100 million. We would be obligated for last year's student fund before we could help a future student. So in effect we

would have to appropriate $800 million instead of $700 million?

Mr. JAVITS. The Senator from Rhode Island (Mr. PELL) has already made clear that this operation spans only a fiscal year. That is all. At the end of that fiscal year, there is a totally new arrangement regarding the entitlements, so long as it is confined to that fiscal year. I do not see how it complicates the appropriations committees.

Mr. YOUNG. I cannot help feeling it will be setting a precedent.

Mr. COTTON. May I make a statement. I want to say that I was informed after a review in response to the Senator from Rhode Island, that so far as they were concerned, they could live with this arrangement. But it is not entirely a question of whether the Department of HEW can live with it. It is a question of whether the Nation can live with it. If I interpret correctly we are continuing to build up funds that are in the uncontrollable category and not entirely subject to the appropriating process.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from New York is recognized for an additional minute.

Mr. COTTON. Mr. President, the committments are now to the point where a comparatively small percentage of the funds we will probably appropriate today in the appropriation bill on HEW are controllable. The President cannot impound them nor use the money. And that might be a desirable object. But the moment we create these direct obligations, even though the committee and Congress can defy them and not fulfill them, I think the more we can endanger our losing control of our fiscal house.

Mr. JAVITS. Mr. President, if I might address both Senators in this manner, let us pierce the legality question momentarily. What we are trying to do is to try to make it possible for young people who would not otherwise be able to do so, to get a college education because they rate an opportunity for it.

We have to give the young person who is going to do that some assurance consistent with the appropriations process. We have tried to do this. We have tried to give him the confidence that if he gets admitted into an eligible school he can, by and large probably have many of his needs met. But we knew that these questions demonstrated more pressure in this method than in the normal appropriations. Of course it will. There will be a lot of individuals involved. But this is not unusual. We are not giving the members of the committee a legal obligation of any new character. We are setting up 1 million young people, and they and their parents are going to be hot on the trail of the committee members to see that these appropriations are entitled. And what is wrong with that?

Mr. COTTON. There is nothing wrong with that. Here is one Senator who wants to vote for the bill. The Senator knows that however conservative I may be in many fields, I am not conservative in anything for the young and the old people and other matters that we take care of in the HEW and education bill.

I am somewhat assured by the statements of both Senators since they are on the legislative committee. I do not care how much pressure is put on us. It is a worthy cause to guarantee education to our youth.

My objective is to make sure that this matter does not have any concealed weapons in it which would deprive the Appropriations Committee, if approved by the Senate and the House, of controlling the budget.

Mr. JAVITS. Mr. President, the answer to the question of the Senator is that it has no concealed weapons other than the fact that there will be individuals who will be interested in doing their best to get the appropriations made. Other than that, we have no obligation.

Mr. COTTON. I thank the Senator.

Mr. COOPER. Mr. President, there is an entitlement of $1,400 in this and appropriations for that fiscal year of $1,000. Is the entitlement of the remaining $400 void at the end of the fiscal year?

Mr. JAVITS. It is void at the end of the fiscal year unless there has been some supplemental or other operation.

Mr. President, I would like to read the statutory provision that resulted in this debate.

It appears in the bill at page 164, line 17, through page 165, line 4.

It reads:

(B) If, during any period of any fiscal year, the funds available for payments under this subpart are insufficient to fully satisfy all entitlements under this subpart, the amount paid with respect to each such entitlement shall be ratably reduced. When sufficient funds become available for such purpose, the amount of payment to be applied to each holder of a basic grant shall be equal to the difference between the amount paid to that holder under the first sentence of this subparagraph and the amount determined under subsection (a) to be that to which that holder is entitled for that year. No method of computing or manner of distribution of payments shall be used which is inconsistent with this subparagraph.

And the clear interpretation of the whole scheme of distribution is that it is "during any period of any fiscal year."

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. JAVITS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 additional minutes.

Mr. COOPER. Mr. President, that is probably a matter for the determination of the student. The student has an entitlement to $1,400 and an appropriation is made which would provide $1,000. Would that be given to the student at the time or is it ratably distributed to him through the school year?

Mr. JAVITS. As to the actual distribution, I think that would be very likely distributed to him through the school year. That is the option of the Commissioner of Education who will establish the regulations.

Mr. COOPER. I ask that because there are always some who might take the money and blow it in.

Mr. JAVITS. I thank my colleague.

I am especially solicitous that the Senator from North Dakota is satisfied since he is the ranking minority member of the Appropriations Committee. I hope that as the debate goes on, if the Senator from North Dakota has any further questions, he feels free to ask them.

Mr. YOUNG. I thank the Senator from New York.

The PRESIDING OFFICER. Who yields time?

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, would the Senator yield for a unanimous-consent request?

Mr. PELL. Mr. President, I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Tom Susman, a member of the staff, be permitted to be on the floor of the Senate during the course of the debate on Higher Education.

Mr. JAVITS. Mr. President, I would like to make a similar request for Charles Warren.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, I understand that these individuals will not stay on the floor during the rollcall votes?

Mr. JAVITS. The Senator is correct.

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

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. Mr. President, is the amendment of the Senator from Indiana the pending business?

The PRESIDING OFFICER. It is the pending business.

Mr. BAYH. Mr. President, I send a minor modification of my amendment to the desk.

The PRESIDING OFFICER (Mr. BURDICK). The clerk will read the modification.

The assistant legislative clerk read as follows:

The Senator from Indiana modifies his amendment as follows:

I hereby modify my amendment number 398, on page 2, lines 6 and 7, by striking the words "Commissioner of Education" and substituting in lieu thereof the words "Secretary of Health, Education, and Welfare".

The PRESIDING OFFICER. The amendment is so modified. Who yields time?

Mr. BAYH. Mr. President, I ask unanimous consent to have the names of the distinguished Senator from Massachusetts (Mr. KENNEDY) and the distinguished Senator from Michigan (Mr. HART) as cosponsors of the amendment.

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

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

Mr. BAYH. Mr. President, I would be pleased to yield to the Senator from New York.

Mr. JAVITS. Mr. President, while the debate is going on, I would like to think, and I would hope that the Senator might think about the possibility of——

Mr. DOMINICK. Mr. President, would the Senator kindly talk so that the rest of us could hear him?

Mr. JAVITS. Mr. President, while the debate is going on, I would like to think, and I would like the Senator to think about this possibility which deals with the real practical problem. Might the Senator consider dividing into two parts the 7-year term for public institutions to become coeducational, reducing the seven to six, and giving 1 year before the amendment would take effect. That is, the amendment would take effect 1 year after the enactment of the bill. We do not know, since we are venturing into the field of thousands of institutions, what problems we may encounter which would vest if the law were immediately operative, although they have 7 years to carry it out.

In this way, if there are violent objections or somebody thinks we made a mistake it would give us an opportunity to do what they think we should do in this regard.

In view of the fact that this is a major measure and we are dealing with millions of students and hundreds of institutions, it seems to me the Senator should consider if that should not be a proper precaution. It would not extend the time further, but split the period in two, one part for the amendment to become operative, and the second part for time to conform.

Mr. BAYH. Mr. President, I think the suggestion is a good one. We do not want to impose any unnecessary hardships. We want these schools to have advance notice.

The Senator from New York (Mr. JAVITS) has been a leader in this matter, and the Senator from Indiana would not want this to be interpreted in such a way that present protections are taken away.

Mr. JAVITS. The Senator is correct.

Mr. BAYH. While we are discussing this amendment, I suggest that the staff can be working on adjustments.

Mr. JAVITS. I thank the Senator.

PRIVILEGE OF THE FLOOR

Mr. BAYH. Mr. President, I ask unanimous consent that Paul J. Mode, Jr., one of my staff members, be permitted on the floor during debate on this amendment.

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

Mr. DOMINICK. Mr. President, does the Senator intend to make a statement in support of the amendment or is he amenable to questions at this time?

Mr. BAYH. I would like to make a brief statement.

Mr. DOMINICK. Fine.

Mr. BAYH. Mr. President, I wish to make a brief statement for the benefit of those Senators who are present and those who might read the RECORD.

Mr. President, the Senate is now considering 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 of 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 ghettoes 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 insure 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 to 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 careers. 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.

As one Member of this body who has been and is greatly concerned about the equality of opportunity for women, I would not want this argument to devolve into disputes of whether this would require equal restrooms or equal incarceration in penitentiaries. It seems to me that such disputes are merely strawmen to take our attention away from the real inequities that do in fact exist.

I doubt if most of our male citizens, in particular, male legislators, realize the degree to which these inequities exist.

I will ask unanimous consent to have printed in the RECORD information which shows the type discrimination to which I refer, but I shall quickly touch on it

In the 1968 period, there were 393,000 male degrees conferred and 279,000 female degrees conferred. As the quality or intensity of the degree increases the discrimination increased. Master's degrees for the same year show 114,000 men and 63,000 women. Among law students, only 5.9 percent were women, and among medical students, only 8.3 percent.

Mr. President, to depict in some small way what this means in terms of reducing our Nation's potential, I point out that when I toured the Soviet Union several years ago with my family I was impressed by the extent to which they are using female expertise to provide medical care.

If there is any area in which we have a shortage, and a problem with which we have been unable to come to grips, it is in providing adequate medical care to all of our people.

There are a number of measures pending before this body and Congress, and one is presently in the conference committee, but we will still not be able to deal with the problem of adequate medical care until we find a way to get additional medical technicians and doctors.

To the degree our educational system does not allow us to educate women for health services, we are falling short.

One of the ways we are falling short is in relation to admissions to medical schools. Only 7 percent of the students in our medical schools are women. Seventy-five percent are women in the Soviet Union.

I am not suggesting we open the doors of our medical schools simply to increase the number to 75 percent, but we do hope to wipe aside some of the discrimination that exists today intentionally or unintentionally. This is the thrust of the amendment.

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.

In connection with the discussion with the Senator from New York (Mr. JAVITS) I certainly would not object to delaying the effective date to 1 year after enactment, and then providing 6 years for its implementation. This delay, let me hasten to add, would only apply in the case of an institution which is 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.

If a public institution at the undergraduate level or any institution of graduate instruction professes to have a policy of equal access to all students, it seems to me there should be no necessity for a period of transition. However, if there is a public or private institution where there are either all male students or all female students, then the dramatic change to equal educational opportunity for both sexes would require some period of adjustment.

It is for that purpose we permitted the 1-year delay and 6-year transition as suggested by the Senator from New York.

Sections 602–604 contain enforcement, judicial review, and other technical provisions for the implementation of the section 601 prohibition. These provisions are similar 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 commended 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.

I ask unanimous consent that the text of my amendment, a summary, and excerpts from President Nixon's task force report be printed in the RECORD.

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

S. 659

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 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 post-secondary 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 similar 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 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.

A MATTER OF SIMPLE JUSTICE

(Excerpts from: 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 promises.

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 discriminations 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 sections 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.

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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 the Stuyvesant High School,[2] 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.[3]

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,[4] 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.[5] 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 * * *

[2] *De Rivera* v. *Fliedner*, Sup. Ct. N.Y. Civil Action, 00938–69. Resolved by administrative appeal.

[3] *Kirstein et al* v. *University of Virginia*, E. C. Va. Civil Action No. 22069–R.

[4] Executive Secretary, Association of American Law Schools, 1968. Association of American Medical Colleges, 1967.

[5] President's Commission on the Status of Women, *American Women*, p. 45, 1963.

Mr. BAYH. Mr. President, that summarizes quite well what we are trying to do, a task that is extremely important if we sincerely believe that educational opportunity should not be based on sex, just as we earlier said it should not be based on race, national origin, or some of the other discriminations.

Mr. DOMINICK. Mr. President, would the Senator from Indiana mind if I asked some questions and he replied? If he does not have time, I can get some time from the Senator from New York.

Mr. PELL. Mr. President, I will be glad to yield time to the Senator.

Mr. DOMINICK. The reason why I objected to dispensing with the reading of the amendment was that I could not find a printed copy of it. It is our understanding around here that unless we have printed copies, amendments are to be read, unless there is unanimous consent to do otherwise.

Mr. BAYH. I noticed that copies of the amendment were on the desks. It was submitted yesterday. Why the Senator did not receive a copy, I do not know, but I think it was appropriate that it be read.

Mr. DOMINICK. Having had it read and having had a chance to read it, I want to come to page 1, if I may. When the Senator starts out, he talks about a "public institution of higher education." Then he goes on—

or any school or department of graduate education, which is a recipient of Federal financial assistance for any education program or activity.

I would presume, under that language, therefore, that Senator is talking about department of any university or college, whether it is private or public. Is that correct?

Mr. BAYH. That is correct.

Mr. DOMINICK. Just to give me some feel about this, what does the Senator do about institutions that feel they operate much better, let us say, if they have a ratio of 60 percent men and 40 percent girls, and they want to keep that ratio within their student bodies? How does the amendment deal with the kind of situation where we suddenly find that women want to go into that college because it is made up of 60 percent men students? They apply to enter the school, and their applications are perfectly all right, and then it gets to the 40-percent level. What is to be done then?

Mr. BAYH. Will the Senator define what he means when he says that they feel an institution operates best that way? How does he decide that?

Mr. DOMINICK. I am talking about the institutions themselves. There are a number of colleges and universities around the country which, I think, definitely try to keep a certain quota or a certain ratio as between male and female students, and they feel that their own university, wherever it may be or whatever it may be emphasizing, would provide better educational opportunities, in the broad sense of the word, if it kept that ratio than it would if it had a different mix.

Mr. BAYH. With all respect to the Senator from Colorado, that is the very thing this amendment is trying to prohibit.

Mr. DOMINICK. That is what I wondered about.

Mr. BAYH. That is exactly what this amendment intends to prohibit. It is well and good to say that an institution makes a determination that it operates better with a 60–40 percent ratio of men to women, but what happens if that institution makes the determination that the ratio should be 10 to 1? That is what happens in the medical schools, for example. It is the purpose that those schools should be open to all students on the basis of merit, without the question of sex being involved.

Mr. DOMINICK. We are talking about undergraduates as well as graduates. Just suppose this for a moment. Suppose for a long period of time a college or university has been operated on the basis of 40 percent men and 60 percent girls. I would imagine that there might be quite a few applications by men in view of that particular ratio. They might like that. All of a sudden the thing reverses because there are so many applicants, and there no longer is that ratio or mix.

Mr. BAYH. The amendment does not contain, nor does the Senator from Indiana feel it should contain, a quota

which says there has to be a 50–50 ratio to meet the test.

Mr. DOMINICK. I understand what the Senator is trying to do. I am trying to see what the colleges and universities would do. What the Senator is saying is that under his amendment that cannot happen.

Mr. BAYH. Exactly.

Mr. DOMINICK. Presumably the mix between male and female in any particular college or university would depend upon what type of applications it had in any particular year. Is this going to create rather sharp financial problems for a university? Let us suppose there is a 40-percent male and 60-percent female mix in one year, and a great number of male applicants come in. They do very well and all of a sudden it turns around and the mix is the other way. Let us say it becomes 70-percent male and 30-percent female. Would there not be a problem in the facilities?

Mr. BAYH. I do not feel that would happen, it is because of the possibility that the transition from single-sex to equal admission policies might necessitate dramatic changes that the 7-year provision of the Senator from New York has been included in the amendment—the penalty and sanction in this amendment—would not be applicable as long as the institution involved could show that it has embarked upon a program now that will take not to exceed 6 years to remedy the situation.

Mr. DOMINICK. Let us take a private university or college, not a public one, for this question. Let us take a medical school, as the Senator did, which has been, we will say, historically male. What the Senator is saying here is that if a girl has the same applicable quality, she should be allowed in—with which I thoroughly and 100 percent agree.

But what about a divinity school? What does the Senator do about that? It is my understanding that in some religions, at least, members cannot be ordained within that sect who are of one classification or another—male or female.

Mr. BAYH. The authority given to the Secretary of Health, Education, and Welfare in section 602(a) would be, in my judgment, broad enough to take care of that. This is a matter of decision within the particular religion, and I think it could be handled most aptly by the Secretary.

Mr. DOMINICK. Is it the Senator's feeling or the Senator's intent that under section 602 the Secretary can provide waivers of this requirement?

Mr. BAYH. Yes; in this unique situation. I refer especially to a divinity school in which a student is studying to be a member of the clergy; I do not include all institutions which are financed solely by a religious denomination but only those that do not confine their curriculum to theology. There are a number of religious-sponsored schools at the graduate level that give graduate degrees in physics or medicine, and they should be treated just the same as other private institutions are.

Mr. DOMINICK. Let us be thoroughly specific here. Let us take Catholic University. Catholic University is not limited to Catholics. A number of students go to that university who are not Catholics. But where there is a university which is Catholic and is offering divinity courses in the Catholic religion, as far as I know no women would be admitted to them in the Catholic religion. Is this amendment going to require that they be admitted?

Mr. BAYH. Will the Senator from Colorado repeat his question? I could not hear it.

Mr. DOMINICK. Take a Catholic university which is offering a divinity school for priests. Is this amendment going to require that the university open its doors to everyone?

Mr. BAYH. No. I think the Senator is certainly wise in bringing up the question, but I think the rulemaking power of the Secretary of HEW would take care of that. I do not think it is wise for the Congress of the United States to determine whether or not men or women should be priests, preachers or religious figures in any church. That is for the church itself to decide.

Mr. DOMINICK. That is fine. I am trying to build a record; that is the reason why I raise some of these questions now.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. BAYH. I yield.

Mr. JAVITS. One of the things that HEW wanted us to include was a statement that there could be a differential "where sex is a bona fide ground for such differential treatment."

This, as I read it—and we can get confirmation from the Senator from Indiana—relates to postgraduate institutions even if they are private.

Mr. BAYH. That is correct.

Mr. JAVITS. Does the Senator not think the record should be very clear, to carry out what the Senator has told us just now, that we understand that the Department may include in the rules and regulations orders of general applicability, which are the subject of section 602 (a), also a rule "where sex is a bona fide ground for such differential treatment"?

Then, if anyone complains that that is being abused, there is considerable case law on the subject, and the matter can be contested, but at least it would take care, in a generic way, of the kind of question the Senator from Colorado has raised.

That question is important. For example, it may be that a school does give a doctor of divinity a degree. It may give many other degrees. It could get no help from the Federal Government in connection with a degree of doctor of divinity, but it might get help with mathematics, physics, astronomy, or many other things.

So it would seem to me to be a useful precaution that the legislative history should declare that when we give the Secretary authority to make rules, regulations, or orders of general applicability which may deal with the kind of situation the Senator from Colorado is describing, he may deal with it under the discretionary rulemaking power, provided it is consistent with the objectives of the law.

Mr. BAYH. I agree generally with the Senator from New York. I would not like to see that specific language written into the bill, because all too often this is the hook on which discrimination can be hung. I think our colloquy should be interpreted in the most narrow sense, and that we should deal as narrowly with the specific and the related subjects as can be done. The example that was related by the Senator from Colorado I think the courts have interpreted in the past, and I think it should be interpreted the same way here, as far as sex is concerned.

Mr. DOMINICK. Mr. President, will the Senator yield for a few further questions?

Mr. BAYH. Surely.

Mr. DOMINICK. The provisions on page 1, under section 601, refer to the fact that no one shall be denied the benefits of any program or activity conducted, et cetera.

The words "any program or activity," in what way is the Senator thinking here? Is he thinking in terms of dormitory facilities, is he thinking in terms of athletic facilities or equipment, or in what terms are we dealing here? Or are we dealing with just educational requirements?

I think it is important, for example, because we have institutions of learning which, because of circumstances such as I have pointed out, may feel they do not have dormitory facilities which are adequate, or they may feel, as some institutions are already saying, that you cannot segregate dormitories anyway.

But suppose they want to segregate the dormitories; can they do it?

Mr. BAYH. The rulemaking powers referred to earlier, I think, give the Secretary discretion to take care of this particular policy problem. I do not read this as requiring integration of dormitories between the sexes, nor do I feel it mandates the desegregation of football fields. What we are trying to do is provide equal access for women and men students to the educational process and the extracurricular activities in a school, where there is not a unique facet such as football involved. We are not requiring that intercollegiate football be desegregated, nor that the men's locker room be desegregated.

Mr. DOMINICK. If I may say so, I would have had much more fun playing college football if it had been integrated.

Mr. BAYH. The Senator from Indiana will resist the temptation to remark further on that point.

Mr. DOMINICK. There are a couple of things that I think are worthwhile bringing up. When we get down to section 602 (b), the Senator says that compliance may be effected by the termination of or refusal to grant or to continue assistance to any recipient as to whom there has been an expressed finding on the record, and a failure to comply.

I gather that there is no particular formal hearing allowed on the charge of discrimination, other than the ones which might be set up under the Equal Opportunity Commission; is that correct?

Mr. BAYH. This is identical language, specifically taken from title VI of the 1964 Civil Rights Act, Public Law 88–352.

Mr. DOMINICK. Right; I understand that.

Mr. BAYH. This title does require hearings and notice, and the normal administrative procedures are set out.

Mr. DOMINICK. Then the Senator is, in effect, contending that there would be hearings and the right to be heard, and all the usual procedures along that line?

Mr. BAYH. The same procedure that was set up and has operated with great success under the 1964 Civil Rights Act, and the regulations thereunder would be equally applicable to discrimination in this respect.

Mr. DOMINICK. What type of aid the recipient might be getting would be cut off? Let us suppose, for example, that they have guaranteed loans for construction. Let us suppose that they have research grants under the NIH. Let us suppose that they are doing graduate work in some programs authorized by the Defense Department. Just what type of aid are we cutting off here?

Mr. BAYH. We are cutting off all aid that comes through the Department of Health, Education, and Welfare, and as to the specific ones, the Senator has mentioned, I think they would all be included with the exception of research grants made through other departments such as the Department of Defense.

Mr. DOMINICK. The Senator is talking about every program under HEW?

Mr. BAYH. Let me suggest that I would imagine that any person who was sitting at the head of the Department of Health, Education, and Welfare, administering this program, would be reasonable and would use only such leverage as was necessary against the institution.

It is unquestionable, in my judgment, that this would not be directed at specific assistance that was being received by individual students, but would be directed at the institution, and the Secretary would be expected to use good judgment as to how much leverage to apply, and where it could best be applied.

The civil rights experience, as the Senator from Colorado knows, indicates that the very possibility of such a sanction has worked wonders.

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

Mr. JAVITS. Mr. President, I yield the Senator 5 minutes on the amendment, or on the bill if the manager is agreeable.

Mr. BAYH. Mr. President, the Senator from Indiana was not aware that all this time was coming out of his time. I suppose that I might prevail upon the Senator from Rhode Island for the little time we need.

Mr. DOMINICK. I have 3 hours on my amendment, and I will be glad to give the Senator some of that.

Mr. PELL. Mr. President, I would like to indicate to the Senator from Colorado and the Senator from Indiana that I believe this to be an excellent amendment, and when the time comes, I shall be willing to yield back my time and as floor manager of S. 659, accept it.

I yield the Senator from Indiana whatever time is necessary.

ORDER FOR YEAS OR NAYS ON LABOR-HEW CONFERENCE REPORT AND THE PUBLIC SERVICE JOBS PROGRAM

Mr. BYRD of West Virginia. Mr. President, will the Senator from Indiana yield for a unanimous-consent request?

Mr. BAYH. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order at this time to order the yeas and nays on both the Labor-HEW conference report and the $1 billion public service jobs program.

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. Mr. President, reserving the right to object, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. The rule of the Senate is that one may not ask for the yeas and nays unless the matter is pending before the Senate.

The PRESIDING OFFICER. That is correct.

Mr. BYRD of West Virginia. That is correct.

Mr. ALLOTT. And the Senator now wants to ask for the yeas and nays on——

Mr. BYRD of West Virginia. On the final passage of the Labor-HEW conference report, and on final passage of the $1 billion public service employment bill.

Mr. ALLOTT. I have no objection.

Mr. DOMINICK. Mr. President, reserving the right to object, that would be for today. Is that correct? I do not want it to be for September.

Mr. BYRD of West Virginia. Hopefully, for today.

Mr. DOMINICK. If it is for September, I would have to object.

Mr. JAVITS. It is for today .

Mr. BYRD of West Virginia. I do not anticipate its being in September, I assure the Senator.

Mr. DOMINICK. Could the distinguished deputy leader restrict it for today's session?

Mr. BYRD of West Virginia. Yes.

Mr. President, I so modify my request.

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

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on both measures mentioned.

The yeas and nays were ordered.

EDUCATION AMENDMENTS OF 1971

The Senate continued with 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. BAYH. Mr. President, before I proceed further, I send to the desk another modification—suggested by the Senator from New York—so that it may be incorporated at this time.

Also, I ask unanimous consent that the name of the Senator from Kentucky (Mr. COOK) be added as a cosponsor of the amendment.

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

The modification will be stated.

The assistant legislative clerk read as follows:

On page 2 lines 1 and 2, strike out the words "seven years from the date an educational institution begins" and substitute in lieu thereof "one year from the date of enactment, nor for six years thereafter in the case of an educational institution which has begun".

Mr. JAVITS. Mr. President, as does Senator PELL, I believe that we will shortly get to the stage where we will accept it.

Mr. DOMINICK. I am not going to be much longer, but I think we ought to raise some of these points so that we can get a history and a record behind it which may be helpful in the long run.

The next thing I am somewhat concerned about is the fact that we are taking here every private university in the country and putting them under the direction of the Secretary of Health, Education, and Welfare. What kind of reaction does the Senator think will result from that?

Mr. BAYH. Let me suggest to the Senator from Colorado that I think this colloquy has been helpful in trying to define what this means specifically.

I might point out that, so far as involvement or supervision by the Secretary of HEW is concerned, we really are not doing anything to the private school that is not now in the law under title VI of the 1964 Civil Rights Act, relating to discrimination in other areas.

We are saying that the power which now resides in the Federal Government over private institutions shall be extended. We are only adding the 3-letter word "sex" to existing law.

Mr. DOMINICK. I think it is also important to recognize that many private institutions—I do not know whether it is all of them—receive at least 50 percent of their operating costs from the Federal Government. So that, although we claim they are private, they are in fact receiving an enormous amount of help through one agency of Government or another, mostly through the HEW program. I think that also might add to the problem that I am sure will be raised.

Mr. BAYH. I doubt very much whether even one institution of higher education today, private or public, is not receiving some Federal assistance.

Mr. DOMINICK. I believe this colloquy has been very helpful, and I appreciate the frankness of the distinguished Senator from Indiana.

I do not intend to object to it, but I would have had to object if it were not for the Javits amendment. I think that is extremely important, because there will be problems within the next year which will be brought up, I am sure, and on which we may have to legislate in order to try to solve them.

Mr. BAYH. I appreciate the help of the Senator from Colorado. I think the Javits amendment, the amendment proposed by the Senator from New York, has been extremely helpful.

Certainly, we are not trying to penalize any institution, that is trying to deal with the problem of discrimination against women students. We are trying to zero in on those who refuse to move. I think the timetable that is now incorporated in the bill, is consistent with the type of timetable that has been set in the past by court decisions under title VI of the 1964 Civil Rights Act in other areas of discrimination.

The Senator from Indiana is satisfied with the provisions of this amendment. Insofar as they go. However, I, for one would like us to have dealt more forthrightly and perhaps have gone further in relation to private undergraduate schools. But I believe this is significant progress. It will make a tremendous impact, in my judgment, in the areas where there is obvious discrimination.

Mr. GURNEY. Mr. President, will the Senator yield for a question?

Mr. BAYH. I yield.

Mr. GURNEY. Let us consider the situation of a graduate school which has been predominantly male. Let us take, for example, a graduate school of forestry or one of mining, or even one of a technological nature, such as MIT or Rensselaer Polytech, where there is a split—I am using arbitrary figures, because I do not know the actual figures—of 90-percent men and 10-percent women. Would this bill require such an institution to file a plan with the Secretary of HEW to broaden that base to 50–50 or some other percentage that was different from 90–10?

Mr. BAYH. The plan required during the delay on effectiveness of these provisions does not apply to institutions which are presently admitting and educating students of both sexes.

Mr. GURNEY. Only to those that are all male or all female?

Mr. BAYH. Yes. It is meant to allow time for the mechanics of transition, the different facilities that are required to retain the rights of privacy, for example. If both sexes already are represented in classrooms, it seems to me that the problems presented by this type of transition are going to be minimal. If both sexes are not now represented in the classrooms, then it seems to me that we do need to permit some program and time for the transfer.

Mr. GURNEY. I think we may find places where it ought to apply. Some institutions may have a ratio now of 90–10, where they do favor males in place of females, and maintain their constant ratio, where perhaps it ought to be broadened. Does the bill do anything for that?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GURNEY. Mr. President, will the Senator yield me time?

Mr. PELL. I yield the Senator from Florida 5 minutes.

Mr. BAYH. The amendment is not designed to require specific quotas. The bill is designed to deal with the specific example to which the Senator from Florida referred. I do not see how a 90–10 ratio has any relevance. The basis for determining compliance would not be an arbitrary ratio but the qualifications of the students who have made application. That would be the question—how many qualified men students were admitted and whether the institution required significantly higher standards for women students.

Mr. GURNEY. I do not argue with that. I am for the proposal. I agree with it. I want to make sure that it does cover that.

Mr. BAYH. That is what it is designed for.

Mr. GURNEY. The answer is that it does cover institutions beyond those that are all male or all female.

Mr. BAYH. This applies to all public institutions of higher education and to all public and private institutions at the graduate level. The exception that has been discussed by the Senators from New York and Indiana applies only to those institutions that are now all of one sex.

Mr. GURNEY. I thank the Senator.

Mr. BYRD of Virginia. Mr. President, will the Senator from Rhode Island yield me 5 minutes?

Mr. PELL. I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER (Mr. BURDICK). The Senator from Virginia is recognized for 5 minutes.

Mr. BYRD of Virginia. May I query the Senator from Indiana on this point: How would the amendment affect the U.S. Military Academy, the U.S. Naval Academy, the Air Force Academy, and the Coast Guard Academy?

Mr. BAYH. So far the sanction is concerned, the amendment applies only to HEW funds. I have not investigated this but I would be surprised if the Academies were receiving substantial assistance from HEW. The thrust of the amendment, however, it seems to me, should be applied to those institutions, as well as others. Let me emphasize again that we are not requiring quotas. But as long as there are women in the U.S. Army and in other branches of the services, as long as there are women officers, and a woman was appointed general recently, it seems to me that we are not being equitable to the woman who serve in our Armed Forces if we do not give them an equal opportunity to gain that educational excellence that has traditionally eased promotion.

Mr. BYRD of Virginia. That is what is intended, then, that this should apply to all the U.S. military academies, West Point, Annapolis, the Coast Guard, and the Air Force?

Mr. BAYH. That is accurate.

Mr. BYRD of Virginia. That is the Senator's position?

Mr. BAYH. Yes. That is my position for the reason I mentioned earlier. If we are going to have women officers, then I think they should have equal opportunity for promotions.

Mr. BYRD of Virginia. In colloquy with the distinguished Senator from Florida, I understood the Senator from Indiana to say that the ratio in those colleges that now have a ratio of 90 to 10 is not enough and that it should be a different ratio. Is that not a quota system, so to speak?

Mr. BAYH. No. What we are saying is that we are striking down quotas. The thrust of the amendment is to do away with every quota. If there is an institution that has 90-percent men and 10-percent women, or vice versa, and if examination has shown that the ratio of the sexes is not based upon the objective qualifications of the students, this sanction may be applied. We are dealing here with a fact of life, that in most institutions of higher learning a woman, to be admitted, must score significantly higher on admissions tests. And, even if she scores significantly higher on the tests, she may then be confronted with arbitrary exclusion because the quota of women for that school has already been filled.

Mr. BYRD of Virginia. There are many very fine and long-established women's colleges throughout the country. If I understand the Senator's amendment correctly, those women's colleges could no longer be exclusively for women.

Mr. BAYH. Would the Senator care to name a specific college?

Mr. BYRD of Virginia. Well, I am not that familiar with women's colleges because—

Mr. BAYH. Let the Senator from Indiana respond to that and perhaps define what would be covered and what would not be covered.

If the institution to which the Senator from Virginia refers is a public institution, the answer to his question is yes. If it is a private institution, at the undergraduate level, the answer is no. If it is a private institution, at the graduate level, the answer is "Yes."

Mr. BYRD of Virginia. So it would be at the graduate level that it would be impossible to carry on the tradition of exclusivity so far as women students at a women's college are concerned.

Mr. BAYH. That is accurate.

Mr. BYRD of Virginia. Now let us get to some men's colleges. Since the Senator asks for a specific example, I can give him one with regard to men.

The State of Virginia has the Virginia Military Institute. It is entirely for men. It is a military college. Now, as I understand the Senator's amendment, the Virginia Military Institute could no longer be exclusively a military college for men; is that correct?

Mr. BAYH. I think the question raised by the Senator from Virginia, dealing with one of the excellent military or military-oriented institutions, would be similar to the question he raised on military academies.

I have been to the school the Senator from Virginia just mentioned. I neglected to ask him at the time, whether that is a private or a public institution?

Mr. BYRD of Virginia. It is a State-supported institution.

Mr. BAYH. As it is a public institution, it would be covered under the amendment we are discussing now.

Mr. BYRD of Virginia. Does not the Senator from Indiana feel that it is appropriate that there should be some military colleges in the United States to train men for the military services?

Mr. BAYH. I wish it were no longer necessary to have them, but as long as it is necessary, we have to recognize that.

Mr. BYRD of Virginia. I wish it were not necessary also, but I do not think

we have reached the stage where we can dismantle our military establishments, although a great many people would like to do that now.

Mr. BAYH. The Senator from Indiana asks a question of the Senator from Virginia: Does he feel that we should continue the policy we now have, of having a significant number of women in the military services, many of whom are officers—one of whom has just been appointed to be a general in the Air Force, and two appointed to be generals in the Army?

Mr. BYRD of Virginia. Yes. I favor that, of course. I also favor the policy of permitting the Virginia Military Institute to carry on as it has carried on in the past, with the training of young men for our military services. I understand, however, that the Senator from Indiana takes a different view, that the Virginia Military Institute must make itself into a coeducational institution if this amendment is adopted.

Mr. BAYH. That is accurate.

Mr. BYRD of Virginia. The same way with the U.S. Military Academy, the U.S. Naval Academy, the Air Force Academy, and the Coast Guard Academy.

Mr. BAYH. This is a sensitive issue to my good friend from Virginia, I am sure, and I appreciate that.

I am not familiar with the curriculum of the Virginia Military Institute. I am familiar with the parallel he makes to the military academies. This amendment does not in any way require a military academy to have a 50–50 ratio of women to men students.

Mr. BYRD of Virginia. What would the ratio be?

Mr. BAYH. I think the rulemaking power of the Secretary of HEW would suggest that the admission of women students to military schools should be consistent with the need for those officers in the military.

This is an important provision. If a woman wants to make the military her life—and there is not a high percentage of women who do—and wishes to enter a branch of the service, she ought to have the opportunity to go up the ladder of promotion to the highest degree accessible to any graduate from a military academy or a recognized military school. If we do something that denies this opportunity, we are making it more difcult for her to compete when she might be able to do the job as well as a man

Mr. BYRD of Virginia. Mr. President, what is the Senator's attitude toward women serving on submarines or on other service ships?

Mr. BAYH. Do I understand the Senator to suggest that this amendment would require women to serve on submarines?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PELL. Mr. President, I yield 2 minutes on the bill to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for an additional 2 minutes.

Mr. BYRD of Virginia. Mr. President, I understand the Senator's amendment would require the military academies to accept women if they are acceptable.

After graduation some of the graduates are assigned to submarine duty, some are assigned to destroyer duty, some are assigned to aircraft duty, to oiler transports, oilers, and so forth.

What is the Senator's attitude toward women serving on naval combat ships, and specifically submarines?

Mr. BAYH. The Senator from Indiana served only in the Army. I would rather let the Secretary of the Navy decide whether women ought to serve on a submarine or a destroyer.

I inform the Senator from West Virginia that this amendment is not remotely connected to the problems of assignment to which the Senator from West Virginia makes reference.

Mr. BYRD of Virginia. Mr. President, I am very proud of West Virginia. However, I happen to be from the State of Virginia.

Mr. BAYH. I was complimenting both the Senators who are present at this time. To give a specific example to the Senator from Virginia, there are significant numbers of women that enlist every day, every week, every month, and every year. These women are not assigned to submarines or to aircraft carriers.

Mr. BYRD of Virginia. Why should we discriminate?

Mr. BAYH. I say that if a woman is in the U.S. Navy, she ought to have equal opportunity for promotion.

I think the Secretary of the Navy could best determine in what numbers women should be admitted to Annapolis.

Mr. BYRD of Virginia. I would rather leave it to him than to the Secretary of HEW who should have no control over the matter.

Mr. JAVITS. Mr. President, I yield 2 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 2 minutes.

Mr. AIKEN. Mr. President, several months ago the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD) and I introduced a constitutional amendment, and a very important one. The amendment would provide for a single 6-year term for the presidency.

We also introduced this proposed amendment in the 91st Congress but no hearings were held during that time.

I know there is a great deal of interest in this matter. I understand that constitutional amendments come before the subcommittee headed by the Senator from Indiana. I thought that at this time it would be well to ask him when he intends, if ever, to hold hearings upon the constitutional amendment proposed by the Senator from Montana and myself.

Mr. BAYH. Mr. President, I appreciate the fact that the Senator has asked that particular question. Two or three weeks ago I asked my staff to investigate this and some other proposals with a view to having hearings. The 6-year term was one of the prime matters of interest to us. Hopefully, we will be able to act before the end of this year.

Mr. AIKEN. Does the Senator feel he will have hearings on this proposed amendment some time this fall?

Mr. BAYH. I would like to have hearings held in the next few months.

Mr. AIKEN. Does it not rest with the Senator when he will have hearings?

Mr. BAYH. That is correct, if a Senator can tell what will happen within his own subcommittee. The Senator from North Carolina has been urging that we have additional hearings on another matter. There are quite a number of other issues pending before us. I think that we will have hearings before the end of the year.

Mr. AIKEN. I asked the question because I had not heard that other members of the subcommittee had been approached about hearings. I thought that it would be an excellent time to ask the chairman of the subcommittee.

Mr. BAYH. I think it is an excellent time to ask the question and to have it answered. And I have answered it. We will try to have some hearings before the end of this year.

Mr. AIKEN. The chairman of this subcommittee, the Senator from Indiana, says that hearings will be held on this proposed constitutional amendment sometime this fall.

Mr. BAYH. The Senator from Indiana has said we will try to have hearings on this matter before the end of the year.

Mr. AIKEN. Does not the Senator from Indiana feel that this is an important proposed constitutional amendment?

Mr. BAYH. I think it is worthy of consideration.

Mr. AIKEN. Well, I understand that the Senator from Indiana has blocked hearings on this proposed amendment and I thought this would be a good time to bring it into the open.

Mr. TALMADGE. Mr. President, would the Senator from New York yield me 1 minute?

Mr. BAYH. Mr. President, may the Senator from Indiana respond to the accusations of the Senator from Vermont?

The PRESIDING OFFICER. This is controlled time. Who yields time?

Mr. JAVITS. I yield 1 minute to the distinguished Senator from Indiana to respond to the Senator from Vermont.

Mr. BAYH. Mr. President, I respectfully suggest that I think the Senator from Vermont was slightly harsh in using the term "blocked." This is the first time the Senator from Vermont has discussed the matter with the Senator from Indiana. Our relationship is such that he knows I will do my best to hold hearings. I have not in any way tried to conduct the subcommittee in an arbitrary manner. When Senators have wanted hearings held, I have held hearings, even though I might have opposed the issue. I cannot, at this time, even say that I am opposed to the Senator's proposal. It may be a good one. I will be glad to consider his request, made for the first time today, as I would consider any other such request.

Mr. JAVITS. Mr. President, I yield 4 minutes to the Senator from West Virginia and will then yield to the Senator from South Carolina (Mr. THURMOND) and then to the Senator from Georgia (Mr. TALMADGE).

Mr. TALMADGE. I do not think the amendment is germane. I would like to

make a point of order that it is not germane and we can proceed to something else.

Mr. JAVITS. Mr. President, I do not yield for that purpose at this time. I yield now 4 minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, we hear today the arguments that we have been hearing through the years as to the inability of women to perform certain tasks in our society.

I am constantly reminded of the experiences of three women who were employed as copyists by the U.S. Patent Office in 1854. In the following year, when they were about to be dismissed, a Representative wrote to the Secretary of the Interior on behalf of one of them.

The Secretary replied:

> There is every disposition on my part to do anything for the lady in question except to retain her, or any of the other females who work in the rooms of the Patent Office. I have no objections to the employment of females in the performance of such duties as they are competent to discharge, but there is such obvious impropriety in the mixing of the sexes within the walls of a public office that I have determined to arrest the practice.

The three women were dismissed by the Secretary. And the woman on whose behalf the Member of Congress made an appeal was Clara Barton, who a few years later went to work on the Civil War battlefields and, as founder of the American Red Cross, became one of the most illustrious women in American history.

The contributions of women have been very great in all phases of our history. Very often, however, we attempt to cut them off summarily from the continuing and expanding productivity of American life.

I think it is very important that we realize that whether the amendment is germane or not is a matter for determination by the Chair. However, as a member of the Subcommittee on Education of the Committee on Labor and Public Welfare, I feel it is very necessary that we give consideration here today to a yea and nay vote to the amendment of the Senator from Indiana.

Mr. President, I close on a lighter note, perhaps. When the Senator from Indiana addressed the Senator from Virginia (Mr. BYRD) as the Senator from West Virginia, he did not take exception to that. The Senator from West Virginia said he was proud of both States. I am sure he had every right to do that because the distinguished father of the Senator, a former Member of this body, was born in West Virginia. So I do feel that even though the Senator from Virginia and I disagree on the amendment there is a continuing understanding between West Virginians and Virginians on matters—not particularly this amendment but of the concept of public service.

I repeat that I hope the Senate will come to grips with this subject of the amendment of the Senator from Indiana. Why do I say that? I say that because constantly we are putting off coming to grips with this subject matter one way or another.

Mr. President, I support very strongly the purposes of the pending amendment.

PROHIBITION AGAINST SEX DISCRIMINATION IN HIGHER EDUCATION

Mr. McGOVERN subsequently said: Mr. President, I had intended to call up for Senate action today my amendment prohibiting discrimination in higher education on grounds of sex. Since Senator BAYH is offering a similar amendment, I will instead throw my support behind his amendment. I think all of us who believe in equality should be disturbed by such statistics as the fact that only 9 percent of America's college professors are women, only 6 percent of our law school students are women and only 8 percent of our medical school students are women.

I hope the Senate will support the kind of legislation to correct this imbalance which Senator BAYH and I are offering. I ask unanimous consent that the text of my own amendment be printed at this point in the RECORD.

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

On page 310, between lines 13 and 14, insert the following new part:

"PART K—PROHIBITION AGAINST SEX DISCRIMINATION

"AMENDMENT TO TITLE XII OF THE HIGHER EDUCATION ACT OF 1965

"SEC. 196. (a) Title XII of the Higher Education Act of 1965 is amended by inserting after section 1205 thereof the following new section:

"'PROHIBITION AGAINST SEX DISCRIMINATION'

"SEC. 1206. (a) The Secretary shall not make any grant, loan guarantee, or interest subsidy payment, nor shall the Secretary enter into any contract with any institution of higher education, or any other postsecondary institution, center, training center, or agencies representing such institutions unless the application, contract, or other arrangement for the grant, loan guarantee, interest subsidy payment, or other financial assistance contains assurances satisfactory to the Secretary that any such institution, center, or agency will not discriminate on the basis of sex in the admission of individuals to any program to which the application, contract, or other arrangement is applicable.

"'(b)(1) No person in the United States shall be excluded on the grounds of sex from participation in, be denied the benefits of, be subjected to discrimination under or be denied employment in connection with any program or activity assisted under this Act.

"'(2) The Secretary shall enforce the provisions of this subsection in the same manner and in accordance with the provisions of section 602 of the Civil Rights Act of 1964.

"'(c) Section 603 of the Civil Rights Act of 1964 shall apply in any action taken by the Secretary to enforce this section.

"'(d) The provisions of this section shall not be construed as affecting any other legal remedy that a person may have as a result from being excluded from participation on the grounds of sex from any program or activity assisted under this Act.

"'(e) Any institution or training center for women exclusive of men dedicated to the compensatory training and teaching of women are exempt from the provisions of this title until the representation of women in the respective professions approximates their proportion as citizens of the United States.'

"(b) The amendment made by subsection (a) of this section shall become effective with respect to any application, contract, or other arrangement entered into after the date of enactment of this Act."

Amend the table of contents by inserting immediately preceding the item entitled "Title II":

"PART K—PROHIBITION AGAINST SEX DISCRIMINATION

"Sec. 196. Amendments to title XII of the Higher Education Act of 1965."

Mr. COOK subsequently said: Mr. President, I rise to urge that S. 659, the Omnibus Education Amendments Act of 1971, be amended to prohibit sex biased educational policies. There is a gap in the laws protecting women from biased educational policies, a gap exposed by the House Special Subcommittee on Education in 1970. This legislative gap was also described by my distinguished colleagues from Maryland and Michigan, Senators MATHIAS and HART, on July 14, 1971—CONGRESSIONAL RECORD, page 25142.

> Many assumed that in the Civil Rights Act of 1964, we had safeguarded against discrimination against women, at least as to their admission to professional schools. The truth is that we have not . . . Title VII of the 1964 Civil Rights Act does not cover educational institutions although it does prohibit discrimination based upon sex. Title VI of the 1964 act bars discrimination on the basis of race, color, or national origin, but not on the basis of sex. Some have thought that Executive Order 11246 would remedy the situation by adding religion and sex to types of discrimination that are prohibited but it has been ruled that the executive order does not pertain to school admissions.

The Department of Health, Education, and Welfare, has also acknowledged the lack of legislation prohibiting sex biased policies found in higher education. At the hearings before the Special Subcommittee on Education of the House Committee on Education and Labor last summer, HEW Deputy Assistant Secretary Muirhead said:

> It is clear that the record of educational institutions . . . in affording to women equal opportunity, equal status, equal pay has been discouragingly poor . . . data on women in education is abundant enough to make it apparent that women have not achieved equal opportunity in education . . . we fully concur in your efforts to eliminate discrimination because of sex.

As Dr. Frances Norris, president of the WEAL Maryland State Chapter, advised me in a letter admissions quota systems, like that documented in her medical school testimony at the same House hearings I mentioned earlier, 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, who chaired the hearings, concluded:

> 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.

Mr. President, the United States can-

not afford to discriminate against one-half our population and deprive them of the opportunity to contribute to our society as equal citizens.

On July 14, the Senate agreed to the Mathias-Hart amendment, to prohibit sex discrimination in medical schools. This is only a small step in the right direction.

I urge the Senate to adopt the amendment introduced by the distinguished Senator from Indiana (Mr. BAYH).

Mr. JAVITS. Mr. President, I yield 5 minutes to the Senator from South Carolina.

The PRESIDING OFFICER (Mr. CANNON). The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I would like to make certain inquiries of the distinguished Senator from Indiana.

I would like to inquire of the Senator from Indiana if his amendment would require, for instance, The Citadel—and military college of South Carolina and the best military college in the United States next to the academies but on a parity with them—to become coeducational in order to get Federal funds? In other words, would it be the intent and purpose of this amendment to say to the State of South Carolina that they can no longer conduct a military college for men; that it would have to be coeducational or such action would be discriminatory?

Mr. BAYH. Is it a public or private institution?

Mr. THURMOND. It is a State institution, owned and operated by the State of South Carolina.

Mr. BAYH. The same rules as I suggested would apply to the military academies would apply there.

Mr. THURMOND. I would like to acquire of the distinguished Senator from Indiana whether or not the State of South Carolina can operate a college for women. We have a college at Rock Hill, S.C., known as Winthrop, the South Carolina College for Women. It admits women of all colors. Any female who is qualified is eligible for entry and there is no discrimination.

If this amendment were agreed to, would that college be denied Federal aid unless it became coeducational? I understand North Carolina has a similar college, the Greensboro, N.C., College of Women. Would that institution be denied Federal aid unless it became coeducational?

Mr. BAYH. If these are public institutions which deny men access to them, the answer is "Yes." The changes required will not be very great. There are not many such institutions across the country. I simply see no reason why sex should be a qualification for admission to a public college.

Mr. THURMOND. Then, is not the effect of this amendment for the Federal Government to dictate to the States the manner in which they shall run their institutions? Is not that the effect of this amendment? Does it not say to any State, "We are going to tell you if you can operate a men's college, a women's college, or the kind of institution you can operate in order to get Federal aid?"

Is that not concentrating more power in Washington and depriving States of their power under the Constitution?

Mr. BAYH. This is giving the Federal Government the same power—no more, no less—to prevent discrimination on the basis of sex that the Federal Government now has to prevent discrimination on the basis of race.

Mr. THURMOND. As the distinguished Senator from Indiana knows, I am one of the authors of the equal rights amendment for women. As far back as when I was Governor of South Carolina I favored equal rights for women and I so recommended it to the State legislature. At that time I appointed more women to public office than any previous Governor had appointed.

I certainly favor equal rights for women, but it seems to me the State should have the right to determine its own institutions in the manner in which they are operated. This is concentrating more power in the United States and in the Federal Government.

Mr. President, on that basis I oppose the amendment.

Mr. President, on that basis I make the point of order that the amendment is not germane and I ask for the ruling of the Chair.

Mr. BAYH. Mr. President, a parliamentary inquiry. Is it proper to make a parliamentary inquiry at this point?

The PRESIDING OFFICER. Is it proper for the Chair to entertain the parliamentary inquiry. The Senator will state it.

Mr. BAYH. Is it possible for the Senator from Indiana to appeal a ruling of the Chair and put the question to a vote in this body if the contention of the Senator from South Carolina is upheld?

The PRESIDING OFFICER. The decision of the Chair is always subject to appeal and subject to the wishes of this body, if they desire to overrule.

Mr. BAYH. The Senator from Indiana reluctantly does so. He feels that this amendment is germane and that the ruling is in error. The issue of whether women have access to educational opportunity is definitely as issue in the bill, which seeks to assure complete equality of access to educational opportunity.

The PRESIDING OFFICER. The Chair is ready to rule.

The Chair sustains the point of order. The unanimous-consent agreement requires that all amendments be germane. The pending amendment deals with discrimination on the basis of sex. There are no provisions in the bill dealing with sex.

Therefore, the amendment is not germane and not in order.

The Chair is advised by staff counsel for the committee that he agrees with the proposition that there is nothing in the bill relating to sex or any kind of discrimination.

Mr. BAYH. Mr. President, what is the parliamentary procedure so far as debating or appealing the ruling of the Chair as far as a time limitation?

The PRESIDING OFFICER. Under the unanimous-consent agreement there is time only for debate on amendments and the bill and, therefore, time for debate would have to be yielded by someone in control of time on the bill.

Mr. BAYH. Mr. President, with great reluctance——

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I yield 1 minute on the bill to the Senator from Indiana.

Mr. BAYH. Mr. President, with great reluctance and out of deference to my friend, the Presiding Officer, as well as the Parliamentarian, I must appeal the ruling of the Chair.

This amendment relates directly to the central purpose of the bill being debated.

The bill deals with equal access to education. Such access should not be denied because of poverty or sex. If we are going to give all students an equal education, women must finally be guaranteed equal access to education. This is clearly germane. I simply cannot comprehend the basis for this ridiculous decision. I say that with respect for the Presiding Officer and the Parliamentarian.

It does not do any good to pass out hundreds of millions of dollars if we do not see that the money is applied equitably to over half our citizens.

The PRESIDING OFFICER. The question is: Shall the decision of the Chair stand as the judgment of the Senate?

The yeas and nays have been requested. Is there a sufficient second?

The yeas and nays were ordered.

Several Senators addressed the Chair.

Mr. JAVITS. Mr. President, I yield myself 1 minute on the bill.

The PRESIDING OFFICER. The ruling of the Chair did not go to the merits of the amendment but solely to the point of order on the germane issue alone.

Mr. JAVITS. Mr. President, I yield myself 1 minute on the bill and I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator for yielding.

For the protection of the leadership on both sides of the aisle I would hope that this rollcall vote would not come before 12 o'clock noon; and I would ask unanimous consent, if it be necessary, to delay that rollcall vote until 12 o'clock noon to protect both the minority leader and the majority leader.

Mr. McGEE. Mr. President, will the Senator from New York yield to me for 20 seconds?

Mr. JAVITS. I yield.

Mr. McGEE. Mr. President, would there be some proposal to protect those of us who are here and who cannot be here at 12 o'clock?

Mr. BYRD of West Virginia. Yes.

Mr. McGEE. I understand they are downtown. I have been invited to a dinner at 12 o'clock at the Kennedy Center. It is a very attractive offer. Could we have a vote by 1:30 today? I came here at 8 o'clock this morning because we were called into session at 8 o'clock, and we have not had a vote yet.

Mr. JAVITS. Mr. President, to give my colleagues an opportunity to collect their thoughts, I wish to point out, in my duty as a Senator, that there is reference in the bill to discrimination on the ground of sex. It may be peripheral, but it is a reference, and that occurs in the section

which deals with the Student Loan Marketing Association, on page 201 of the bill, lines 9, 10, and 11.

For the information of the Senate and the information of the parliamentarian, may I point out that this provision relates to a secondary market for student loan obligations, and it is part of the basis for qualifying a given lender, which is generally a bank but may be a school, to proceed in the secondary market operations. One of the elements is that the lender not discriminate on the basis of sex, color, creed, or national origin.

I do not express any opinion as to the ruling of the Chair even in the face of that provision, but I did think, as the Chair had proceeded upon a statement of fact, that it was my duty as a Senator not to sit silent if there was a contrary fact in the bill.

I say again I am not arguing the issue of germaneness, but simply that I think it is my duty to call to the attention of the Chair something which I know and which apparently the Chair did not.

The PRESIDING OFFICER (Mr. CANNON). The Senator is correct. The Chair was ill-advised by counsel for the committee, who advised the Parliamentarian that there was no reference to discrimination in the bill. So the Chair will consider the matter further, with the advice of the Parliamentarian, and will be prepared to make a ruling in the very near future.

Mr. JAVITS. Mr. President, I ask unanimous consent that we may call for a quorum without the time being charged to either side.

Mr. PELL. Mr. President, I would ask the Senator to withhold that request. Could we lay the business to one side and move on to a privileged matter which the Senator from Washington (Mr. MAGNUSON) has?

The PRESIDING OFFICER. Without objection, it would be proper to lay the matter aside and move on to something else.

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Kentucky (Mr. COOK).

Mr. COOK. Mr. President, I draw the attention of the Senator from Indiana and of the acting President of the Senate and the Parliamentarian to page 201 of Senate bill 659, which is the bill before us, and I would like to read, starting on line 9, page 201:

(B) did not discriminate on the basis of sex, color, creed, or national origin . . .

It was my understanding that the Presiding Officer had said in his ruling that there was no mention of sex in this bill, and one of the bases of the ruling that it was not germane was that at no place did the bill make any reference to sex.

The PRESIDING OFFICER. Discrimination on the ground of sex.

Mr. COOK. I would merely say that on page 201, referring to making loans to students for such use, it states:

and (B) did not discriminate on the basis of sex, color, creed, or national origin . . .

I merely bring that to the attention of the Presiding Officer, the Parliamentarian, and the Senator from Indiana.

The PRESIDING OFFICER. The Chair appreciates that very much. However, that was the point that was just called to the attention of the Chair by the distinguished Senator from New York and on which the Chair said he would reserve the right to reconsider the matter and make a ruling at a later time. I thank the Senator from Kentucky, but that point was already discussed.

Mr. JAVITS. Mr. President, I yield myself 1 minute, and I yield to the Senator from West Virginia for a unanimous-consent request.

Mr. BYRD of West Virginia. Mr. President, the request I shall make I do not wish to make until Senators have fully addressed themselves to the situation before us. Have they concluded?

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

Mr. JAVITS. I yield.

Mr. BAYH. This measure has been before this body for about 3 days. We have already laid it aside once. The Senator from Indiana believes this matter is very important. And I think this matter has already been elucidated significantly with the help of the Senator from New York and the Senator from Kentucky. I do not want to be in the position of being arbitrary or capricious about this, but I am anxious to see that we get this matter disposed of because it is extremely important. I do not know how long the Senator from Washington wants. If it is a short period of time, I have no objection If it is going to be a long period of time——

Mr. MAGNUSON. Mr. President, if the Senator will yield, I agree with the Senator that this is an important matter, but if we talk about priorities, I think the most important thing before this body today is to get the HEW appropriation bill to the White House. It involves $29 billion. It involves higher education and all phases of health, education, and welfare. We are going to have a rollcall on it, because there have been some suggestions that the President may veto it. I would like to get that done.

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

Mr. BYRD of West Virginia. Mr. President, has the Senator concluded his remarks on this matter?

Mr. MAGNUSON. Mr. President, I can wait. I myself have been here since 8 o'clock, and I can wait a little longer if the Senate wants to proceed to settle this matter, but I want to tell the Senate that many Senators are leaving and that we are going to have a rollcall on the conference report. Many Senators are leaving and they have come to me and said they wanted a chance to vote on the conference report.

Mr. BYRD of West Virginia. Mr. President, may I ask whether or not a unanimous-consent request to vacate the order for the yeas and nays on the point of order would be objected to?

Mr. THURMOND. Mr. President, I would agree to the unanimous consent if the Chair should decide to reverse its ruling; but if not, then I would ask for the order for the yeas and nays to stand.

Mr. BYRD of West Virginia. Does the Senator have any indication that the Chair is about to reverse its ruling?

Mr. THURMOND. No, he does not; but the Senator from South Carolina understood the Chair was considering the matter.

Mr. JAVITS. Mr. President, may we ask unanimous consent that a quorum call may be called, without the time being charged to either side?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JAVITS. Mr. President, is the Chair prepared to rule?

The PRESIDING OFFICER (Mr. CANNON). The Chair is prepared to rule.

The Chair wishes to advise that the Chair, having been advised by the committee counsel that there was no reference to nondiscrimination on the basis of sex in the bill, issued its ruling accordingly. It has now been called to the attention of the Chair that there is a limited reference to nondiscrimination on the basis of sex on page 201, which relates to the Student Loan Marketing Association established under the bill, and provides that the association may guarantee loans on purchases under certain conditions, and one of those conditions is that the borrower is not discriminated against on the basis of sex, color, creed, or national origin in the making of the loan.

So this is a very limited reference, and the ruling of the Chair would now be that the point of order is well taken, in that the only reference to this subject matter is in the very limited area that has just been referred to by the Chair, whereas the pending amendment is a broad amendment relating to the whole field of education, and not relating specifically to the field of loan guarantees, and placing restrictions on schools generally.

Therefore, the ruling of the Chair is that the point of order is properly taken, just as previously stated and on the same general basis.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. In that case, the appeal is pending before the Senate, with the yeas and nays ordered?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. And unless there is time yielded for further debate, the vote will immediately ensue?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, I leave the rest of it to the manager of the bill.

Mr. BAYH. Mr. President, may I have 1 minute on this matter?

Mr. JAVITS. I yield the Senator from Indiana 1 minute.

Mr. BAYH. Mr. President, I find myself in a rather embarrassing position. Two times in one morning I have done more to abrogate the normal Senate procedure

than I have done in the preceding 8½ years.

The Senate is about to vote on the most dramatic higher education bill in the history of this country. The Senator from Rhode Island, the Senator from New York, and the other members of the committee have really carved out a monument to this country's determination to see that its young people get quality higher education; and for the Senate to go on record now and suggest that we are going to pass a bill like this, without saying that those college and university doors should be open to men and women, black, white, brown, or whatever they are, that we are really giving everyone equal opportunity, is going to tarnish what is otherwise a shining example of what this body can do.

The PRESIDING OFFICER. The Chair would state that it is not the Chair that imposes this restriction on the body. A unanimous-consent agreement was entered into on the germaneness rule. Had Senators not desired to enter into the unanimous-consent agreement, they had the opportunity to object. Had that been done, this amendment would be proper, but there is a germaneness rule adopted by unanimous consent, under which the Chair is now operating. A single objection would have blocked the agreement relating to germaneness.

The Chair recognizes the Senator from New York.

Mr. JAVITS. I yield 1 minute to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I favor equal rights for women. I am the author of a constitutional amendment now pending before the subcommittee of the distinguished Senator from Indiana on the subject. But this is a far-reaching amendment. This amendment would permit young ladies to attend the Air Force Academy, the Naval Academy, the Military Academy, the Marine Academy, and the Coast Guard Academy. It would change the whole complexion of many institutions.

In my State, for instance, the Citadel is a military college for men. To agree to this amendment would change that, and make it coeducational, if we are to receive Federal funds.

This is a matter that, to me, deserves a great deal of consideration. There should be hearings on this broad spectrum which the Senator from Indiana now brings up. I think it is very unwise to offer such an amendment on this particular bill. After hearings are held, then the Senate can decide what to do.

I think the Chair is eminently correct in his ruling.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGEE. Mr. President, I just want to recapitulate the setting here that has brought about this temporary impasse.

We had suddenly arise an appeal from the decision of the Chair, and the yeas and nays were ordered, and we were prepared to vote. But, apparently because of some preceding agreement that had been made, we could not vote at that time, because some of the Members of this body are downtown, at the White House. Therefore, I registered an objection. The reason I registered the objection is that what is good for the goose must be good for the gander, and we have operated under the simple rule that you take your chances wherever you are going to go.

I have been here since 8 o'clock this morning, as many other Members of this body have, and then to be confronted with a rollcall at 25 minutes to 12, and then to be told we could not vote then, after we have been waiting all morning, because some of the Members were not here, leads me to raise the propriety of making any kind of agreement about holding off rollcalls, or else to make it for all of us, so that when we take on some other commitment, we will avoid a rollcall until McGEE gets back.

I thought we were playing according to the general new rules of the Senate—no postponement of votes. If that is the case, I want to alert the Senate that it has been breached here this morning.

Mr. MANSFIELD. Mr. President, I must take the responsibility for the agreement entered into, but this is the first time it has been done this year; and they say it is the exception which proves the rule. We are now in our eighth month.

I should think that when a meeting has been set up with the President of the United States to meet with the joint leadership, the rest of us, especially on the opposition side, ought to accord the President and the leaders that much in the way of courtesy. It has only happened once; it will happen very rarely. Sometimes we might find ourselves in a similar position and might like to be given the same consideration. I hope the Senator understands the situation.

Mr. McGEE. The Senator from Wyoming understands the situation and respects the propriety of it, but it is an uneven application from time to time. We find it can happen, and not to the minority, but to our colleagues. There were those who could get a vote deferred and those who could not. I thought we were operating under new rules of the Senate by which there were no exceptions.

Mr. MANSFIELD. We were. But, again, it is the exception which proves or makes the rule. But it has been applied to people out of town, who asked us to hold up for hours or a day or so. No request of that nature has been made this year, and that has been honored.

In view of the unusual circumstance, I felt free to go ahead and, on behalf of my colleagues on this side, at least, make the commitment.

Mr. McGEE. I think that is an important concession to make. I am wondering how the majority leader would rank, in the matter of priority, one's commitment to his wife to have an important luncheon. I am going to be in the soup.

Mr. MANSFIELD. I would say that our prime consideration should be to our wives, and to them we give the least consideration, unfortunately.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield time to the Senator from Alabama (Mr. ALLEN). How much time does the Senator wish?

Mr. ALLEN. Two minutes.

Mr. PELL. I yield 2 minutes.

Mr. ALLEN. I thank the Senator from Rhode Island for yielding to me.

Mr. President, on the point of order, it is quite obvious that a majority of the Members of the Senate would vote for this amendment if that were the question. The question is not whether we are for the amendment. The question is whether the Chair has ruled properly. It is quite obvious that he has, because the only reference that has been made to the sex is in describing the lenders who are acceptable for the making of these student loans. It has to be a lender that has not discriminated on the basis of sex and other conditions. It has no reference to the college or the institution of higher learning.

Obviously, the Chair has ruled correctly. If we are going to have a Parliamentarian and a Chair to make rulings, we will have to decide the question on whether or not the Chair has made a proper ruling, not on the basis of whether or not we favor the amendment. The Chair should be sustained.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield to the majority leader.

Mr. MANSFIELD. If the Senate would allow me, because we seem to be waiting for the hour of 12 o'clock, and with the permission of the distinguished Senator from Indiana, I would like at this time, out of order, under unanimous consent, in order to clear the calendar, to call up S. 341 and S. 340, in that order.

The PRESIDING OFFICER. Is there objection?

Mr. BAYH. Mr. President, reserving the right to object——

Mr. MANSFIELD. I withdraw the request, because we do not have the time.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. I should like to have a couple of minutes.

Mr. PELL. I yield 2 minutes to the Senator from Indiana; and at the hour of 12, I will stop yielding, and we will come to a vote.

Mr. BAYH. It seems to me that it is unfortunate that the U.S. Senate now finds itself involved in an effort to try to block this significant piece of legislation which deals with the concept of equal educational opportunity.

I must say, in response to my friend, the Senator from South Carolina, that if he now is a cosponsor of the equal rights amendment but is opposed to this amendment, and he says he is opposed on the merits, not just because of the germaneness question, then I believe that he ought to reassess his position on this amendment. I certainly hope that he will. The equal rights for men and women amendment is much broader in scope than the proposal that is before us now. And it would indelibly imprint the concept of equality in our Constitution. Thus I would hope that the Senator from South Carolina will favorably consider the narrower embodiment of that principle which is before us now.

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

Mr. BAYH. When I have concluded my remarks, I will yield.

I think it is important for this body to realize the image it might well project, should the ruling of the chair be sustained. If we hide the question of germaneness and say that a unanimous consent agreement entered into some time ago is going to prohibit us from opening the doors of our colleges and universities to all deserving students, without discrimination, then we certainly do not speak well for the ability of this body to put the emphasis where the emphasis needs to be placed.

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

Mr. PELL. I will yield 2 minutes to the Senator from South Carolina.

Mr. THURMOND. May I have 5 minutes?

Mr. PELL. No. We are going to vote at 12. I yield 2 minutes.

Mr. THURMOND. Mr. President, the Senator from South Carolina would like to say to the distinguished Senator from Indiana that he is proud to be a sponsor of the equal rights for women amendment. He has stood for this principle many, many years before the Senator from Indiana even entered public life.

The Senator from South Carolina would also like to ask the Senator from Indiana this question: How many institutions in this country would be affected by this amendment?

Mr. BAYH. All of them that are violating its provisions.

Mr. THURMOND. Again, the Senator from South Carolina asks the Senator from Indiana how many institutions in this country will be affected by this amendment.

Mr. BAYH. The Senator from Indiana does not know exactly how many institutions are discriminating. If they are discriminating, they will be dealt with. If they are not, they will not be penalized. However, my recollection is that there are less than 15 single-sex public institutions, out of a total 5,000, similar to those the Senator has mentioned.

Mr. THURMOND. Obviously, the answer of the Senator from Indiana is what I expected. He does not know. A full study made of this matter has not been made. The implications of the amendment are unknown. This is a matter that deserves a lot of careful consideration. There should be full hearings on this matter. If we are going to open the national academies—the Military Academy, the Naval Academy, the Marine Academy, and the Coast Guard Academy—to young ladies, a study should be made; we should know where we stand. If we are going to force the Citadel, in my State—

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

Mr. THURMOND. The Senator from South Carolina will not yield now. He will yield when he has finished.

Mr. BAYH. I thought the Senator was asking me a question.

Mr. THURMOND. I will be glad to have the Senator answer when I have finished.

Mr. BAYH. I thought the Senator was asking me a question.

Mr. THURMOND. In my State, I say again, we have the Citadel Military College. If it is to be forced to take girls, I think they ought to have a chance to come before the committee of the Senate and state their views as to how they stand on this question.

If the colleges in this country which now restrict their enrollment to women, but do not discriminate as to color, are to be affected, they should be allowed to come here and testify before the committees. It seems to me that we should know exactly what we are doing.

In my judgment, it is too broad an amendment to consider attaching to this particular bill. The Chair has held that the amendment is not germane and, in my judgment, the Chair is eminently correct and the Chair should be sustained.

The PRESIDING OFFICER (Mr. CANNON). The 2 minutes of the Senator have expired.

Mr. BAYH. Mr. President—Mr. President, may I have an additional 30 seconds, please?

Mr. PELL. Mr. President, I am very sorry, but I have made a commitment that I would yield no more time after 12 o'clock, and I must keep that commitment.

Mr. BAYH. Mr. President, let me just say that this is exactly what the equal rights amendment will do, it would prohibit single sex public institutions of higher education, as a matter of constitutional law.

The PRESIDING OFFICER (Mr. CANNON). The Chair would state again that the ruling of the Chair is not on the merits of the amendment. A similar ruling was invoked last evening on a worthwhile amendment, but one that was not germane to the pending bill. The ruling of the Chair, in this instance, is that the amendment pending is not germane to the bill.

When the unanimous-consent request was requested, and it was made and entered into, one objection by one Senator could have stopped the germaneness rule from applying and therefore made the amendment appropriate on the pending bill.

The question is, 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.

Mr. JAVITS. Mr. President, will the Chair please state the question so that Senators may know how to vote.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate, when the Chair ruled that the amendment is not germane to the bill?

Mr. JAVITS. A vote of "yea" will be to sustain the Chair.

The PRESIDING OFFICER. That is correct. A vote of "nay" will be to overrule the ruling of the Chair.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from California (Mr. CRANSTON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), and the Senator from Utah (Mr. Moss), are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE), the Senator from New Hampshire (Mr. MCINTYRE), 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 Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), the Senator from Kansas (Mr. PEARSON), and the Senator from Vermont (Mr. PROUTY), are necessarily absent.

The Senator from New Hampshire (Mr. COTTON), 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 Jersey (Mr. CASE), is detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY), would vote "nay."

The result was announced—yeas 50, nays 32, as follows:

[No. 207 Leg.]

YEAS—50

Aiken	Dominick	Miller
Allen	Eastland	Montoya
Allott	Ellender	Randolph
Beall	Ervin	Saxbe
Bellmon	Fannin	Scott
Bentsen	Fong	Smith
Bible	Fulbright	Sparkman
Boggs	Gambrell	Spong
Brock	Griffin	Stennis
Buckley	Gurney	Symington
Byrd, Va.	Hansen	Taft
Byrd, W. Va.	Hughes	Talmadge
Cannon	Jordan, N.C.	Thurmond
Chiles	Jordan, Idaho	Tower
Cooper	Long	Weicker
Curtis	McClellan	Young
Dole	Metcalf	

NAYS—32

Bayh	Jackson	Packwood
Brooke	Javits	Pastore
Burdick	Kennedy	Pell
Church	Magnuson	Proxmire
Cook	Mansfield	Ribicoff
Eagleton	Mathias	Roth
Gravel	McGee	Schweiker
Hart	McGovern	Stevens
Hatfield	Mondale	Tunney
Hollings	Muskie	Williams
Humphrey	Nelson	

NOT VOTING—18

Anderson	Goldwater	Moss
Baker	Harris	Mundt
Bennett	Hartke	Pearson
Case	Hruska	Percy
Cotton	Inouye	Prouty
Cranston	McIntyre	Stevenson

So the decision of the Chair was sustained.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the decision of the Chair was sustained.

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

The motion to lay on the table was agreed to.

Mr. BEALL. Mr. President, as a member of the Education Subcommittee and as a cosponsor of S. 659, the education amendments of 1971, I strongly support this measure and urge its passage by the Senate.

This measure is both massive and monumental. It is not only for the moment but for the future. In his higher education message, President Nixon declared:

> No qualified student who wants to go to college should be bared for lack of money. That has long been a great American goal: I propose that we achieve it now.

This legislation is designed to help carry out the President's historic pledge and to help the Nation realize its great goal. I might point out, Mr. President, that considerable progress has been made in this country in expanding educational opportunities for our citizens and during this period of self-examination, we need to keep this, as well as unresolved problems, in sight. For example, the United States has an enviable record in providing higher education opportunities to those individuals described by Mr. Servan-Schreiber, the French author of the best seller, The American Challenge, as "children of manual laborers and less fortunate elements of the population." Comparing the record of the United States with other countries of the world, Mr. Servan-Schreiber comments:

> In France workers form 56% of the population, but their children represent only 12.6% of the students. The same is true in other Common Market countries: 11.5% in Belgium, 10% in Holland, and 7.5% in Germany. In the United States on the other hand from three to five times as many children of workers or farmers have access to higher education as in the Common Market countries.

Today in this country, among all family members enrolled in college, 61 percent are from families in which the head had not completed even 1 year of college.

To achieve this goal of making postsecondary education available to all with the ability and desire, the bill authorizes new student assistance programs, as well as continuation of present student assistance programs such as work-study, education opportunities grants, the national defense student loans, and the guarantee loan program. In addition, the legislation authorizes a program of Federal matching grants for State scholarship programs. The new student assistance program, basic educational opportunities grants, authorizes grants of $1,400 less the amount which can be reasonably expected to be contributed by the student and his or her family for postsecondary education. The grant may be up to 50 percent of the cost of attending the institution of the student's choice. Under this program, each year the Commissioner of Education will determine and issue regulations on the amounts families can be expected to contribute reasonably to the postsecondary education of their children. Families' contributions will include such criteria as family income, number of dependents, number of dependents in postsecondary education, assets of students and the families and any unusual expenses such as medical expenses. In general, no basic grant would be less than $200. I am pleased that the committee accepted an amendment offered by me which would allow the Commissioner of Education to waive this $200 limitation in unusual circumstances. Also, institutions at which a basic grant recipient is enrolled will receive a cost of institution allowance based on the number of students receiving basic grants. The amount of the payments to the institution would vary from $100 for each student receiving a basic grant at an institution having 10,000 or more students to a $500 payment for each eligible student at an institution having 1,000 or less students.

We know that additional resources are needed in higher education, and this bill will provide substantially more funds. Yet, we also know that money alone will not solve higher education problems. The administration recognizes this fact also and the committee has included two administration proposals which have the potential of having a profound effect on the American educational system. I am referring to the proposals for the establishment of a National Institute of Education and a National Foundation on Postsecondary Education.

The Foundation's focus would be on postsecondary education. Its purpose will be to foster excellence, innovation and reform. As the Labor and Public Welfare Committee noted in its report:

> The need is clear and the time is right for reform and innovation in postsecondary education.

The Carnegie Commission, the Newman report, and others have identified many of the problems facing higher education and has suggested a possible reform. In my discussion with many educators, I sense a willingness and determination to bring about the necessary changes. The Foundation, hopefully, will provide the leadership and impetus for some long overdue action and reform in postsecondary education.

The National Institute of Education is designed to redress the sorry state of educational research. A researcher from one of the Nation's leading universities, who has spent a lifetime in such work including a survey on the state of our knowledge regarding the reading and learning processes, concluded that we know very little about the learning process and how students really learn or learn to read. The President, in a similar vein, stated:

> We must stop pretending we understand the mystery of the process.

Our social problems and rising expectations underscore the need for a quantum leap in education research, development, and, equally important, dissemination of such results to the classroom.

The need for expanded research programs in education is evidenced by comparing additional research expenditures with industry and other fields.

Industry, for example, spends about 4 percent, or $8 billion of net sales on basic and applied research.

In the health area, we as a nation spend approximately 5 percent or $2.5 billion of the total national expenditures for health on research.

In agriculture, we spend an amount equivalent of about 6 percent, or $900 million annually, of the total net income from farming on research development and application by government agencies, colleges, and industry.

In the defense area, we spend approximately 3.87 percent or $7.8 billion a year for research and development.

Yet in education research expenditures only a few years ago were only about one-tenth of 1 percent of the total educational budget. Today research expenditures amount to about one-fourth of 1 percent or about $125 million a year.

Thus, there is little question that educational expenditures for research and development must be greatly expanded, and I am delighted that these two powerful vehicles for education change and reform, the Institute and the Foundation, are included in this legislation.

Mr. President, the public, students, and parents are demanding greater accountability in our schools. My State of Maryland is demonstrating a greater interest in the accountability concept. Certainly this is one area where the Institute will want to exercise leadership in helping to usher in the concept of accountability into the educational system.

Many other provisions of this measure are important, but they have been discussed at some length by the chairman of the Education Subcommittee (Mr. PELL) and others. I would ask unanimous consent, however, that the summary of the bill's provisions be included at the conclusion of my remarks.

I do want to discuss some of the amendments that I offered that were incorporated into the legislation. They included, first, a program to provide emergency interim assistance to institutions of higher education in serious financial distress. On June 24 I introduced the Emergency Higher Education Assistance Act of 1971 in response to the financial emergency facing institutions of higher learning. In my own State, St. Joseph College, a small, private institution with an excellent reputation, has announced its intentions to close. Since that announcement, a committee to save St. Joseph has been formed. I have met with representatives of this committee and they indicated to me they needed approximately $200,000 to stay in operation. The adoption of this provision would certainly assist St. Joseph and other institutions in similar difficulties. One of the Nation's more prestigious institutions, Johns Hopkins, is also in severe financial difficulties.

The second program authored by me authorizes grants to improve the planning and managing capabilities of institutions of higher education. Institutions qualifying under the interim emergency assistance just described will automatically be eligible for these grants.

In addition, other colleges and universities may receive demonstration grants for proposals having a national significance for improving the planning and management capabilities of institutions of higher learning.

The third proposal offered by me authorizes a study by the Commissioner of higher education financing. As the emergency program looks at the immediate and emergency problems of some colleges and universities, the study seeks to

determine what the long-range response of all levels of government as well as private donors should be in financing higher education.

Mr. President, I ask unanimous consent that at this point in my remarks the committee report language describing these proposals be included in the RECORD.

Finally, I offered an amendment designed to make certain that elementary and secondary education funds could continue to be used for delinquents in adult correctional institutions. I ask unanimous consent that the committee explanation of this section be printed at this point in the RECORD, together with an article from the July 30, 1971, Baltimore Sun by Roger Twig describing what the loss of these funds would have meant to 1,000 young inmates of the Hagerstown Correctional Training Center and the State of Maryland. Naturally, I am pleased that these education funds, under the adopted amendment, will be able to be used by the State of Maryland in its adult correctional institutions.

Mr. President, I also ask unanimous consent that my introductory floor remarks when I introduced S. 2154 be printed in the RECORD, together with the actual language from S. 659 of the emergency assistance for institutions of higher education as included in the bill.

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

BRIEF SUMMARY OF S. 659

TITLE I—HIGHER EDUCATION

This title amends, revises, and extends the Higher Education Act of 1965. Portions of the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, and the International Education Act of 1966 are incorporated into the Higher Education Act of 1965 with the result that, if the Committee amendment is enacted, the Higher Education Act of 1965 would constitute a single Federal law which includes all continuing higher education financial assistance programs. In general, unless otherwise specified, title I extends the authorizations for higher education programs for four years, through fiscal year 1975, at the same level as those for fiscal year 1971.

PART A—COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

This part amends title I of the Higher Education Act of 1965. Such title I authorizes grants to States for assistance to institutions of higher education to enable them to help solve community problems through community service programs and continuing education programs. It is proposed that—

(1) title I be amended to authorize a reservation of appropriations for special projects designed to meet national and regional problems;

(2) title I be amended to authorize a special appropriation for projects designed to meet urban problems in Standard Metropolitan Statistical Areas;

(3) the Commissioner be required to conduct a special evaluation of title I and submit reports to the Congress on such evaluations.

PART B—COLLEGE LIBRARY PROGRAMS

This part amends title II of the Higher Education Act of 1965. Such title II authorizes—

(1) grants to institutions of higher education for the acquisition of college library resources;

(2) grants and contracts for research and training in librarianship; and

(3) funds for the Library of Congress for cataloguing of library materials and distribution of cataloguing information.

The amendments made by part B—

(1) reorganize the authorizations of appropriations by providing for a single authorization for parts A and B of title II and a percentage division of the appropriation for specific purposes;

(2) authorize the Commissioner to waive maintenance of effort requirements for grants for the acquisition of library resources;

(3) increase the maximum amounts for supplemental grants; and

(4) require an annual evaluation of the program operation by the Library of Congress.

PART C—DEVELOPING INSTITUTIONS; EMERGENCY ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION

This part (1) amends title III of the Higher Education Act of 1965, and (2) contains a special authorization of appropriations for emergency interim assistance to institutions of higher education which are in serious financial distress, and (3) requires a study of financing higher education, including uniform cost accounting standards.

Such title III of the Higher Education Act of 1965 authorizes grants to developing institutions of higher education to enable them to strengthen their academic and administrative capacities. Part C revises such title III to improve the program of strengthening developing institutions and increase emphasis on institutions which serve a significant proportion of students who come from disadvantaged backgrounds.

PART D—STUDENT ASSISTANCE

This part amends present law as it relates to financial assistance to students in institutions of higher education. The amendments made by this part—

(1) revise part A of title IV of the Higher Education Act of 1965 to authorize—

(A) a Basic Educational Opportunity Grant of $1,400 for any student minus the amount his or her family can reasonably be expected to contribute for his or her postsecondary education;

(B) a Supplemental Educational Opportunity grant (a continuation of the present educational opportunity grant program) for students who are in exceptional financial need and who would be unable to receive the benefits of a postsecondary education without such a grant, which grants are (i) to supplement the basic grants, and (ii) to aid students who are not eligible for basic grants but who are in need of financial assistance;

(C) matching grants to States to encourage the development and expansion of State scholarship programs;

(D) special services to encourage disadvantaged students to complete secondary school and to enter and continue programs of postsecondary education;

(E) cost-of-instruction allowance payments to institutions of higher education at which basic grant recipients are in attendance;

(2) modify the insured student loan program—

1. by permitting an increase in the maximum amount of student loans in exceptional cases, and

2. by authorizing the Commissioner to audit eligible institutions, to set reasonable standards of financial responsibility for such institutions, and suspend or terminate their eligibility:

(3) create a Student Loan Marketing Association for warehousing student loans and in order to create a secondary market for such loans;

(4) modify the determination of need under the College Work-Study Program by requiring that the actual cost of attendance at the institution be taken into consideration;

(5) transfer the provisions for direct student loans under title II of the National Defense Education Act of 1958 to title IV of the Higher Education Act of 1965, with minor modifications; and

(6) require an affidavit by students stating student assistance funds received by the student will be used for education related purposes.

Part D also requires the Secretary of Health, Education and Welfare to conduct a study of financing postsecondary education.

PART E—EDUCATION PROFESSIONS DEVELOPMENT ACT

This part amends title V of the Higher Education Act of 1965, the Education Professions Development Act. The Education Professions Development Act authorizes the Teacher Corps and a variety of programs designed to improve the quality of teaching in elementary and secondary schools, vocational education programs, and in institutions of higher education. The amendments made by part E—

(1) combine the seven authorizations under the Education Professions Development Act into a single authorization with a percentage division of the appropriations among the programs authorized by the Act.

(2) clarify the status of the Teacher Corps; and

(3) together with minor and technical amendments, expand the scope of the training programs authorized by the Education Professions Development Act.

PART F—INSTRUCTIONAL EQUIPMENT

This part extends title VI of the Higher Education Act of 1965. Such title VI authorizes financial assistance to institutions of higher education for the improvement of under graduate instruction. Funds may be used for the acquisition of instructional equipment and closed circuit television equipment.

PART G—ACADEMIC FACILITIES

This part transfers the provisions of the Higher Education Facilities Act of 1963 to title VII of the Higher Education Act of 1965, with modifications and a new authorization for mortgage insurance on facilities.

PART H—NETWORKS FOR KNOWLEDGE

This part extends title VIII of the Higher Education Act of 1965, with technical and clarifying amendments. Such title VIII encourages cooperative arrangements among institutions of higher education for the joint use of facilities and resources to form networks for knowledge. The amendments make clear that law schools are to be included.

PART I—GRADUATE PROGRAMS AND COMMUNITY COLLEGE PROGRAMS

This part creates two new titles IX and X, in lieu of the present titles IX and X of the Higher Education Act of 1965. The new title IX—

(1) in part A, combines a number of present graduate programs into a single program of assistance to strengthen graduate schools;

(2) in part B, combines various fellowship programs into a broad program of Federal fellowships.

The new title X provides for State wide plans for postsecondary educational opportunities through community colleges and authorizes grants for—

(1) the establishment of New Community Colleges;

(2) the expansion of present community colleges;

(3) the lease of facilities.

PART J—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

This part extends and makes minor changes in the program to encourage law schools to provide clinical experience in the law.

TITLE IV—INDIAN EDUCATION

This title amends Public Law 874, Eighty-first Congress and the Elementary and Secondary Education Act of 1965 with respect to Indian children. The title also amends the Adult Education Act to authorize special projects for Indians and makes miscellaneous amendments. Part D of title IV establishes, within the Office of Education, a Bureau of Indian Education to administer the newly established programs.

TITLE V—MISCELLANEOUS

This title, other than minor and technical amendments—

(1) provides for uniform application requirements;

(2) extends title III of the National Defense Education Act of 1958 for four years;

(3) requires a study of and report on regulations and guidelines issued by the Office of Education;

(4) amends the Elementary and Secondary Education Act of 1965, authorizing an Ethnic Studies Centers Program;

(5) establishes a Consumers' Education Program;

(6) makes the University of Guam and the College of the Virgin Islands land-grant colleges;

(7) amends title I of the Elementary and Secondary Education Act of 1965 with respect to migrant children.

STRENGTHENING DEVELOPING INSTITUTIONS

Title III of the Higher Education Act of 1965 authorizes assistance for strengthening developing institutions to enable them to increase their academic and administrative capabilities and the qualify of their student services. Such institutions have the desire and potential to make a substantial contribution to the higher education resources of the Nation, but, for financial and other reasons, are struggling for survival and are isolated from the main currents of academic life. Three types of assistance are available under the program: grants to encourage cooperative arrangements among institutions; National Teaching Fellowships; and Professors Emeritus Grants. Cooperative arrangements may be among developing institutions, or between developing institutions and stronger colleges and universities and business entities and industry. Such arrangements may include such projects as exchange of faculty or students, faculty and administration improvement programs, joint use of facilities, and the like. National Teaching Fellowships are awarded to outstanding graduate students and junior faculty members of colleges and universities to teach at developing institutions. Professors Emeritus Grants are awarded to professors retired from active service at institutions of higher education to encourage them to teach and conduct research at developing institutions.

In fiscal year 1971, 198 developing institutions received grants totaling $33,850,000. An additional 307 developing institutions were participating in consortia coordinated by the grantee institutions. Included in the grants were awards for 541 National Teaching Fellowships and 64 Professors Emeritus.

Revision of title III

Programs under this title have been of significant benefit to traditionally black institutions of higher education. In fiscal year 1971, nearly half of the grants made under title III were awarded to these institutions. These awards totaled nearly 60 percent of the funds available—more than $19.8 million.

In fiscal year 1972, $51.850 million was appropriated for the purpose of strengthening developing institutions, an increase of $18 million over the prior year's appropriation. It is expected that most of the increase will be awarded to black institutions.

The Committee amendment contains a revision of title III of the Higher Education Act of 1965. Title III has been and can be a solid source for strengthening institutions which have a great deal of potential for serving students, especially students from disadvantaged backgrounds and students from minority groups. The Committee was impressed with testimony in 1970 from representatives from predominately black institutions, which indicated that those institutions are taking up a special responsibility for providing minority group students with an opportunity for postsecondary education which would not be available under other circumstances. The financial crisis which has hit so many of the Nation's colleges and universities has been particularly difficult for developing institutions, especially those institutions which are serving substantial numbers of students from disadvantaged backgrounds. The Committee recommends that title III of the Higher Education Act of 1965 be revised in order to make the assistance available under that title and other Federal programs more nearly conform to specific needs of developing institutions.

EMERGENCY ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION

In section 123 of the bill, the Committee recommends an authorization of appropriations of $150 million for emergency interim grants to institutions of higher education which are in such serious financial distress that without a grant they will either cease to operate or be found to curtail their academic programs to the detriment of the quality of education available to their students.

The Committee received evidence from many witnesses which indicated that literally hundreds of institutions of higher education are facing financial disaster, and that unless some type of emergency assistance is made available to preserve institutions of higher education which are now on the verge of bankruptcy, some of the options now available for the establishment of a national policy on the financing of higher education will be closed.

Many proposals for solving the financial crisis now facing institutions of higher education were advanced before the Committee; however, following the advice of some witnesses and of Administration representatives, the Committee recommends that a long-range policy on this matter be developed on the basis of more evidence and data than is now available. The Committee is confident that, within the next three years, such evidence and data will become available, through studies now being conducted and which will be conducted, as will enable the Congress to develop a sound long-range policy, reinforced with the funds necessary to carry out that policy.

In the meantime, the Committee is convinced that an emergency measure is necessary to preserve options until that long-range policy can be implemented.

In its December, 1970 report, the Carnegie Commission on Higher Education warned that—

American colleges and universities are in the midst of a financial crisis, unmatched in its impact in any previous period of history. The Association of American Colleges, in a survey reported early this year, indicated that the average private college and university in every region of the country was "firmly in the red", and that, taken collectively, the private institutions are in debt for over a quarter of the book value of their physical plants. The Committee learned that a growing number of institutions find it necessary to dip into their endowments in order merely to survive and avoid impending bankruptcy.

Endowments are limited—and for most schools are meager—and, while private contributions have increased, they still fall short of the need. Tuition fees, which are steadily rising, provide only a fraction of the institution's costs of education: approximately 20% for public institutions and about 62% for nonpublic colleges and universities. In addition, at many schools student fees have reached a point of diminishing returns—to further increase them is to price out of the market middle-income students and create a situation where only the very rich or the very poor (who are subsidized) can attend. This situation is further exacerbated by the pressure of inflationary increases in school costs.

To meet the dire financial crisis faced by colleges and universities, the Committee has included a provision for emergency assistance for institutions of higher education. Section 123(b) authorizes for the period of fiscal years 1972 and 1973 appropriations of $150 million for interim emergency assistance to institutions of higher education in serious financial distress and in need of additional assistance either (1) to continue operation of the institution or (2) to prevent substantial curtailment of academic programs to the detriment of the quality of education available to students.

In order to obtain assistance under section 123(b), an institution must submit an application to the Commissioner. In the case of any public institution, the application must be submitted through an appropriate State agency if such a State agency exists in the State in which the institution is located. The Commissioner will promulgate regulations for the determination of which State agencies are appropriate for the purposes of section 123(b). If State law provides for a State agency qualified for the purposes of section 123(b), then those regulations must define that agency as the appropriate agency. If no appropriate State agency exists, applications may be submitted directly to the Commissioner. It is expected that State Commissions created under section 1202 of the Higher Education Act of 1965 may often be found to be the most appropriate State agency.

In the case of nonpublic institutions the application procedure is the same as that for public institutions except that, if State law does not permit a State agency to deal with a nonpublic institution, such an institution may submit its application directly to the Commissioner.

In the case of applications submitted through State agencies, the State agency must determine—

(1) Whether the applicant is in serious financial distress, as such term is defined in regulations of the Commissioner; and

(2) Whether, as a result of such distress, the applicant is in need of financial assistance under section 123(b) in order to continue its operation or will have to discontinue or substantially curtail its academic programs with the result that the quality of education offered to its students will suffer.

All applications must be carefully reviewed by the Commissioner. Prior to his approval of an application the Commissioner must verify the correctness of the determinations of State agencies and he must determine—

(1) that the applicant has developed and adopted a plan which provides reasonable assurance that the institution, with section 123(b) assistance, will be able, both during and after the period covered by the grant, to continue to operate;

(2) that the applicant is making a major contribution to the overall higher education system of the area of the State in which it is located, or of the Nation; and

(3) that the application contains a statement of such policies and procedures for the use of section 123 funds as will insure that such funds will not be used for a school or department of divinity or for any religious worship or sectarian activity.

An institution receiving emergency assistance must agree to disclose such financial information as the Commissioner determines necessary to determine the sources or causes of the institution's financial distress. In addition, the institution must agree to conduct a cost analysis study of its operation, including income-cost comparisons and cost per credit hour of instruction for each department, and to implement any financial or operational reform recommended by the Commissioner, unless adequate reasons in writing are given for not doing so.

In making a determination as to the recipient of grants and as to the size of such grants, the Commissioner must consult with the appropriate State agency and must also obtain the advice and recommendations of a panel specialists who are competent to evaluate the applications as to the relative degree of financial distress among the applying institutions.

The Committee wishes to stress the special character of this program of institutional aid which, on an interim emergency basis, applies only to institutions experiencing dire financial stress. The Committee wishes to note that section 123 is not made a part of the Higher Education Act of 1961 because the emergency program is considered to be a temporary measure.

The Committee believes there is a great need to improve the planning and management capabilities of institutions of higher education. The Committee therefore recommends the enactment of section 123(d) which authorizes grants for planning and management capability improvement to institutions receiving emergency assistance and to other institutions for demonstration grants having national significance for improving the planning and management capabilities of institutions of higher learning. Grants for this purpose could not exceed the full-time equivalent enrollment multiplied by five dollars, or $15,000, whichever is greater.

Finally, of major importance, the Committee recommends section 123(c) which requires a study by the Commissioner of Education to further examine the financial crisis facing the Nation's institutions of higher education with a view toward determining what additional governmental and private assistance might be necessary and desirable and, if needed, what form it should take.

In including section 123 in the bill, the Committee is not unaware of recent decisions by the Supreme Court relative to the constitutionality of Federal programs of assistance to institutions of higher education. Since the emergency program envisioned by section 123 will be administered by the Commissioner, whose final decision will govern which institutions receive aid, the Committee wishes to emphasize that no grants shall be given which are, in any way, violative of the First Amendment to the Constitution or any other constitutional provision, and that, in preparing guidelines for such section, the Commissioner will have before him pertinent court interpretations.

PART D—STUDENT ASSISTANCE

Title II of the National Defense Education Act authorizes appropriations to (1) establish and develop capital funds at institutions of higher education to provide low interest, long-term loans to regularly enrolled financially needy students, (2) provide loans to institutions to help finance their contributions to the loan fund, and (3) make payments to the institutions to cover their share of the reduction in the student loan funds resulting from teacher cancellations.

The student borrower must be enrolled or accepted for enrollment on at least a half-time basis at an institution of higher education or at an institution providing at least a one-year program leading to gainful employment. He must also evidence a need for such financial assistance.

During fiscal year 1971, it is estimated that approximately 560,000 students received over $364 million in loans. The average loan per student was about $650.

For fiscal year 1972, $293 million was appropriated for NDEA loans, an increase of $50 million over the fiscal year 1971 level.

The College Work-Study Program is designed for students, particularly those from low-income families, who need a job to help pay for college expenses. Students may work an average of 15 hours a week while attending classes full-time. During summer or other vacation periods, students may work full-time (40 hours a week) under the College Work-Study Program. The college itself may employ the student or he may work for an off-campus agency. On-campus jobs may include work in libraries, laboratories, dining halls, and grounds maintenance. Off-campus jobs are assigned in public or nonprofit organizations, and include work in health, welfare, and recreation programs.

In fiscal year 1971, 2,369 institutions provided work-study opportunities for an estimated 430,000 students. In Fiscal Year 1972, approximately $237 million will be available to provide work-study opportunities for about 545,000 students.

The goal of the Educational Opportunity Grants Program is to make the benefits of higher education available to qualified high school graduates of exceptional financial need who, without this aid, would be unable to obtain these benefits. Grants are awarded to undergraduate students for up to four years of study, and may not exceed $1,000 per year or one-half of the amount provided the student from other sources of institutional aid, whichever is less.

In fiscal year 1971, an estimated 290,200 students at 2,100 institutions received EOG assistance. For fiscal year 1972, $175.3 million were appropriated for EOG's an increase of $7.6 million over the fiscal year 1971 level.

Under the Guaranteed Student Loan Program, a student may borrow money from a bank, savings and loan association, credit union, or other lender to attend either college or vocational school. If this adjusted family income is less than $15,000 per year, the Federal government will pay the full interest charged on the loan while he is attending school. An annual interest rate of 7% is charged during the repayment period, which begins nine–twelve months after he completes his course of study or leaves school. The maximum repayment period is ten years.

ESEA ELIGIBILITY FOR DELINQUENTS IN ADULT CORRECTIONAL INSTITUTIONS

This provision would amend 103(a)(7) of the Elementary and Secondary Education Act under which Elementary and Secondary Education funds are provided to States to meet the special education needs of delinquents incarcerated in adult correctional institutions. This provision was made necessary by a position recently taken by the Department of Health, Education, and Welfare which would disallow such funds to delinquent children in adult institutions because such institutions are not operated primarily for the care of delinquents.

The Committee is aware that many young people, although committing the same offenses, are handled differently from jurisdiction to jurisdiction depending on whether juvenile jurisdiction is waived.

The Committee believes that the test insofar as title I is concerned should be whether the funds are used to meet the special educational needs of delinquents, rather than any artificial distinction based on the kind of institution in which a delinquent is incarcerated.

The Committee, therefore, adopted this provision which would make available, as is the case today, Elementary and Secondary Education assistance to States for delinquents in adult correctional institutions provided such funds are used solely for delinquent children. This provision would enable delinquents in adult institutions to receive the same educational opportunities as those in juvenile institutions.

[From the Baltimore Sun, July 30, 1971]

CORRECTIONAL CENTER LOSES FEDERAL EDUCATION FUNDS

(By Roger Twigg)

The education of nearly 1,000 young inmates at the Hagerstown Correctional Training Center will be curtailed because of the elimination of federal financing for the program.

The funds to educate "youthful offenders" at the minimum security institution had been provided for the past three years under Title I of the Elementary and Secondary Education Act.

A spokesman for the U.S. Department of Health, Education and Welfare, which distributes the funds, said money for the Maryland program was cut off July 1—the start of the current fiscal year. The spokesman added, "they will have to refund the balance of unspent funds."

MONEY ORDERED RETURNED

The federal agency has ordered the state Division of Correction to return $90,000 of the $200,000 it received for the educational program this year.

According to an informed source, the federal agency has told the Division of Correction that "it was not the intent of Congress, when the Education Act was passed in 1965, to provide funds for educating juveniles in adult institutions."

The program was first authorized by Congress in 1965 to educate "youthful offenders in juvenile institutions," the source said.

AMENDED IN 1968

But, he added, the act was amended in 1968 to allow the Department of Health, Education and Welfare to, "at its own discretion provide funds for educating delinquent children 16 to 21 years of age whether or not they were housed in adult or juvenile institutions."

He said the lack of federal funds will seriously curtail—by as much as two-thirds—the education of nearly 1,000 young inmates at the training center.

The majority of the inmates, the source said, are 21 years old or younger and are serving terms for what police describe as "soft crimes," such as daylight burglary, larceny and auto theft.

He said nearly 80 per cent of the inmates at the training center have not completed public school education, while 50 per cent have less than a fifth-grade education. About 90 per cent of them "are out of the ghetto sections of Baltimore city," he added.

The federal spokesman said financing for such a program could be provided only to institutions which "house children who have been adjudicated to be delinquent." He said the age limit for the delinquent children is 21.

"I can assure you that this has been given very close scrutiny because of the very strong efforts of Maryland officials to maintain the program," the spokesman said. "For some reason or other, that institution does not fall under the guidelines or else the program would be continuing."

"STRINGENT GUIDELINES"

The informed source at the state Division of Correction accused the federal agency of applying "stringent guidelines to tie up, by bureaucratic red tape, funds which rightfully belong to the correctional institution."

However, Senator J. Glenn Beall, Jr. (R., Md.), in a letter to state officials last week, described the cut in funds as a "misunderstanding."

Senator Beall said he has introduced an amendment to the Education Act which

would clarify use of the funds. He said he introduced the amendment in the Labor and Public Welfare Committee and that it was adopted and would be sent to the Senate floor.

WILL ALSO HALT STUDY

The Division of Correction source said the loss of federal funds will force the state agency to release 16 teachers, an administrator and a secretary from the training center unless "emergency state funds can be obtained."

The loss of federal financing also will halt a 5-year, $75,000 state-financed study by the Department of Vocational Education to develop a full-scale educational program for Maryland correctional institutions, the source said. The study presently is in its third year.

EMERGENCY ASSISTANCE FOR INSTITUTIONS OF HIGHER EDUCATION

SEC. 123. (a) (1) The Congress hereby finds and declares that—

(A) the Nation's institutions of higher education constitute a national resource which significantly contributes to the security, general welfare, and economy of the United States;

(B) considerable evidence has been advanced which indicates that many institutions of higher education are in financial distress resulting from many causes, including, among others, efforts on the part of such institutions to increase enrollments, to improve the quality of education and training, and to enlarge educational opportunities; and

(C) various proposals have been presented to the Congress, in response to such condition of financial distress, for providing financial assistance to the Nation's institutions of higher education but, except for that necessary to justify payments provided for reimbursement for part of the cost of instruction under subpart 5 of part A of title IV of the Higher Education Act of 1965 as added by section 131(b) of this Act, insufficient informaton is available on the basis of which the Congress can determine, with any degree of certainty, the nature and causes of such financial distress or the most appropriate means with which present and future conditions of financial distress may be dealt.

(2) It is the purpose of this section (A) to provide to institutions of higher education, which are determined in accordance with this section to be in serious financial distress, interim emergency assistance to enable them to determine the nature and causes of such distress and the means by which such distress may be alleviated, and to improve their capabilities for dealing with financial problems using, to the extent appropriate, assistance authorized under the Higher Education Act of 1965 and all other sources of financial assistance, and (B) to authorize the Commissioner to obtain and make available to the Congress such information as may be necessary to enable the Congress to assess problems relating to financing of higher education, and to make decisions, to the extent that such problems exist, with respect to long-range solutions to such problems.

(b) (1) There is authorized to be appropriated for the period beginning with the date of enactment of this Act, and ending June 30, 1973, $150,000,000 for the purpose of making grants under this subsection. Sums so appropriated shall remain available for obligation and expenditure until expended.

(2) (A) The Commissioner is authorized to make grants to institutions of higher education which are in serious financial distress, as such term is defined in regulations of the Commissioner, in accordance with the provisions of this section.

(B) A grant under this subsection may be made only upon application therefor to the Commissioner. Such applications shall be submitted at such time, in such form, and containing such information, assurances, policies, and procedures as the Commissioner may require in order to enable him to carry out his functions under this section. The Commissioner shall not approve any such application unless he finds that—

(i) in the case of a public institution of higher education, the institution has submitted its application for emergency assistance under this subsection to the appropriate State agency, as provided by the law of the State in which it is located and in accordance with regulations of the Commissioner, if any such agency exists with respect to such State, and such State agency has made a finding, in accordance with criteria established by the Commissioner, that such institution is in serious financial distress and (I) is in need of financial assistance under this section to continue its operation, or (II) will have to discontinue or substantially curtail its academic programs to the detriment of the quality of education available to its students;

(ii) in the case of a nonpublic institution of higher education, the institution either has complied with the procedure set forth in clause (i) for public institutions, or has submitted an application directly to the Commissioner and the Commissioner has determined that the institution meets the condition set forth in either clause (i) (I) or (i) (II), and has submitted a copy to the appropriate State agency, as determined under the law of the State in which it is located and in accordance with regulations of the Commissioner, for comment;

(iii) such institution has developed, adopted, and submitted a plan which the Commissioner determines provides reasonable assurance that, if the institution receives the grant for which it is applying, such institution will be able, during and after the period covered by such grant, to continue the educational services, programs, and activities with respect to which such grant is sought;

(iv) such institution is determined to be making a major contribution to the overall higher educational system of the area of the State in which it is located, or of the Nation; and

(v) such institution has included in such application such policies and procedures for the use of funds received under the grant as will insure that such funds will not be used for a school or department of divinity or for any religious worship or sectarian activity, and as will insure that such funds will be solely used for the purposes for which the grant is made.

(C) An application shall be approved under this subsection only if it includes such information, terms, and conditions as the Commissioner finds necessary and reasonable to enable him to carry out his functions under this section, and as he determines will be in the financial interest of the United States, and the applicant agrees—

(i) to disclose such financial information as the Commissioner determines to be necessary to determine the sources or causes of its financial distress and other information relating to its use of its financial resources;

(ii) to conduct a comprehensive cost analysis study of its operation, including income-cost comparisons and cost per credit hour of instruction for each department, in accordance with uniform standards prescribed by the Commissioner; and

(iii) to consider, and either implement or give adequate reasons in writing for not doing so, any financial or operational reform recomemnded by the Commissioner for the improvement of its financial condition.

(D) The Commissioner shall not approve an application for a grant under this section without first obtaining the advice and recommendations of a panel of specialists who are not regular, full-time employees of the Federal Government and who are competent to evaluate the applications as to the relative degree of financial distress of the applying institutions.

(c) (1) In order to give the States and the Nation the information needed to assess the dimensions of and extent of the financial crisis confronting the Nation's institutions of higher education, the Commissioner shall make, or arrange for, a study of the financial conditions of such institutions to determine the need, if any, the desirability, and the form that additional governmental and private assistance should take. Such study shall include (A) an analysis of the various proposals presented to the Congress that provide assistance to institutions of higher education, as well as other viable alternatives which, in the judgment of the Commissioner, merit inclusion in such a study; (B) the costs, advantages and disadvantages, and the extent to which each proposal would preserve the diversity and independence of such institutions; and (C) the extent to which each would advance the national goal of making higher education accessible to all individuals having the desire and ability to continue their education.

(2) (A) The Commissioner shall, at the earliest practicable date after he has had an opportunity to review the suggested national uniform standards referred to in clause (5) of section 140(c), but not later than July 1, 1973, prescribe national uniform standards for determining average per-student costs to institutions of higher education for providing postsecondary education for students in attendance at such institutions.

(B) After the Commissioner has prescribed the national uniform standard required by subparagraph (A), he shall require, as a condition of approval of any application of any institution of higher education for any funds under a grant or contract authorized by the Higher Education Act of 1965, that such institution supply cost-of-education data determined in accordance with such national uniform standards.

(3) The Commissioner shall report the results of the study required by this subsection to the President and the Congress not later than December 31, 1972.

(d) (1) The Commissioner is authorized to make grants to—

(A) institutions of higher education which are receiving emergency assistance under subsection (b) for the purpose of enabling them to improve their planning and management capabilities, and

(B) other institutions of higher education to assist them in conducting research and demonstration projects having national significance for improving the planning and management capabilities of institutions of higher education.

(2) The maximum amount of a grant under this subsection, with respect to an institution for any fiscal year, shall not exceed—

(A) an amount equal to the full-time equivalent number of persons in enrollment at that institution multiplied by $5; or

(B) $15,000;

whichever is greater.

(3) There are authorized to be appropriated for the period beginning on the date of enactment of this Act, and ending June 30, 1974, such sums as may be necessary to carry out the purposes of this subsection.

(e) As used in this section—

(1) the term "institution of higher education" means an educational institution in any State which (A) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (B) is legally authorized

within such State to provide a program of education beyond secondary education, (C) has been in existence for at least five years prior to the date upon which it makes application under this section, (D) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (E) is a public or other nonprofit institution, and (F) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution which is accredited, and, for the purpose of this clause, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered;

(2) the term "State" includes the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands; and

(3) the term "school or department of divinity" means an institution or a department or a branch of an institution the program of instruction of which is designed for the education of students (A) to prepare them to become ministers of religion or to enter upon some other religions vocation (or to provide continuing training for any such vocation), or (B) to prepare them to teach theological subjects.

By Mr. BEALL (for himself and Mr. DOMINICK):

S. 2154. A bill to establish a program of interim emergency financial assistance to institutions of higher education having the greatest need for such assistance, and to determine means of improving the financial position of all such institutions and their future needs for assistance. Referred to the Committee on Labor and Public Welfare.

Mr. BEALL. Mr. President, on behalf of myself and Senator DOMINICK, I introduce today the "Emergency Higher Education Assistance Act of 1971." There has been considerable concern in the Congress and the country regarding the financial difficulties facing many of the Nation's colleges and universities.

In its December 1970 report, the Carnegie Commission on Higher Education warned that—

"American colleges and universities are in the midst of a financial crisis, unmatched in its impact in any previous period of history."

Maryland's institutions of higher learning have not escaped these financial difficulties as can be seen from the following:

St. Joseph's, a private institution, has already announced that it will have to close.

Johns Hopkins, one of the Nation's most prestigious institutions, faces severe and major financial problems.

The Maryland Legislature, in the last session, recognized these financial problems and passed legislation authorizing $500,000 for its hard-pressed private institutions.

In addition, I have corresponded with and have personally talked to many of Maryland's leaders in higher education. Many have emphasized to me the very serious financial problems that they face.

There are various pending proposals in the Congress. Congressman QUIE's bill, for example, which would provide general assistance to institutions of higher learning based on the number of degrees granted by such institutions. Congresswoman GREEN's bill would provide general aid based on credits earned. The administration recently also proposed institutional aid which would provide for an add-on based on certain federally assisted student aid programs. I personally have considered introducing similar measures or variations thereon, but I was not really satisfied with any of the formulas that I considered. I believe it important that we make the right decision on the higher education aid question for such decision will probably significantly shape higher education programs for the next decade.

During recent hearings on institutional aid, I outlined to Secretary Richardson my proposal. The Secretary encouraged me to pursue this approach, feeling that it was important, as we search for the best approach to the problems of higher education, that we consider all the various alternatives and possibilities. It is in that spirit that I today introduce the Emergency Higher Education Assistance Act of 1971.

This bill will authorize $150 million for interim emergency assistance to the nation's institutions of higher learning which are in "serious financial distress" and in need of additional assistance either to continue its operation of the institution or to prevent "substantial curtailment" of its academic program to the detriment of the quality of education available to its students. In the case of public institutions, the appropriate state agency would have to make a finding that such institutions were in need of emergency financial assistance. In the case of private institutions, such findings could be made by either the appropriate State agency or by the Commissioner of Education.

Institutions receiving such assistance would be required to disclose certain financial information to enable the Commissioner to determine the causes and sources of their financial distress and agree to conduct cost analysis studies and to implement any needed financial or operational reform as indicated by such studies, or to give reasons in writing for not implementing such recommended reforms.

Our hearings have indicated that present accounting procedures in higher education are greatly inadequate. Our Education Subcommittee simply could not get adequate answers as we attempted to secure basic information with respect to higher education. Indications are that universities and colleges are becoming aware of these shortcomings and some are indeed attempting to secure the basic date and to experiment with financial innovation and reform.

For example, George Washington University is now requiring an income-cost-comparison and cost-per-credit hour for each of the school's departments. We know that programs at the college level have proliferated in recent years and certainly an examination of such programs, including their costs, would be useful information to the institution, and valuable in making cost comparisons among similar schools. As the president of George Washington University commented with respect to that institution's new budget procedures:

"We will know more about our actual cost and our income than 90% of the colleges and universities of the country."

Not "all of our decisions, or even half of our decisions ought to follow the financial lines revealed by this information. But, without this information, you are still flying by the seat of your pants." Similarly, on the West Coast the University of Southern California has implemented strict cost accounting procedures which I understand have paid off. According to the University of Southern California's Business Office, operation and maintenance costs have declined from 11 percent of their operating budget in 1959 to 5 percent at the present. I ask unanimous consent that the article entitled "Cost Accounting at George Washington and USC" which appeared in the Editorial Research Reports on February 24, 1971, be printed in the RECORD at the conclusion of my remarks.

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

(see exhibit 1.)

Mr. BEALL. Mr. President, both the financial crisis facing many schools plus the need to use our resources wisely demand that we stop this "flying by the seat of our pants."

Second, the measure authorizes a study or studies of higher education financing. Through this study, it is hoped that the Nation will be given the additional information that will better enable us to determine the dimensions and causes of the financial distress and the formula we should employ in response to such financial problems. Furthermore, the studies would recommend the optimum roles for the Federal, State, and local governments as well as private donors in response to these dire financial problems. Authority is given for the contracting out of all or part of such studies as the Commissioner deems necessary.

Finally, the measure authorizes grants to institutions of higher learning to improve their planning and management capabilities. This suggestion generally follows that suggested by Dr. Ben Lawrence of the Western Interstate Commission for Higher Education who has done some of the most creative thinking on the subject of institutional aid that I have examined.

I intend to examine all of the pending institutional aid proposals. I offer this measure today in the hope that it might further the discussion and interest in this subject. I realize that the measure I propose is not perfect and if the Congress desires to go this route, we will need to add a maintenance of effort provision. Also, I am aware of the number of higher education institutions that we have and the difficulties the Commissioner may have with respect to determining which institution should receive the emergency assistance. We would have to explore this problem in detail. We could, for example, employ the peer review mechanism used successfully by the National Institutes of Health. It might also be useful to establish an advisory committee to frame criteria for assistance under this title.

There is general agreement in the country that no capable youth interested in higher education should be denied the opportunity to receive such education because of financial reasons. The President repeated this pledge in his message of February 22, 1971:

"No qualified student who wants to go to college should be barred by lack of money."

Congress in recent years has instituted various forms of student aid to accomplish this objective and the Education Subcommittee is now in executive sessions studying even more complete and extensive legislation, including bills submitted by the President to carry out this commitment. It is an impressive record for according to the Office of Education figures—in 1968 this Nation appropriated $538 million to aid students in higher education. This appropriation was increased to $568 million in 1969, $633 million in 1970, and $784 million in 1971. As many as 1 million additional students could receive assistance under pending proposals. This is very commendable and it would seem that we are taking the necessary steps to meet our obligations and needs. I certainly endorse the President's historic commitment to assure that financial barriers do not exclude capable and interested students from pursuing their education.

I am concerned that our best intentions may fall short of the mark if we do not assist the Nation's institutions through this pe-

riod of financial difficulty. All the forms of student aid will not assure the opportunity for higher education to those who merit it if the institutions are not available to them or if the colleges and universities cannot provide the services they seek. The facts are that many institutions of higher education are in a serious predicament, some even in desperate financial circumstances.

There are many reasons for the financial difficulties facing our colleges and universities. First, enrollment at our higher educational institutions has doubled during the last decade reaching 7 million last year. It is estimated by 1978 an additional 3 million students will be added raising the total enrollment to 10.3 million. Our colleges and universities are caught in a squeeze between increasing costs and declining revenues. Inflation has taken its toll on the colleges and universities as it has on other sectors of society. At the same time, the war babies were producing an unprecedented number in our college-age population. In addition, the trend toward a greater proportion of our population taking advantage of higher education continued. While I believe that the Nation's higher educational institutions have not given proper attention to cost effectiveness and I am convinced that greater productivity can indeed result in some areas, I am also aware that higher education is not an automobile for which mass production necessarily reduces the unit of costs. Then too, in recent years we have seen rather dramatic increases in faculty salaries as they became more competitive. Finally, with an increasing sense of responsibility higher education institutions have made extra efforts to attract and support disadvantaged and minority students.

Tuition fees have never paid for the whole cost of education. Federal and State and, private gifts, and endowment income must make up the difference. For a time the heightened appreciation of the importance of higher education to our national growth, especially to our scientific development, led to increases in these additional sources of revenue and enable the colleges and universities to absorb growing enrollment. But the need to cut expenditures and control inflation plus a decline in investment income brought a decrease in funds from these sources. The regular and rapid tuition fee increases have approached, particularly for the private schools, the saturation point and substantial further increases might price these colleges and universities out of the market.

Diversity among higher institutions of learning has always been valued in America and the recent Newman report expressed grave concern over the fact that our schools of higher learning had become "extraordinarily similar." Because private schools do offer independence and diversity and creativity, one must be concerned with developments taking place in this century which have been accelerating in recent years. For example, between 1900 and 1950, an equal number of students were attending public as private institutions. Since 1950, the balance in enrollment between private and public schools has almost disappeared and today five out of every seven college students are enrolled in public institutions.

The percentage will continue to grow. Yet, our private institutions are vital to our whole system of higher education, without them our system of higher education could become stagnant and stale. They provide an important competition which improves the quality for all institutions of higher learning and I believe that we should insure their survival.

The measure I introduced today is designed to help the colleges and universities through this immediate period of difficulty and at the same time seek the information and support for a longer range policy.

Our institutions of higher education are a natural resource of immeasurable value. Despite higher education's problems, our colleges and universities have served the Nation well and have provided us with the leadership and talent absolutely essential for a leading nation in the world. As a member of the Education Subcommittee, I certainly will work with the administration, the committee, and educational leaders throughout the country in shaping a measure responsive to the financial needs of the education community and the educational needs of the country. It is my belief that the bill I introduced today will help contribute to the discussion that is taking place in the country with respect to institutional aid. The bill does address itself to the short term problem by providing immediate emergency aid, while requiring a study to find the long term answer to the financial plight of the Nation's colleges and universities. I am hopeful that this measure, perhaps in combination with some of the other proposals, might contribute to the finding of the proper approach. I ask unanimous consent that the text of this measure be printed in full in the RECORD.

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

Mr. BEALL. Mr. President, I find it interesting that the amending of the Higher Education Act of 1965 and the Vocational Education Act of 1963 have come to the floor as titles of the same bill. I sincerely hope the symbolism of this companioning is not lost.

For too long vocational education has been "for someone else's child." It has been relegated to the bottom of the educational priority heap. This is exceedingly unfortunate.

The Federal Government invests $14 in the Nation's institutions of higher learning for ever $1 it invests in vocational education; yet 80 percent of our job opportunities available in the United States today do not call for a college education, nor will they for the foreseeable future.

The Federal Government continues to invest nearly $4 in remedial manpower programs for every $1 it invests in preventive vocational education. Mr. President, what a fertile area for priority reordering.

Although title II of this bill is little beyond a straight extension of the existing vocational education laws, I look to a day quite soon when vocational education, or career education as some prefer to call it now, takes its rightful place, fully equal to, and alongside, higher education; not just symbolically as we have here.

I commend to the Senate a most remarkable report: the fifth of the National Advisory Council on Vocational Education. I ask unanimous consent that at this point in my remarks the report be printed in full.

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

FIFTH REPORT: NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION. JUNE 21, 1971

The National Advisory Council on Vocational Education was created by the Congress through the Vocational Education Amendments of 1968. It is composed of 21 persons, appointed by the President from diverse backgrounds in labor, management and education. It is charged by law to advise the Commissioner of Education concerning the operation of vocational education programs, make recommendations concerning such programs, and make annual reports to the Secretary of Health, Education, and Welfare for transmittal to Congress.

NATIONAL ADVISORY COUNCIL ON
VOCATIONAL EDUCATION,
Washington, D.C., June 21, 1971.

Hon. ELLIOT RICHARDSON,
Secretary, Department of Health, Education and Welfare, Washington, D.C.

DEAR MR. SECRETARY: The National Advisory Council on Vocational Education is pleased to submit this, our Fifth Report, in support of the Administration's positive stance toward career education.

As we understand the history of vocational education in our nation, Commissioner Sidney P. Marland is the first chief administrator at the Office of Education to identify career education as the Number One priority in Education. We believe Vocational and Technical Education is an important part of this concept.

In this report we have attempted to recognize the various publics needing career education and have urged the policy makers in your department to assist the Commissioner in attaining his goal.

Sincerely,

LAWRENCE DAVENPORT,
Chairman.

FIFTH REPORT: NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

The values most Americans hold dear include that each man living under equality of opportunity should work at a job of his choice within the limits of his ability, and that economic well-being is indispensable to the freedom and dignity of the individual.

In its first four reports, the National Advisory Council on Vocational Education dealt with some of the reasons that our present educational system has failed us in achieving these goals. They dealt with the following major items in depth:

Report 1—Dealt with the national attitude toward vocational education as a system designed for someone else's child.

Report 2—Dealt with the approach of federal funding to reduce the flow of untrained manpower into the pool of unemployment.

Report 3—Dealt with employment as an integral part of education.

Report 4—Dealt with the problems involved in local support, state plans, the lack of federal initiative and the need for effective national planning for vocational education.

In this, our Fifth Report, the Council wishes to examine those forces which have prevented the adoption of some of the recommendations of the first four reports. While the mood of the National Advisory Council today is one of impatience, the Council senses the mood of the public as punitive.

Since the Council represents various publics, the question is being asked: Is anybody listening to the voices of the people—? Is anybody listening to:

The forty million elementary school children who need career orientation.

The seven and one-half million young people who seek employment after graduation.

The seven hundred and fifty thousand high school and college students who drop out each year, virtually all without marketable skills.

The unemployed, or soon to be unemployed, workers not expecting callback because of shifts in technology or shifts in labor market demand.

The highly motivated working poor stuck in low-skill, low-paying jobs, who need to hold two jobs to earn enough income to cover their family needs.

The mothers of school age children who need and want to re-enter the labor market.

The older workers involuntarily retired who want to continue to work, but need a marketable skill.

The over three hundred thousand mental

hospital patients discharged every year who need a marketable skill to sustain themselves.

The over two million veterans returning to civilian life.

The inmates in our prisons who need pre- and post-release skill training to cut down on the high rate of recidivism.

The disadvantaged and handicapped.

The reports from the State Advisory Councils on Vocational Education.

The taxpayer as he votes down bond issue after bond issue on his local educational level.

IS ANYBODY REALLY LISTENING? WE DO NOT THINK SO!

There is an "educational" consumer revolt developing in our land today. The public's limit of tolerance has been reached and they are on the verge of wresting control of the delivery of educational services from the managers of public education. Public officials responsible for education, both elected and appointed, need to be reminded of Alexander Hamilton's statement, "Here, sir, the people govern!"

Like the general public, we must ask, "Why is our educational system not responsive to the demands of our society?" Since 1917, Congress has registered its concern through legislation for the need to infuse vocational education into the spectrum of educational opportunities. The most recent congressional action being the Vocational Education Amendments of 1968. Whenever public officials—the governors, the state legislators, the congressmen, the mayors—seek elective office, they usually embrace the concept of sound vocational education programs. It is one subject about which there is no controversy. In view of this overwhelming demand, the National Advisory Council must ask why do the managers of our educational system continue to be so maladroit in implementing a policy which would effect positive change and meet the demands of the people.

Historically, various educational leader have written volumes which are replete with utterances advocating the implementation of career education programs.

The present Commissioner of Education has endorsed strongly the concept of career education. The Council is anxious to assist him in the development of a strong program in vocational and technical education as part of career education.

We ask the question, with all of this endorsement, where has vocational and technical education been?

On the list of budgetary priorities?—At the bottom.

On the organizational chart of U.S.O.E.?—At the bottom.

In the legislative goals of those advising the decision makers of the Department of Health, Education and Welfare?—At the bottom.

The Council has been reluctantly forced to the conclusion that the reason for the general educational system being kept bankrupt with respect to vocational education, is that the advisors to the educational policy makers have failed to provide the leadership and insight necessary to achieve the educational goals the people of our country demand.

Who are the keepers of the keys of the educational policy making establishment?

Leaders from the prestige universities.

Professional associations.

Educational associations.

Decision makers of educational policy at the state and local level.

The general educationally oriented bureaucrats.

We implore these influential decision makers to join the Commissioner in the active reorientation of our educational system to embrace the concept of a totally articulated vocational and technical education thrust.

To insure the intent of the people, the Congress, and the host of supporters of vocational and technical education, the Council recommends that programs in vocational and technical education continue to be legislated. The Department of Health, Education and Welfare must continue to be held accountable by the Congress under the law. Any new legislation must guarantee that vocational and technical education has parity in the organizational structure of the Department of Health, Education and Welfare.

An initial step in the implementation of this parity within the educational structure is the establishment of an Office responsible for vocational and technical education within the Office of the Secretary of Health, Education and Welfare to advance the Commissioner's stated goals for career education as a national policy. This Office should be charged with the responsibility of keeping such programs at the highest national priority in education. The Office should be headed by a person who is eminently well qualified in the fields of vocational and technical education as a part of career education and be accorded the rank of Assistant Secretary. He must have an adequate supportive staff to enable the Office to function effectively. The establishment of this Office with the appropriate level of leadership will provide visibility and continuity in addition to decision making responsibility on behalf of vocational and technical education at the top levels of education and government.

We urge Congress to accept the responsibility of appropriating the full authorizations that have been provided for down through the years for vocational and technical education. Funds must be provided for full implementation immediately, as well as providing the necessary funds for future needs.

The vast majority of the public in our nation live by a familiar vision of our public schools. They believe our schools have traditionally fulfilled a dual function—preparing young people for a career in adult life and serving as transmitters of our cultural heritage.

The Council implores our national educational policy makers to join in the full implementation of a viable educational program to provide for the full economic development of our human resources. To do anything less is to abandon positive educational leadership.

Respectfully submitted,

MEMBERS, NATIONAL ADVISORY COUNCIL

Lawrence Davenport, Chairman; Mrs. Louis Bachman, Daniel H. Beegan, Lowell A. Burkett, Frank Cannizzaro, Mrs. Joseph Coors, Jerry S. Dobrovolny, Marvin J. Feldman.

William Gellman, Jack Hatcher, Mrs. Hugh Hughes, John W. Letson, W. E. Lowry, Duane Lund, Donald N. McDowell.

Luis M. Morton, Jr., Thomas Pauken, George L. Ramey, Norman R. Stanger, Steve W. Stocks, Delfino Valdez; Calvin Dellefield, Executive Director.

Mr. FULBRIGHT. Mr. President, I am pleased to support S. 659 and commend the Senator from Rhode Island and his colleagues on the Committee on Labor and Public Welfare for their work on this significant and complex legislation.

I have always endeavored to support increased educational opportunities and improved educational standards. I continue to believe that this should be one of our highest priorities.

Mr. President, I have received a letter from Dr. David W. Mullins, president of the University of Arkansas, the largest institution of higher education in my State, indicating his support for this legislation. Dr. Mullins points out that this bill is of great importance to the colleges and universities in Arkansas. I ask unanimous consent that his letter be printed in the RECORD at this point.

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

UNIVERSITY OF ARKANSAS,
Fayetteville, July 30, 1971.

Hon. J. W. FULBRIGHT,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR BILL: It is my understanding that the Senate Committee on Labor and Public Welfare has unanimously reported S–659 which renews existing programs for higher education and adds certain new ones.

I hope you can give your wholehearted support to this bill. It means a great deal to the University of Arkansas and to other colleges and universities in the state.

Although there are some provisions in the bill, particularly with respect to the formula for general aid to colleges and universities, that I would like to see in somewhat different form, I hope you can support the bill on the floor of the Senate.

Should the Senate approve this legislation and the House should also approve the bill even though in a different form, I might want to urge you to support certain provisions in the Conference Committee of the House and the Senate that would provide in the final bill provisions more in line with what I think would be better for the University of Arkansas.

With all good wishes and personal regards.

Sincerely,

DAVID W. MULLINS,
President.

Mr. FULBRIGHT. Mr. President, I would like to touch briefly on one point in this bill—college library programs. I have recently had some correspondence with Dr. Carl Reng, president of Arkansas State University, on the problems his institution has encountered with this program. Dr. Reng has pointed out that a number of institutions, in addition to his own, have been denied funds for this program. Roughly 75 percent of those applying did not receive assistance.

In checking into this matter, I was informed by Mr. Ray M. Fry, Director, Division of Library Programs of the Office of Education, that the college library resources program "was redirected in 1971 in line with administration priorities and recommendations."

Mr. President, it seems to me that one of our highest priorities should be in assuring that our colleges have adequate library resources. I would agree with Dr. Reng that this program is not fulfilling its purpose when three-fourths of the applying colleges are denied assistance.

I notice in the committee's report on this bill that information submitted to the committee "indicates that college libraries are falling behind in meeting minimum standards."

I would concur with the committee's views that "we must increase our financial commitment accordingly in order to avoid further deterioration in the quality of our libraries."

I would like to quote a further statement from the committee's report, which bears out my own findings:

Not only is the Committee concerned about the curtailment of recommended appropriations for the college library programs, but it

is concerned about what appears to be the attitude of the Department of Health, Education, and Welfare with respect to both the needs of colleges and universities for adequate library resources and to authorizing legislation enacted by the Congress. It appears from the justification for appropriations for fiscal year 1972 that the Department is carrying out a policy, with respect to the relationship between basic grants and supplemental grants, which is directly contrary to the intent behind title II.

It was, and is, intended that basic grants be made on the basis of matching expenditures of colleges and universities for library resources, and that supplemental grants be available in addition to basic grants for colleges and universities which can show special circumstances which are impeding, or will impede, the proper development of their library programs. The Commissioner is granted some discretion with respect to basic grants. Recent guidelines make it appear that the Department has used the discretion granted with respect to supplemental grants to limit basic grants. This is contrary to what has been, and is, the intent of the Committee with respect to the administration of title II.

Accordingly, the committee has recommended an increased emphasis on college library programs, which I strongly endorse. The language of the bill is such that the intent of Congress will be very clear.

The existing policies of the administration on this subject are only one more example of its defiance of congressional intent. Every effort should be made to see that this program is administered as approved by the Congress, and I commend the committee for the steps it has taken.

Mr. President, I ask unanimous consent that the letter I received from the president of Arkansas State University, and the letter from Mr. Fry be printed in the RECORD.

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

ARKANSAS STATE UNIVERSITY,
Jonesboro, July 1, 1971.

Senator J. W. FULBRIGHT,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: During the past five years, Arkansas State University has participated in the Federal College Library Resources Program which has been authorized by Title II, Part A of the Higher Education Act of 1965. This university has been the recipient of basic and supplemental grants which have enabled us to expand and develop our libraries to meet the pressing needs of the students and population which we serve in Eastern Arkansas and surrounding states. This year Arkansas State University submitted to the U.S. Office of Education separate applications on behalf of its Jonesboro and Beebe campuses for basic and supplemental grants totalling $28,297. Recently, we were notified that both of our applications were disapproved.

As a result of a telephone inquiry to the USOE during which we requested an explanation as to the reason for the failure to fund our proposal, we were apprised that there were insufficient federal monies to support approximately 75% of the institutional applications that were received from throughout the nation. To be more specific, the following approximate figures were disclosed to us; namely, only 549 institutions of higher learning were funded out of 2,165 applicants. Whereas in the past the nation's limited appropriation for this program was prorated among all eligible applicants, this year the decision was made to provide 100% funding to each eligible applicant beginning with those who had the most points, according to a formula and to continue until all funds were used. The criteria in the formula are of questionable validity.

One component of the formula allows points for volume deficiencies in a library. While we concur with the inclusion of this criteria, it should be noted that those schools which in the past have been negligent in providing funds for the procurement of library materials benefited most under the current formula since they were able to evince a larger deficiency. Arkansas State University has conscientiously expanded its library acquisitions and its deficiency is not extensive; however, in selected areas we do have a significant inadequacy.

We of Arkansas State University respectfully urge that you and your Congressional colleagues foster further support for higher education by increasing the funds for the College Library Resources Program and other programs which have been designed to redress human degradation by strengthening and upgrading the nation's colleges and universities. Finally, we suggest that the USOE be called upon to revise their formula for the program cited herein so that 75% of the applicants will not be denied.

Your continued vigorous assistance to Arkansas's colleges and universities is anticipated and appreciated.

Thank you.

Sincerely yours,

CARL R. RENG,
President.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., July 19, 1971.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: In answer to your letter of July 12, I can say only that the college library resources program (Title II–A of the Higher Education Act) was redirected in 1971 in line with administration priorities and recommendations.

When the appropriation dropped from $25,000,000 in 1969 to $9,816,000 in 1970 the basic grants of $5,000 which had been awarded to about 2,000 institutions since 1966 were cut to $2,500. In 1970 basic grants were awarded to 2,201 institutions, with small supplemental grants to most of the applicants. The grants were considered to be too small to make much impact on most of the recipients, so a different approach was determined for 1971 in an effort to discover the neediest institutions and give them more significant grants. The criteria for scoring the applications were based chiefly on inadequacy of the size of an institution's library collection and the number of students enrolled from families with less than $5,000 annual income. The statistics mentioned by your constituent from Arkansas are correct. Only 532 institutions scoring 21 or more points received basic grants of $5,000 and supplemental grants related to the size of their enrollments. For 17 new institutions to open in the fall of 1971 basic grants of $5,000 were made.

Most of the 1971 awards were to community colleges, technical institutes and predominantly black colleges. These three categories of institutions are particularly deficient in library resources and are enrolling large numbers of economically disadvantaged students.

Sincerely yours,

RAY M. FRY,
Director, Division of Library Programs.

MEETING THE CRISIS IN HIGHER EDUCATION

Mr. TUNNEY. Mr. President, I believe that the preservation of our colleges and universities and the achievement of equal educational opportunity are among the most pressing matters which will confront the Senate this Congress. Institutions of higher education are struggling simply to maintain their current level of operation and they have reached a point of diminishing returns. They too have felt the effects of inflation and rising costs. Not much longer will they be able to accommodate increasing numbers of college students and be able to provide even an adequate education. Too many colleges have already dangerously overextended their facilities and faculties and some are actually on the brink of bankruptcy.

For some reason, people do not always take the financial plight of our educational institutions very seriously. Perhaps they assume that somehow our colleges will get by, because they always have in the past. This is ostrich mentality. It is a refusal to come to grips with the reality of the situation. The Carnegie Commission recently took a close look at the financial status of a number of colleges and universities and on the basis of that survey estimated that some 540 private and public institutions were "in financial difficulty" with another 1,000 institutions headed that way. The Commission appropriately called its survey "The New Depression in Higher Education."

A study of private colleges issued this past January by the Association of American Colleges seems to substantiate the seriousness of the financial problems of higher education. The association reports that nearly half of the private, accredited colleges surveyed expect operating deficits in the current fiscal year totaling about $87 million. They conclude that private institutions of higher education "will not long be able to serve higher education and the Nation with strength unless significant aid is soon forthcoming."

Mr. President, we must not underestimate the depth of this financial crisis in higher education. Private colleges as well as public colleges, large schools as well as small, and the educational giants as well as the small are confronted with possible financial disaster. Some of our most prestigious and well-endowed institutions are in this situation. The trustees of Columbia University, for example, recently approved a budget for fiscal year 1972 which provides for a deficit of approximately $10.8 million. This followed an announcement by the university that tuition would be increased by about $300 next September in most of its schools. New York University is facing a deficit of nearly $7 million next year. Princeton facing a possible $5.5 million deficit next year is also planning to raise tuition to $2,800 a year. Yale has an operating deficit which may well rise above $2 million this fiscal year and is expected to be even greater next year, in spite of a very healthy endowment income. Stanford University faces a deficit of $900,000 in academic year 1971–72. To meet this deficit Stanford has had to cut back on many desirable programs and raise tuition.

The President's higher education message did not address itself to the overriding financial problem of higher education. The administration's higher education proposals in the 92d Congress,

with emphasis on student aid, particularly in the form of loans, betray a sad lack of appreciation of the problem. Student aid is vital to the insurance of equal educational opportunity and we have committed ourselves to the achievement of this goal. But it is not a goal we will achieve cheaply. Obviously, the expansion of existing forms of student aid will be required—not just loans, and not just insured loans. We must provide a flexible program of student aids which will help to meet the needs of a broad range of students.

The administration proposal also conveniently ignores the need for some form of institutional support for general operating expenses. Student aid without such support will only aggravate the financial problems of our colleges. It will also move us away from the goal of achieving equal educational opportunity for all students, because institutions without direct aid will be forced to increase tuition to obtain needed revenues. To what avail is student aid then? It makes little sense to open the doors to increased numbers of students to financially crippled colleges—colleges which must eliminate courses, leave faculty vacancies unfilled, enlarge teacher-student ratios, postpone or abandon new and innovative programs and curtail other educational services.

Higher education spokesmen have testified this year, as they did last year and in previous years, that they need Federal institutional support. The reports of the Carnegie Commission and the Association of American Colleges corroborate their testimony.

On March 9, 1971, Senator MONDALE introduced a well-designed proposal, S. 1161, which I cosponsored, which would cut both ways in helping to resolve the financial plight of higher education. This bill would assist students and institutions by expanding the educational opportunity grant program and by initiating a program of greatly needed cost-of-education allowance. Furthermore, it would provide special efforts to identify and encourage disadvantaged youths to resume or continue their educations. It would establish a higher education loan bank to make loans to students similar to the insured loans presently authorized by the Higher Education Act. The bill would also create a new program of Federal fellowships for graduate students of exceptional ability and demonstrated financial need.

If we are to keep college doors open and keep colleges solvent, we must wed increased levels of student aid with grants or allowances to institutions.

S. 659, which I have also cosponsored, has adopted many of these provisions and represents an important contribution toward higher education reform.

I wholeheartedly support S. 659, because I believe that it offers the most promising formula thus far for channeling Federal dollars where they will best assist colleges and students. I encourage the Members of this body to give S. 659 their careful consideration. Soon we must come to grips with the problem of survival for high quality, accessible higher education.

I would like to briefly touch on some of the major provisions of this bill.

Title I of S. 659 would substantially revise and expand federally assisted student financial aid programs and in addition consolidate into a single program the provisions of the Higher Education Facilities Act, the International Education Act, and the higher education aspects of the NDEA.

Part A of the bill would authorize grants to the States to assist and encourage colleges and universities in strengthening their community service programs so that they can assist communities in the solution of various problems such as housing, poverty, recreation, employment, youth opportunities, transportation, health, and land use. According to the committee report, California would receive $4,825,048 out of the $54 million authorized for this program.

Part B of title I would authorize a college library resources program, a library institute and fellowship and research program.

Part C of S. 659 would authorize assistance to strengthen developing institutions, to enable them to increase their academic and administrative capabilities and the quality of their student services.

This section authorizes $150 million for emergency interim grants to institutions of higher education which are in such serious financial distress that without a grant they would either cease to operate or be found to curtail their academic programs to the detriment of the quality of education available to their students.

Part D of this section makes major revision in student assistance programs. The committee has significantly moved Federal assistance programs away from permanent dependence upon the private money market. It is my hope that the Congress will move toward a full grant program in the near future.

S. 659 makes basic educational opportunity grants available to all eligible students, it provides supplemental educational opportunity grants to students of exceptional need, who would otherwise be unable to attend the institution of choices. It provides matching funds to States to act as incentives for State scholarship programs. It provides special programs and projects to make special services available for disadvantaged students. It provides for cost of instruction allowances to institutions of higher education in connection with students who receive basic educational opportunity grants. The bill also creates a new program of basic educational opportunity grants to all students in institutions of higher education for whom family contributions are insufficient to enable them to attend postsecondary educational institutions. For the first time, part-time students are eligible for basic grants. Part-time students comprise 2,680,000 of the 8,550,000 attending 2- and 4-year colleges.

The committee also authorizes $200 million for supplemental educational opportunity grants, out of which California is expected to receive $24,658,109. This program is designed to serve those students who are in need of assistance over and above that provided by basic grants, and those whose family contributions make the student ineligible for basic grants but who are in need of some financial assistance for their education.

In addition, the bill authorizes $50 million annually for matching grants to States to encourage the establishment of State financial assistance programs. According to the committee report, California would receive $7,303,521 under this program in fiscal year 1973. The committee has emphasized that these funds are intended to supplement, not supplant, existing programs. This is not a time for States to curtail funds for education.

S. 659 consolidates the talent search and upward bound programs, and the programs of special services for disadvantaged students, and authorizes their expansion. These programs are vitally important to areas with major concentrations of low-income population.

Subsection 5 of part A of the bill would entitle each institution of higher education, at which a basic grant recipient is in attendance, to a cost of instruction allowance. The amount of the allowance would be determined on the basis of the total number of undergraduate students enrolled and the number who are recipients of basic grants. This section is particularly important if tuition is to be kept within reasonable limits.

I believe that many students would like the opportunity to work while attending college. The committee has wisely expanded the eligibility under the work-study program and has authorized $320 million for the program. According to the committee report, California is expected to receive $26,453,554 under this authorization.

California is a leader in the development of a community college system. S. 659 provides grants for the development of new community colleges and for the expansion of existing community colleges. I was pleased to have been a cosponsor of this provision with Senator HARRISON WILLIAMS. California has 86 community colleges and by 1980 will need an additional 34. According to the committee report, California would receive $4,737,871 under this section.

The Congress has expressed its desire to improve the quality of higher education and postsecondary educational opportunities, especially for the disadvantaged. Comprehensive community colleges, with their flexible curriculums and traditionally lower tuitions, are considered by many to be an excellent vehicle to help achieve these goals. In its special report, "The Open-Door Colleges," the Carnegie Commission on Higher Education underscores the role of the 2-year college in providing greater access to postsecondary education and recommends that every potential student have a community college within commuting distance except in sparsely populated areas. The Commission estimates that this would require approximately 230 to 280 new public community colleges and could require as many as 400 to 450 new community colleges by 1980.

The development and construction of new community colleges would require

new levels of support from both State and Federal Government. The Carnegie Commission has recommended and representatives of junior colleges have requested Federal assistance for planning, construction, and other purposes. S. 659 would begin to provide such assistance.

Specific legislation is required to focus Federal funds on the needs of community colleges and to give them a more equitable share of Federal financial assistance for postsecondary education. The national need for additional 2-year colleges and need of 2-year colleges for additional Federal assistance suggests that specific legislation would be more desirable than forcing junior colleges to compete with other institutions of higher education for funds in a more general higher education proposal.

Mr. President, I wish to conclude by commenting upon a very important aspect of this bill, the Indian education section, an amendment to S. 659 which I cosponsored. The unique needs and status of the American Indian justify this special education section. Existing Federal legislation does not meet the special educational needs of the American Indian. No other American minority group has had "reservations," a separate Federal school system and the complexities of dual legal systems, although other minorities have faced de facto, nearly the same situation. As a result, the American Indian needs the focused attention and the broadened infusion of Federal assistance provided through this section in order to effectively resolve its unique educational problems.

Extensive hearings by the special Subcommittee on Indian Education in the 90th and 91st Congress revealed that the present Federal Indian education policies are most inadequate. Not only are many Indians excluded from Federal programs, because they are not Federal ward Indians, but the provisions and administration of existing programs does not effectively meet the educational needs of those Indians who are served.

Title IV of S. 659 is designed to rectify the present inadequacies in American Indian education and, although the section is not perfect, it is based on many of the recommendations of the Indians themselves, educators and legislators and is superior to the status quo.

Mr. TOWER. Mr. President, I intend to support final passage of S. 659, the Education Amendments of 1971.

As a U.S. Senator representing one of the largest States in the Nation, I have long supported legislation which will enable any individual the opportunity to pursue his or her studies on a postsecondary school basis regardless of the particular financial situation if that student has the ability and desire to do so.

In the past, I have introduced and cosponsored legislation that would allow for tax credits and tax deductions for the direct and indirect support of higher education. I believe that the tax incentive mechanism has many advantages and should be part of an integrated effort to achieve our overall objective. I intend to push for this concept in the future if it becomes apparent that it can make a positive contribution toward providing the economic means to achieve our national goal in this area.

Before making some comments on a number of provisions in this bill, I would like to make this general statement: This bill has the potential of affecting almost everyone in the United States, either directly or indirectly. It authorizes the Federal Government to spend approximately $19 billion for support of various postsecondary initiatives. I agree with my colleagues who in their opening statements on the bill called it a landmark piece of legislation.

I will vote for the bill because in general it has the potential to make vast improvements in certain areas of financing postsecondary education. The Labor and Public Welfare Committee has obviously worked very hard on this bill and has received excellent cooperation from the administration. It is truly a bipartisan effort and should be recognized as such.

The bill includes a provision which would establish an independent Student Loan Marketing Association which would act as a secondary market to assist students in receiving guaranteed student loans. The Student Loan Marketing Association will be a Government-sponsored private cooperation much like the Federal National Mortgage Association. It will assist banks which participate in the Government-backed loan program by providing additional liquidity so that they might expand their participation in the program. It will also be able to attract private resources to greatly strengthen the student loan program.

I also would like to give my full support to the section of the bill authorizing interim emergency assistance to institutions of higher education. This provision will allow for immediate assistance to those schools facing critical financial difficulties by utilizing a carefully drawn formula determined by an Office of Education review. The Carnegie Commission on Higher Education, as well as other similar studies, has clearly documented the need for such assistance, and I believe that this section which provides immediate aid based upon a definitive formula will be very helpful.

Furthermore, the provisions in the bill relating to the establishment of a National Foundation for Higher Education and a National Institute of Education have the potential to coordinate our educational policies in the future. I am hopeful these proposed organs of the public domain will be able to research and reevaluate our programs in this field and will not degenerate into yet another stagnant bureaucracy.

Perhaps the most important aspect of this bill is its recognition that postsecondary education can be something other than 4 years spent on a major university campus. For example, the number of junior colleges in the country has grown from 678 to 1,091 over the past 10 years. The number of students enrolled in these schools has risen by nearly 400 percent over that same timespan. As we all know, these schools serve as stepping stones toward a professional career and as training grounds for employment in a number of technical or vocational fields.

The administration has spearheaded the drive for a larger recognition of career and technical education programs. I would hope that the increased assistance to these schools and related programs in the bill will instill a greater awareness for the priority of higher education.

Mr. President, before concluding my remarks on this bill, I would like to associate myself with the individual views of my distinguished colleague from Colorado (Mr. DOMINICK). My colleague has raised some pertinent questions in his remarks which appear at the end of the committee report. I must admit that higher education has gone through a number of rapid changes since I departed from the ranks of academic university life 11 years ago. The need to attend the university of today has become a conditioned social reflex. From my talks with students throughout the Nation, I have become convinced that many of the problems associated with higher education have resulted from the presence of many students on campus that neither psychologically nor intellectually belong in such an environment.

I have wondered whether this condition in our schools has not fostered the spirit of restlessness and destruction that now pervades many of our Nation's universities. Meanwhile, many of those students who do make it through their university studies in the computer-like atmosphere that is so prevalent today find out when they leave that much of what they learned cannot be applied outside of the academic environment. It is easily understood that the many unemployed people with various education degrees find themselves in this condition, because of our society's belief that if you do not attend a university you will not make anything out of your life.

I make this feeling known not as a means to oppose this bill but as a sincere belief concerning the direction of our society. Legislation cannot really remove a certain tendency of society. The Nation must do this on its own, and I am somewhat optimistic that some sort of reversal will slowly but surely occur.

This legislation should be supported, because of its goal to insure that everyone who wants to attend a postsecondary educational institution will not be denied entrance solely on the grounds of financial inability.

FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. ELLENDER. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the immediate consideration of Calendar No. 350, House Joint Resolution 829, making further continuing appropriations for the fiscal year 1972, and for other purposes.

The PRESIDING OFFICER (Mr. BENTSEN). The joint resolution will be stated.

The joint resolution was read as follows:

A joint resolution (H.J. Res. 829) making further continuing appropriations for the fiscal year 1972, and for other purposes.

The PRESIDING OFFICER. Is there

objection to the immediate consideration of the joint resolution?

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

Mr. ELLENDER. Mr. President, the House approved the resolution last Monday. An extension of the——

Mr. BYRD of West Virginia. Mr. President, may we have order? We cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order. Senators will please cease their conversations so the Senator from Louisiana can be heard.

The Senator from Louisiana may proceed.

Mr. ELLENDER. Mr. President, the House of Representatives approved this resolution Monday night, which is simply an extension of the expiration date of the current resolution from August 6 until October 15, 1971. As Members know, the purpose of these continuing resolutions is to enable the departments and agencies of the Federal Government to function in the absence of new obligational authority for the current fiscal year 1972.

As stated in the report, all appropriation bills—both supplemental bills for fiscal year 1971 and regular annual appropriation bills for fiscal year 1972—which have been referred to the Senate committee this calendar year have been considered and reported by the committee, and have passed the Senate. Four regular annual appropriation bills—the military construction, District of Columbia, foreign assistance, and Department of Defense appropriation bills—have not as yet been received in the Senate, and it is my understanding that the House Committee on Appropriations is awaiting action on necessary authorizing and revenue legislation before reporting these bills to the House of Representatives.

Although every effort has been made by the Senate committee to process the bills referred to it as expeditiously as possible, it is obvious that these four remaining bills cannot be enacted before the termination date of the present continuing resolution and, therefore, an extension is required in order to assure the continuation of the programs and activities funded in these bills. In addition, the final supplemental appropriation bill for fiscal year 1972 will have to clear both Houses before the business of this session is concluded.

Further in these remarks, I will make a more detailed report on the statute of the appropriation bills.

In a few of the regular annual appropriation bills, language has been written into the appropriation paragraph stipulating that the appropriations are available only upon enactment into law of authorizing legislation. In the report filed by the House Committee on Appropriations, reference is made to this matter, and examples would be the Office of Saline Water in the Department of the Interior and related agencies appropriation bill and the activities relating to waste treatment construction grants, water quality, child nutrition, and certain other activities in the agriculture-environmental and consumer protection appropriation bill. These are ongoing programs which have been continued in operation since July 1 under the terms of the continuing resolution, and would be continued further until October 15 by this joint resolution.

Mr. President, I move the adoption of House Joint Resolution 829.

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

Mr. ELLENDER. I yield.

Mr. YOUNG. Mr. President, I support the continuing resolution. It was approved unanimously by the Committee on Appropriations of the Senate. It is absolutely necessary to finance the departments of Government in those instances where appropriations have not been cleared by Congress as yet. As I understand it, these departments will be funded at the level of last year's appropriations or the budget extended for fiscal year 1972, whichever is lower. That sum will be somewhat less than if their new appropriations had been passed. I see no alternative but to pass the continuing resolution.

Mr. ELLENDER. The Senator is correct.

Mr. JAVITS. Mr. President, once again I find it necessary to direct the attention of my colleagues to that portion of the continuing resolution which appropriates funds for the continuing operation of the emergency school assistance program. The last time that this body considered a similar resolution, on June 29, I expressed reservations about a continuation of ESAP, principally because of my fears that a reopening of the pipeline to districts which had received ESAP funds last year, mostly in the South, would reduce the chances of expedient House action on the $1.5 billion Nationwide Emergency School Aid and Quality Integrated Education Act. At that time, I was reassured by a letter from the Secretary of Health, Education, and Welfare that the money appropriated would be used in a limited number of districts where an imminent emergency stemming from the Supreme Court decision in Swann against Charlotte-Mecklenburg Board of Education existed. I ask unanimous consent that this letter again be printed in the RECORD.

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

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C.

Hon. JACOB K. JAVITS,
United States Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I thought it would be helpful to provide you with some background on the Department's request to continue the emergency school assistance program.

As you know, early in this session of Congress, the President submitted the proposed Emergency School Aid designed to help school districts carry out successful desegregation programs. The Administration feels that legislation of this nature is of the greatest importance, and we hope that a bill acceptable to both Houses of Congress will be approved in the very near future.

Essentially, our current dilemma is that with the opening of the 1971–72 school year, a number of school districts are faced with additional desegregation requirements, and there is very little likelihood that the Emergency School Aid Act or similar legislation will be enacted in time to meet their immediate and critical needs.

The continuing resolution (H.J. Resolution 742) now before the Senate would continue emergency school assistance funding provided in the fiscal year 1971 Office of Education Appropriations Act.

The authority proposed in the continuing resolution becomes very important given the Supreme Court's decision in *Swann* v. *Charlotte-Mecklenburg Board of Education* and in companion cases handed down on April 20, 1971. The effect of the *Swann* ruling is to impose additional desegregation requirements on those school systems which do not now meet the Constitutional standards set forth in that decision. At the moment and until the Emergency School Aid Act or its equivalent becomes law, the only authority to provide emergency assistance to school districts is that which is embodied in the continuing resolution as proposed by the Senate Committee.

We should point out that, under the Continuing Resolution, we would be providing such emergency assistance only to school districts which must make significant adjustments this fall in response to the Supreme Court's *Swann* decision. Revised program regulations to this effect will be issued shortly in the event the Congress approves the continuing resolution. The statutory provisions applicable to the present program will, of course, remain in force. Our purpose under the resolution is to assist comprehensive desegregation programs, including activities such as teacher training, curriculum revision, and support services.

As I have indicated, we anticipate that a considerably smaller number of districts will be eligible to participate in the program during the period of the continuing resolution. This will facilitate a more thorough review of each application in light of the lessons we have learned in administering the funds during the course of the 1970–71 academic year.

This interim action under the continuing resolution would, of course, continue only for such time as the continuing resolution remains in effect or until such time as the Emergency School Aid Act or its equivalent becomes law.

Again, let me emphasize that a continuation of this limited emergency measure in no way preempts the larger scope and purpose of the school aid legislation now being considered by the House.

The President's objective is to encourage all school districts to deal affirmatively with the problems of minority group isolation in the schools and the funds provided by the continuing resolution will not meet this vital objective. I urge the Congress to act on this crucial legislation.

With kindest regards,
Sincerely,
ELLIOT RICHARDSON, *Secretary.*

Mr. JAVITS. Mr. President, although I would have hoped that the other body would have acted more quickly on its version of the emergency school aid act, I am heartened that the general education subcommittee of the House, chaired by Mr. PUCINSKI, reported a bill to the full committee last week, and that action by the entire House of Representatives can now be anticipated shortly after the recess.

Comment on this resolution would not be necessary at all, were it not for what may be an indication of a change in policy by the administration in recent weeks on school desegregation and the impact of such a change both on ESAP and the pending $1.5 billion bill. Following the Secretary's letter, the Depart-

ment of Health, Education, and Welfare issued new regulations for the administration of ESAP under the continuing resolution. By and large, the new regulations represented a considerable refinement and improvement over those previously in effect. They did, however, provide for a broadening of the eligibility criteria which had been indicated in the Secretary's letter. I ask unanimous consent that section 181.3(a) of the amended regulations be printed at this point in the RECORD.

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

§ 181.3 Eligibility

(a) (1) Assistance under the program may be made available to a local educational agency which is implementing a plan for the desegregation of its schools, which plan (i) has been undertaken pursuant to a final order of a court of the United States or of any State, or of a State administrative agency of competent jurisdiction, issued or modified on or after April 20, 1971, pursuant to constitutional requirements as set forth by the United States Supreme Court in *Swann* v. *Charlotte-Mecklenburg Board of Education*, and its companion cases, or (ii) has been approved by the Secretary, on or after such date as adequate under Title VI of the Civil Rights Act of 1964, and (iii) imposes new or additional desegregation requirements for the 1971–1972 school year over and above those implemented by the school district in any prior year. (20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c–2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, 42 U.S.C. 2781–2837, P.L. 91–380, and H.J. Res. 742.)

(2) Commencing thirty days after the effective date of this amendment, assistance may also be made available to a local educational agency which is implementing a plan for the desegregation of its schools, which plan would have made the local educational agency eligible for assistance under paragraph (1) of this section but for the fact that the applicable court order or Title VI approval was issued prior to April 20, 1971: *Provided however*, That in any State a local educational agency which is eligible for assistance under subparagraph (1) of this paragraph shall be accorded priority over such an agency in that State which is eligible therefor under this subparagraph (2)

(3) Commencing thirty days after the effective date of this amendment, such assistance may also be made available to a local educational agency which is implementing a plan for the desegregation of its schools with respect to which plan assistance was furnished (and not terminated) under this program prior to July 1, 1971: *Provided however*, That in any State a local educational agency which is eligible for assistance under subparagraph (1) or (2) of this paragraph shall be accorded priority over such an agency in that State which is eligible under this subparagraph (3).

Mr. JAVITS. Mr. President, thus, not only districts affected by the Swann case, but those which had received funds last year and were undertaking no new desegregation could become eligible for funding. It seemed to me that this additional eligibility category discriminated against Northern school districts in the process of voluntary desegregation, but I was constrained not to object because I was assured by the administration that it was unlikely any funds would remain for third priority districts, and, in any event, I was confident that under the other amended regulations, the program would be administered wisely and efficiently.

Subsequently, in an exchange of correspondence, with the Assistant Secretary of Health, Education, and Welfare for Legislation, concluded on July 29, 1971, I learned that the administration interpreted the continuing resolution presently before us to provide $65.1 million for ESAP activities through October 15, over 85 percent of the entire appropriation for the last fiscal year. This broadened my fears that moneys appropriated would not be concentrated in the school districts facing the greatest emergencies, but dispersed in much the same manner as last year's appropriation.

I ask unanimous consent that the correspondence be printed in the RECORD.

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

JULY 27, 1971.

Mr. STEPHEN KURZMAN,
Assistant Secretary for Legislation, Department of Health, Education and Welfare—Washington, D.C.

DEAR MR. KURZMAN: In anticipation of another request by the Administration to the Congress for a continuing resolution which would appropriate funds for the Emergency School Assistance Program beyond its present termination date of August 6, 1971, we would appreciate your answer to the following questions:

1. How much money was made available for the purposes of emergency school assistance by the passage of H.J. Res. 742 on June 29, 1971?

2. How much of this money has the Department of Health, Education and Welfare already committed?

3. How much do you anticipate will be committed by August 6, 1971?

4. In the event the Congress does not act to continue ESAP appropriations, will the funds appropriated by H.J. Res 742 be available to the Department after August 6, 1971?

5. In the event the Congress does pass a second continuing resolution which appropriates funds for ESAP activities, how much money will the Department have available, in toto, for commitment to such activities?

We are looking forward to hearing from you.

With best regards,
Sincerely,

JACOB K. JAVITS.
WALTER F. MONDALE.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., July 29, 1971.

Hon. JACOB K. JAVITS,
United States Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Thank you for your letter of July 27, 1971, jointly signed by Senator Mondale, requesting information on the availability of funds under the continuing resolution, H.J. Res. 742, for the Emergency School Assistance Program. The following information corresponds with the numbered questions in your letter:

1. It is our opinion that $18.6 million was made available for obligation under ESAP by virtue of the passage of H.J. Res. 742. That figure was derived by determining the amount of funds expended during the first three months of the program in 1970 ($55.8 million) and by averaging to arrive at a one-month figure. However, as you know, under Section 421 of P.L. 91–230 we are unable to obligate funds until 30 days after publication of program regulations. Since the regulations were published on July 10, 1971, no funds will be obligated prior to the expiration of H.J. Res. 742 on August 6, 1971.

2. As noted, no funds have as yet been committed under ESAP.

3. No funds will be committed prior to August 6, 1971.

4. In the event that the Congress fails to act to continue the ESAP appropriation, it is our view that we will be unable to obligate or expend any of the $18.6 million appropriated under H.J. Res. 742.

5. At this time we are, of course, unable to determine what expiration date might be contained in a second continuing resolution since no such resolution has as yet been introduced in the Congress. However, if a resolution were adopted to extend the program through October 15, 1971, for example, we believe that the program would have available a total of $65.1 million during the period beginning on August 10, 1971 and ending on October 15, 1971. Of that total, $18.6 million would not be available for obligation until after September 1, 1971, and $9.3 million would not be available until after October 1, 1971. In any event, as Secretary Richardson pointed out in his recent letter to you, we would cease the obligation of funds under ESAP when the Emergency School Aid bill became effective.

Please let me know if I can be of further assistance on this matter.

Sincerely,

STEPHEN KURZMAN,
Assistant Secretary for Legislation.

Mr. JAVITS. Mr. President, doubts were further compounded by a memorandum written on July 30, 1971, by the Associate Commissioner of Education for Equal Educational Opportunity to State education officials and school superintendents. This memorandum asserted that transportation costs would be given a "very low funding priority" by ESAP administrators. I ask unanimous consent that this memorandum be printed at this point in the RECORD.

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

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., July 30, 1971.

To: Offices of the Governers
Chief State School Officers
Regional Commissioners
Title IV Regional Senior Program Officers
Chairman of State Advisory Committees
Assistant Commissioner, Office of Regional Office Coordination
Superintendents of Schools

Subject: Policy on Funding Transportation Costs for Emergency School Assistance Program

As a result of a recent policy clarification by the Department of Health, Education, and Welfare, I have been asked to emphasize to you that transportation costs will be given very low funding priority under the Emergency School Assistance Program. Districts applying should request funds for direct educational purposes since these areas will be given the highest priority. Local education agencies are expected to fund their transportation needs through State and local resources.

Thank you for your cooperation.

Sincerely,

HERMAN R. GOLDBERG,
Associate Commissioner,
Equal Educational Opportunity.

Mr. JAVITS. Mr. President, this memo would seem to contradict that portion of the amended regulations, already inserted in the RECORD, which makes eligibility for assistance under ESAP dependent upon new desegregation require-

ments stemming from the Swann case. One does not have to be a lawyer to know that the principal thrust of the Swann case is in the area of transportation; and that its chief mandate can only be fulfilled through busing school children in order to desegregate schools.

In a press release dated July 27, 1971, the Secretary of Health, Education, and Welfare indicated that less than 3 percent of the moneys expended in ESAP's first year of operation had been used in connection with transportation services. I ask unanimous consent that that press release be inserted in the RECORD at this point.

There being no objection, the press release ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION AND WELFARE,
OFFICE OF PUBLIC AFFAIRS,
Washington, D.C., July 27, 1971.

HEW Secretary Elliot L. Richardson today strongly disagreed with critics of the Administration's proposed $1.5 billion Emergency School Assistance Act who claim that most of the money will be used to buy busses.

"The record is clear on this gross inaccuracy," the Secretary said. "Last year we awarded $75 million to 900 school districts under Federal requirements to desegregate. Of this amount, about $2 million—less than three percent—was spent on busses and related services."

Purpose of the proposed legislation is to help school districts to desegregate as required by Federal law, or to assist them in voluntarily reducing or eliminating racial isolation in schools.

Secretary Richardson said more than 40 percent of the Nation's schools transport students to and from school each day.

"If a desegregating school district urgently needs transportation support, we would view its request sympathetically," he said. "This in no way justifies the irresponsible charge that virtually all of the $1.5 billion—or anything remotely approaching it—would go for transportation," he added.

The Secretary said he was responding to the inaccuracy because of the great importance the Administration attaches to the bill. "I consider it vital to the future of public education. The public deserves a fair hearing."

Mr. JAVITS. Mr. President, subsequently, in a letter to the Speaker of the House of Representatives, the Secretary declared that existing Department policy "has been to avoid the use of Federal funds for the transportation aspects of the (desegregation) plan." I ask unanimous consent that this letter, dated August 3, 1971, be printed in the RECORD at this point.

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

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., August 3, 1971.

HON. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I was notified yesterday of the adoption of H. Res. 539. Inasmuch as the resolution may reflect a fundamental misunderstanding of the programs administered by this Department, I felt that I should give you an immediate response.

The resolution asks two things of me. First, it asks for a list of school districts which, between August 1, 1971 and June 30, 1972, "will be receiving Federal funds and will be engaging in the busing of schoolchildren to achieve racial balance." Since there is no program administered by this Department either designed or used to support, promote or require the busing of school children to achieve racial balance, we have no reason to obtain information regarding such busing. Local educational agencies that may be transporting students to alleviate racial isolation in the schools or to achieve racial balance among their schools would be doing so, not pursuant to any Federal requirement nor as a result of any federally supported program, but solely as a result of State or local policy. We could, of course, furnish you a list of all school districts that will be receiving Federal funds between August 1, 1971 and June 30, 1972. However, such a list would include virtually all school districts in the United States and I assume would serve little purpose. I know of no way to identify from among those districts those that may be engaging in the busing of school children to achieve racial balance other than by direct inquiry to all of these many thousand districts. I assume that you are not requesting that I conduct such a massive survey for this purpose.

Second, H. Res. 539 calls for "any documents respecting the rules and regulations of the Department of Health, Education, and Welfare with respect to the use of any Federal funds administered by the Department for the busing of schoolchildren to achieve racial balance." As I have said, this Department administers no such funds. Accordingly, we have no such documents as described in the resolution.

The Administration, as the President said in his March 24, 1970 statement on school desegregation, is opposed to the busing of children to achieve racial balance. Even where local educational agencies have used the transportation of students, not to achieve racial balance but as one means of implementing a constitutionally required desegration plan, our policy has been to avoid the use of Federal funds for the transportation aspects of the plan. The Office of Education has recently emphasized the importance of this policy in connection with the continuation of our interim Emergency School Assistance Program. A copy of the relevant memorandum is enclosed.

In order to make our policy perfectly clear in this respect, I am transmitting herewith an Administration amendment to the proposed Emergency School Aid Act, now pending before the House Committee on Education and Labor. This amendment would prohibit the use of any funds under this Act for the transportation of students to or from school, whatever the reasons might be for such transportation.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

With kindest regards,
Sincerely,
ELLIOT L. RICHARDSON,
Secretary.

Mr. JAVITS. Mr. President, I do not know whether 3 percent constitutes "avoidance" of the use of funds for transportation. But I will remind the administration that its 3-percent figure was based on grants made before the legal requirements of Swann were set out by the Supreme Court. The transportation needs of many districts have now increased markedly, and I urge the administration to reconsider its policies with regard to helping districts meet their responsibilities.

I spoke in this Chamber 2 days ago about my chagrin with the President's statement on busing released on August 3. I regret that the President has seen fit to send this communication; the Emergency School Aid Act which he originally sent to the Congress made clear provision for the funding of transportation services in order to facilitate desegregation.

I am most concerned that in refunding ESAP today, we will not be meeting the needs of America's schoolchildren under the administration's new ground rules, and that we will give the impression of acquiescence in this most unfortunate change of policy. Nevertheless, at this late hour, I cannot in good conscience attempt to obstruct a measure so important to the entire functioning of government as this continuing resolution.

The PRESIDING OFFICER. The joint resolution is open to amendment.

Mr. JAVITS. Mr. President, what is the time situation? Is there any time limit?

The PRESIDING OFFICER. There is no time limitation.

Mr. JAVITS. I thank the Presiding Officer.

In the Emergency School Aid and Quality Integrated Education Act, $1.5 billion was authorized by the Senate in a bill which is now in the other body; a bill is progressing through the other body. It is this bill, that is, the new bill, with respect to which the President has expressed himself on the busing issue.

In this particular case I do not agree with the President. I believe busing is often absolutely an essential and integral element of the intention to desegregate schools and to provide quality education. I think the recent decision of the Supreme Court in the case of Swann against Charlotte-Mecklenburg makes clear that unless we are going to help busing we cannot be sincere about our desire to achieve school desegregation; and the whole red herring of busing simply brought us to the fact that 40 percent of the children in this country are bused and that the little red schoolhouse was not by any means an ideal place in educational terms; it was not suited to give children the best education possible in this modern day.

I can understand the President's feeling about involuntary busing, and obviously it is only going to be had, and only should be had, in response to court decree or the judgment of the local educational agencies that it is really in the highest interest of the education of the children. But, Mr. President, the important point I wish to make now is this: The fact that the continuing resolution will extend a rather substantial amount of money for this purpose in the days ahead should in no way slow up the enactment of the Emergency School Aid and Quality Integrated Education Act. This is in the interest of everybody in the country, those who are, in a sense, being made to desegregate, and those who are seeking an end to racial isolation as it affects education and educational opportunity.

I hope very much this caveat, as we lawyers put it, may be clear in the RECORD in my joining in what the Senator from Louisiana (Mr. ELLENDER) has said we must do in order to function. There would be no good, at such a late time in the session, in trying to introduce amendments which will muck up the works.

I wish to make clear that we will continue, by every means we have at hand, to press for the enactment of the Emer-

gency School Aid and Quality Integrated Education Act, and that the superficial idea that "they are getting the money; that will take the heat off for the enactment of the Emergency School Aid Act" demeans the whole proposition. Whereas this is an effort to get started with the necessary process and paying some amount to get it off the ground, the Emergency School Aid Act, in the terms and definitions and in the amount provided, is the definitive way to proceed, in justice to the schoolchildren and parents.

With that reservation, I shall, of course, favor passage of the continuing resolution.

Mr. ELLENDER. Mr. President, I want to give assurance to the Senator from New York that it is my purpose, when we return, to have all the authorizing legislative measures taken care of so that we can complete action on all the appropriations. The subject he is referring to may have to be dealt with in a supplemental appropriation. I want to give him assurance that when we get back, I will do all I can to have all the appropriation bills enacted, as well as the supplemental bills.

Mr. JAVITS. Mr. President, I have learned from long experience two things about the Senator from Louisiana (Mr. ELLENDER): One, never to forget the first and major bill I was permitted to introduce in the other body, the Taft-Ellender Housing Act, and so one must never forget the very fine record that the Senator has in this general field; and, second, I know of no man in this body who has less intention of cheating the legislative process, whether he agrees or disagrees. If Congress has spoken, he will give us an honest break on the appropriations.

Mr. ELLENDER. I thank the Senator.

The PRESIDING OFFICER. If there be no amendment to be offered, the question is on the third reading of the joint resolution.

The joint resolution was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

The joint resolution, House Joint Resolution 829, was passed.

STATUS REPORT ON APPROPRIATION BILLS

Mr. ELLENDER. Mr. President, at this point, I desire to make a brief status report on the appropriation bills for this session of Congress.

The Congress convened for its 92d meeting on January 21, 1971, and the President submitted his budget on January 29, 1971. Soon after the Committee on Appropriations was organized and I was selected as chairman in early February, I arranged for the full committee to conduct hearings on the budget which had been submitted by the President. We held 2 days of hearings, beginning February 18. Eleven witnesses appeared before the committee, including the Secretary of the Treasury, the Chairman of the Council of Economic Advisers, and the Director of the Office of Management and Budget. It was a most informative hearing and served as a basis for laying broad guidelines for the various subcommittees.

The first appropriation bill which the Senate received from the House of Representatives was the Urgent Labor Supplemental Appropriation bill. It was received in the Senate on March 16 and was reported back to the Senate the same day.

The committee handled the Continuing Resolution for the Department of Transportation Appropriation bill, 1971, the same way—reporting it back to the Senate the day it was received, despite the controversy over the SST. Prior to this, the committee had held 2 days of hearings and heard 43 witnesses.

The first large appropriation bill for this session was the Second Supplemental Appropriation bill for fiscal year 1971. It totaled almost $8 billion. The Committee on Appropriations held 25 days of hearings and 382 witnesses appeared before the committee. The bill was received from the House of Representatives on May 13. Since we had laid the groundwork earlier—that is, by holding the hearings and marking up in the subcommittees—it was possible for us to report the bill back to the Senate the same day, May 13.

The first regular annual appropriation bill—the Office of Education Appropriation bill for fiscal year 1972—was reported to the Senate on June 8; the Legislative Branch Appropriation bill was reported to the Senate on June 18; and the Treasury-Postal Service-General Government Appropriation bill was reported to the Senate on June 28. All three bills passed the Senate before the beginning of the new fiscal year on July 1.

The Treasury-Postal Service-General Government Appropriation Bill was reported back to the Senate June 28, the same day we received it from the House of Representatives. It passed the Senate the following day, June 29. This allowed the newly-created Postal Service to have its regular annual appropriation figures when it formally became effective on July 1, 1971.

The committee reported the Agricultural Appropriation bill on July 14. It passed the Senate the next day.

On July 15, the Committee reported three bills — the State - Justice - Commerce-Judiciary Appropriation bill, the Interior Appropriation bill, and the Housing and Urban Development-Space-Science Appropriation bill. It has been a long time since the committee has reported three bills on the same summer day. The Transportation Appropriation bill was reported July 20, after having been received in the Senate on July 15. The Labor-Health, Education, and Welfare Appropriation bill was reported to the Senate on July 29, 1 day after it was received from the House of Representatives. It passed the Senate on July 30. And the conference report will, I hope, be adopted in the next few minutes.

The Public works Appropriation bill was received in the Senate on July 30, and the Committee reported it back to the Senate the same day. It passed the Senate July 31.

So far this year, we have been able to report nine of our 1971 and 1972 fiscal year bills to the Senate either on the same day that they came over from the House, or 1 day later.

Four of the regular annual appropriation bills have not been received from the House of Representatives. The Department of Defense, Military Construction, and Foreign Assistance Appropriation bills are all in the House Committee on Appropriations awaiting authorizing legislation, and the District of Columbia Appropriation bill is also in the House Committee on Appropriations, awaiting legislation with respect to additional revenues for the District of Columbia. The Senate Committee on Appropriations has completed hearings on all four of these bills and is most anxious to receive them from the House so that we can consider them. I am very hopeful that the authorizing committees will pass the authorizing legislation so that these four appropriation bills can be processed soon after we return from the August recess.

I have a table which reflects the number of days of hearings on each of the bills, the dates the bills were received and referred in the Senate, reported to and passed by the Senate, and the number of witnesses which were heard. I ask unanimous consent that this summary be included in the RECORD.

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

SUMMARY OF APPROPRIATION BILLS IN THE SENATE (JAN. 21–AUG. 5, 1971)

Hearing	Number of days of hearings	1st date of hearings	Number of witnesses	Date bill received from House and referred by Senate to committee	Date bill reported to Senate from committee	Date bill passed Senate
Labor Supplemental, 1971	1	Mar. 15	6	Mar. 16	Mar. 16	Mar. 16
Continuing Resolution (SST)	2	Mar. 10	43	Mar. 19	Mar. 19	Mar. 24
Urgent Supplemental, 1971	6	Mar. 15	30	Apr. 22	Apr. 23	Apr. 23
2d Supplemental, 1971	25	Mar. 31	382	May 13	May 13	May 19
The Budget of the United States, 1972	2	Feb. 18				
Education, 1972	13	Mar. 30	163	Apr. 14	June 8	June 10
Legislative, 1972	3	June 7	55	June 7	June 18	June 21
Agriculture, 1972	16	Mar. 30	390	June 24	July 14	July 15
Urgent Agriculture, 1972	11		11	do	June 25	June 28
State, Justice, Commerce, Judiciary, 1972	8	June 24	[1] 139	June 28	July 15	July 19
Treasury, Postal Service, 1972	11	Apr. 27	73	do	June 28	June 29
Interior, 1972	19	Feb. 19	221	June 30	July 15	July 16
Housing and Urban Development, Space Science, 1972	10	May 18	113	July 6	do	July 20
Transportation, 1972	6	June 12	162	July 15	July 20	July 22
Labor-Health, Education, and Welfare, 1972	[1]22	June 9	[1] 248	July 28	July 29	July 30
Public Works-Atomic Energy Commission, 1972	38	Mar. 9	1,160	July 30	July 30	July 31
Emergency Employment Assistance, 1972	1	July 27	6	Aug. 5	Aug. 5	
Total	183		3,202			

[1] Estimated.

Mr. ELLENDER. Mr. President, the Committee on Appropriations of the Senate has been very diligent and has expeditiously handled and reported these bills to the Senate soon after their receipt from the House of Representatives. The committee and its subcommittees have held 183 days of hearings on these bills and 3,202 witnesses have appeared before the committee. Mr. President, the Committee on Appropriations was able to make this record, which I believe is an excellent one, because of the splendid cooperation of all of the members of the committee. I desire at this point to express my commendation and appreciation to all of the members.

I would also like to congratulate the Senate on doing an excellent job of clearing the 1972 appropriation bills. So far the Senate has passed seven bills ahead of last year's schedule. In fact, if you add up the time saved on those seven bills, we are runing 302 days ahead of last year.

So far we are behind last year's schedule on three bills, totaling 34 days.

That puts us ahead of last year's schedule by a net total of 268 days on 10 bills.

Of the remaining four 1972 fiscal bills, we are behind last year's schedule on just one of them. That is the District of Columbia appropriation bill, which is still in the House.

But the other three remaining bills—Defense, Military Construction, and Foreign Assistance—were not passed last year until October, November, and December. With the continued cooperation of the membership, I am confident that we can beat those schedules and finish with a total savings of more than 300 days on the 14 different bills.

Mr. President, I have a tabulation which gives the budget estimates, the House-approved figures, the amounts approved by the Senate, and the final conference figures on all of the bills handled so far at this session of Congress except the Public Works-Atomic Energy Commission appropriation bill, upon which there has been no conference.

I have done my level best to arrange a conference on the Public Works-AEC bill, and I am disappointed that it was not possible to do so.

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

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

COMMITTEE ON APPROPRIATIONS, U.S. SENATE—BUDGET ESTIMATES OF NEW BUDGET AUTHORITY CONSIDERED IN APPROPRIATION BILLS, 92D CONG., 1ST SESS., AS OF AUG. 6, 1971

[Does not include budget or contract authority in legislative bills; or any permanent (Federal or trust) authority, under earlier or "permanent law," [1] without further or annual action by the Congress]

Bill and fiscal year	Budget requests considered by House	Approved by House	Budget requests considered by Senate	Approved by Senate	Enacted	(+) or (−), enacted compared with budget requests
(1)	(2)	(3)	(4)	(5)	(6)	(7)
A. Bills for fiscal 1972:						
1. Education (H.R. 7016)	$5,068,343,000	$4,800,088,000	$5,153,186,000	$5,615,918,000	$5,146,311,000	[2] −$6,875,000
2. Legislative (H.R. 8825)	455,744,595	449,899,605	535,349,607	532,297,749	529,309,749	−6,039,858
3. Agriculture—environmental and consumer protection (H.R. 9270)	12,104,813,850	12,423,896,050	12,104,813,850	13,621,677,050	13,276,900,050	+1,172,086,200
4. State—Justice—Commerce—Judiciary (H.R. 9272)	4,204,997,000	[3] 3,684,183,000	4,216,802,000	4,098,083,000	4,067,116,000	−149,686,000
5. Treasury—Postal Service—General Government (H.R. 9271)	4,780,576,000	4,487,676,190	4,809,216,000	4,752,789,690	4,528,986,690	−280,229,310
6. Interior (H.R. 9417)	2,164,569,035	2,159,508,035	2,194,594,035	2,226,023,035	2,223,980,035	+29,386,000
7. HUD—space—science—veterans (H.R. 9382)	17,457,017,000	18,115,203,000	17,457,017,000	18,698,518,000	18,339,738,000	[4] +882,721,000
8. Transportation (H.R. 9667)	3,007,550,997	2,733,369,997	2,860,327,997	2,958,929,997	2,905,310,997	+44,983,000
Fiscal year 1972 amounts only	(2,833,229,997)	(2,559,048,997)	(2,686,006,997)	(2,784,608,997)	(2,730,989,997)	(+44,983,000)
9. Labor—HEW (H.R. 10061)	19,942,996,000	20,361,247,000	20,123,637,000	21,018,317,000	20,704,662,000	+581,025,000
10. Public works—AEC (H.R. 10090)	4,615,945,000	4,576,173,000	4,615,945,000	4,716,922,000	----------	[5] +100,977,000
11. Emergency employment assistance (H.J. Res. 833)	1,000,000,000	1,000,000,000	1,000,000,000	1,000,000,000	1,000,000,000	----------
12. Summer feeding programs for children (H.J. Res. 744)	----------	17,000,000	----------	17,000,000	17,000,000	+17,000,000
Total, bills for fiscal 1972	[6] 74,802,552,477	74,808,243,877	[6] 75,070,888,489	79,256,475,521	72,739,314,521	+2,385,348,032
B. Bills for fiscal 1971:						
1. Supplemental, Department of Labor (H.J. Res. 465)	50,675,000	50,675,000	50,675,000	50,675,000	50,675,000	----------
2. Continuing resolution (transportation) (H.J. Res. 468)	(?)	[7] −55,000,000	(?)	[7] −55,000,000	[7] −55,000,000	[7] −55,000,000
3. Urgent supplemental (H.J. Res. 567)	1,042,294,000	1,037,872,000	1,042,294,000	1,037,872,000	1,037,872,000	−4,422,000
4. 2d supplemental (H.R. 8190)	[8] 7,746,078,149	[8] 6,889,152,545	[8] 7,879,740,077	[8] 7,285,468,973	[8] 7,028,195,973	−851,544,104
Total, bills for fiscal 1971	8,839,047,149	7,922,699,545	8,972,709,077	8,319,015,973	8,061,742,973	−910,966,104
C. Total for the session to Aug. 6, 1971	83,641,599,626	82,730,943,422	84,043,597,566	87,575,491,494	80,801,057,944	+1,474,381,928

[1] The budget for 1972, as submitted Jan. 29, estimated total new budget authority for 1972 at $267,437,000,000 gross ($248,965,000,000 net of some $18,472,000,000 interfund and intergovernmental transactions and certain so-called proprietary receipts handled as offsets for budget summary purposes only). Of this total, an estimated $97,946,000,000 does not require current action by Congress; it involves so-called permanent appropriations such as interest, various trust funds, etc. already provided for in various basic laws. The remainder, $169,491,000,000 is for consideration at this session (mostly in the appropriation bills). About $17,200,000,000 of the $169,500,000,000 was shown in the January budget as being "for later transmittal" for new or expanded legislation, pay increases, and contingencies, and about $38,114,000,000 of the remainder requires legislative reauthorization through various annual authorization bills or where the authorization expires periodically.

[2] As passed by both House and Senate, the education appropriation bill did not include $400,000,000 requested in the budget for purchase of student loan notes from colleges and universities, contingent upon legislative authority not yet enacted. If the $400,000,000 is excluded from all of the figures shown, the amount in the House-approved bill is in effect a net increase of $131,745,000 over the budget requests considered by the House; the Senate-approved bill on the same basis is $862,732,000 over the budget requests considered by the Senate; and the enacted bill on the same basis is $393,125,000 over the budget requests considered.

[3] Excludes $352,715,000 because all maritime programs and 1 judiciary item were struck by House floor points of order.

[4] Taking into account $850,000,000 in the budget as a proposed supplemental for special revenue sharing or ½ year funding in certain housing and urban development programs, the House bill is $191,814,000 below the budget requests; the Senate bill is $391,501,000 above the requests; and the enacted figure is $32,721,000 above the requests.

[5] Latest action compared with budget estimate to Senate.

[6] Does not include budget estimates of new budget authority for—

Department of Defense	$73,360,259,000
District of Columbia	233,172,000
Foreign operations	4,092,635,000
Military construction	2,313,375,000

[7] The budget requests for fiscal 1971, as reflected in the 1971 transportation appropriation bill considered by the Congress during the 2d sess., 91st Cong., of $2,553,816,437, were reduced by $95,681,832 by actions of Congress during the 2d sess., 91st Cong. The amount carried in the fiscal 1972 budget for the 1971 transportation appropriation bill reflected such reductions. It is estimated that congressional action at the current session on 1971 appropriations for the Department of Transportation (killing the SST in H.J. Res. 468) further reduced the amount available for fiscal 1971 by $55,000,000.

[8] Includes advance appropriations of $100,000,000 for 1972 for cancer research.

Mr. YOUNG. Mr. President, I salute the distinguished chairman, Mr. ELLENDER for his great record in handling appropriations bills. The Senate Appropriations Committee has considered and reported to the Senate, all the appropriations bills that have come from the House, during the present session of the Congress.

I have been a member of the Senate Appropriations Committee for 24 years and at no time during that period, do I recall a session in which the committee, once it received the appropriations bills from the House, has worked so expeditiously to report them to the floor.

The credit for this must be attributed to the driving force of the chairman of the committee, the senior Senator from Louisiana, who, early in the session, stated that he would do everything in his power, to accelerate the passage of appropriations. He has more than lived up to his word.

His zealous attention to the work of the committee, and his refusal to permit any obstructions, to hinder the progress of the bills, have made this commendable record possible. He deserves the commendation of all who recognize the need, for timely appropriations action.

At the same time, I wish to point out that this has not been done at the expense of careful deliberation by the subcommittees and the full committee. The 183 days of hearings, during which 3,202 witnesses have been heard, attest to the thoroughness of consideration of the bills.

In addition, I will say that, although he has pressed hard to maintain a rigorous schedule, he has always been most

cooperative, most courteous, most understanding of the desires, of his colleagues. And through it all, he has given unsparingly of his own energies, his own knowledge, and experience.

At this present moment, there are no appropriations bills awaiting action by the Senate committee. I believe recognition of this fact, in itself, is probably the most glowing tribute, one can make, in regard to the accomplishments of the chairman of the committee. I congratulate him again for his signal achievement.

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

Mr. YOUNG. I am happy to yield.

Mr. MANSFIELD. Mr. President, I not only wish to join in the well-deserved commendation of the chairman of the Appropriations Committee, but also in commending its ranking Republican member. I think both of them have worked well as a team, and their achievement has been outstanding.

I am reminded of remarks made by a White House attaché a couple of days ago to the effect that Congress was laggard. As a matter of fact, we are up with the House of Representatives on appropriations, and waiting for them to send over other additional appropriation bills. The only place we are behind at this time is in such matters as welfare reform, which just came to the Senate last week from the House of Representatives—we could not act on it until the House had completed action—and revenue sharing, on which the House of Representatives has not yet acted upon.

I wish to say, on behalf of Senators on both sides, that we have performed remarkably well up to this time.

Mr. YOUNG. Mr. President, I thank the majority leader.

Mr. BYRD of West Virginia. Mr. President, I wish to emphasize the importance of the remarks just made by the greatly esteemed chairman of the Senate Committee on Appropriations, the senior Senator from Louisiana (Mr. ELLENDER).

We are all aware of the necessity of providing appropriations in an orderly and expeditious manner. And most of us are also aware of the countless difficulties, the roadblocks, the vexatious problems that hinder progress along that path. The hearings in themselves eat up time voraciously. The decisionmaking process, when faced with frequent divergent views, is also time consuming. Just the mere machinery of the work of the committee requires an enormous amount of effort and cooperation. When viewed from these aspects, the startling record that the chairman has just recited is something in which he may take great pride.

In some respects, the record is even more amazing than the chairman has indicated. Of the 16 bills which have been referred to the Senate Appropriations Committee to date, over half have been reported to the Senate floor from the committee on either the same day they were received by the committee or on the following day. One of those bills that was reported on the very day it was messaged over from the House was the second supplemental appropriation bill for fiscal year 1971. As a former chairman of the subcommittee handling supplemental bills, I can vouch for the complexities involved in the consideration, the length of the hearings, the multitude of witnesses who must be given full opportunity to present their requests, the careful scrutiny and coordination required preliminary to making recommendations to the Senate. This bill was no exception. It contained requests for almost $8 billion. It required 25 days of testimony, during which time 382 witnesses were heard. Yet, as a result of the foresight and planning of the chairman of the committee, the bill was reported out of the committee on the very day it was received from the House. I view this accomplishment as little short of phenomenal, yet it is but one of many examples of the chairman's ability to expedite the work of the committee and through that, the work of the Senate. As a result, the whole country has benefited by the steady flow of appropriations.

Very early in the year, as I recall, the chairman promised to do everything in his power to speed up the appropriations process. The facts speak for themselves. He has lived up to his word by compiling an unprecedented record. Never in my memory have we witnessed such a remarkable achievement.

For this we must, in great measure, thank the chairman of the committee. His foresight, his meticulous planning, his constant urging to have each subcommittee push forward to its goal, his own hard work and boundless energy—all combined to produce a result that is truly amazing.

I congratulate him for his achievement. Not only the Government but also the people of the country owe him a vote of thanks. He has set a record that will be most difficult to emulate.

I also commend and thank all the chairmen of the subcommittees and the ranking minority members—and all other members thereof—for their effective work and good cooperation in making this record achievement possible.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 341 and 340, in that order.

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

AMENDMENT OF INVESTMENT COMPANY ACT

The bill (S. 2216) to amend the Investment Company Act of 1940, as amended, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 27(f) of the Investment Company Act of 1940, as amended (15 U.S.C. 80a–27(f)), is amended to read as follows:

"(f) With respect to any periodic payment plan (other than a plan under which the amount of sales load deducted from any payment thereon does not exceed 9 per centum of such payment), the custodian bank for such plan shall mail to each certificate holder, within sixty days after the issuance of the certificate, a statement of charges to be deducted from the projected payments on the certificate and a notice of his right of withdrawal as specified in this section. The Commission may make rules specifying the method, form, and contents of the notice required by this subsection. The certificate holder may within forty-five days of the mailing of the notice specified in this subsection surrender his certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from the underwriter or depositor, equal to the difference between the gross payments made and the net amount invested. The Commission may make rules and regulations applicable to underwriters and depositors of companies issuing any such certificates specifying such reserve requirements as it deems necessary or appropriate in order for such underwriters and depositors to carry out the obligations to refund sales charges required by this subsection."

GATEWAY NATIONAL RECREATION AREA

The Senate proceeded to consider the bill (S. 1852) to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 2, after the word "Map", to strike out "Proposed"; in line 3, after the word "Area", strike out "numbered 951–40,001–A sheets 1 through 3, and dated April 1971" and insert "numbered NJ–NY 951–40,003, and dated July 1971"; in line 15, after the word "exceed", strike out "twenty-five thousand" and insert "twenty-six thousand two hundred and fifty"; at the beginning of line 22, strike out "exchange." and insert "exchange: *Provided, however,* That any lands, waters, or interests therein owned by any State or political subdivision thereof may be acquired only by donation."; on page 4, line 7, after the word "this", strike out "Act." and insert "Act: *Provided,* That the Secretary shall administer and protect the islands and waters within the Jamaica Bay Unit as generally depicted on the map numbered 951–40,003 with the primary aim of conserving the natural resources, fish, and wildlife located therein and shall permit no development or use of this area which is incompatible with this purpose."; in line 14, after "(b)", insert "(1)"; in line 21, after the word "bids." insert "The Secretary shall make

every effort to provide public access to the Gateway National Recreation Area by means of mass transit and water transportation in order to minimize the impact of automotive transit on the environment within the Gateway National Recreation Area and to increase the opportunities for access by the populations of nearby urban areas."; on page 5, after line 2, insert:

(2) The Secretary of Transportation is authorized and directed to assist the Secretary in developing a plan for a water-based rapid transit demonstration project designed to provide rapid and economical transportation to the areas established by this Act.

After line 13, insert:

(d) Notwithstanding any other provision of law, the Secretary is authorized to accept donations of funds from individuals, foundations, or corporations for the purpose of providing services and facilities which he deems consistent with the purposes of this Act.

In line 19, after "SEC. 4.", insert "(a)"; on page 6, after line 5, insert:

(b) The Secretary shall permit hunting, fishing, shellfishing, trapping, and the taking of specimens on the lands and waters under his jurisdiction within the Gateway National Recreation Area in accordance with the applicable laws of the United States and the laws of the States of New York and New Jersey and political subdivisions thereof, except that the Secretary may designate zones where and establish periods when these activities may not be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment.

At the top of page 7, insert a new section, as follows:

SEC. 6. (a) There is hereby established a Gateway National Recreation Area Advisory Commission (hereinafter referred to as the "Commission"). Said Commission shall terminate ten years after the date the recreation area is established under section 1 of this Act.

(b) The Commisison shall be composed of twelve members each appointed for a term of two years by the Secretary as follows:

(1) Four members to be appointed from recommendations made by the Governor of the State of New York;

(2) Four members to be appointed from recommendations made by the Governor of the State of New Jersey;

(3) Two members to be appointed from recommendations made by the mayor of New York City; and

(4) Two members to be appointed from recommendations made by the mayor of Newark, New Jersey.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon vouchers signed by the Chairman.

(e) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof

(f) The Secretary or his designee shall, from time to time, consult with the members of the Commissions with respect to matters relating to the development of the Gateway National Recreation Area.

On page 8, at the beginning of line 10, change the section number from "6" to "7"; and, in line 17, after the word "involved", strike out "herein." and insert "herein and not to exceed $40,000,000 for acquisition of lands, waters, and interests therein."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve and protect for the use and enjoyment of present and future generations an area possessing outstanding natural and recreational features, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Gateway National Recreation Area (hereinafter referred to as the "recreation area"). There shall be included within the boundaries of the recreation area those lands, marshes, and submerged lands in the New York Harbor area generally depicted on the map entitled "Boundary Map Gateway National Recreation Area" numbered NJ-NY 951–40,003, and dated July 1971, which map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary shall establish the recreation area by publication of a notice to that effect in the Federal Register at such time as he determines that lands, waters, and interests therein sufficient to constitute an efficiently administrable recreation area have been acquired for administration in accordance with the purposes of this Act. The Secretary may from time to time make corrections in the boundaries of recreation area, but the total area within the boundaries shall not exceed twenty-six thousand two hundred and fifty acres of land, marsh, and submerged land.

SEC. 2. (a) Subject to the provisions of subsection (c), the Secretary may acquire lands and waters or interests therein within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange: *Provided, however,* That any lands, waters, or interests therein owned by any State or political subdivision thereof may be acquired only by donation. With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the recreation area may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of the recreation area.

(b) The Secretary may also acquire, by any of the methods set forth in subsection (a), lands and interests therein on the shore of Sandy Hook Bay, which he deems necessary or desirable to provide docking or other access facilities, and related administrative and public use facilities, for the units of the recreation area. The Secretary may contract for the rental of such facilities, and any rental payments for such facilities for the purposes of this subsection shall be deemed to be part of the annual operating costs of the recreation area.

(c) With the exception of the Breezy Point Beach, as depicted on the map referred to in section 1 of this Act, the Secretary may acquire lands, waters, and interests therein within the Breezy Point unit of the national recreation area only with the consent of the owner. The provisions of the foregoing sentence shall not apply, however, to the property within the Breezy Point unit which the Secretary deems necessary to assure adequate public access to public beaches therein.

SEC. 3. (a) Prior to the establishment of the recreation area and thereafter, the Secretary shall administer the lands, waters, and interests therein acquired for the recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, except that the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this Act: *Provided,* That the Secretary shall administer and protect the islands and waters within the Jamaica Bay Unit as generally depicted on the map numbered 951–40,003 with the primary aim of conserving the natural resources, fish, and wildlife located therein and shall permit no development or use of this area which is incompatible with this purpose.

(b) (1) Notwithstanding any other provision of law, the Secretary may provide such services and facilities, including the purchase or rental of ferry services and docking facilities, as he deems necessary or desirable for access to the recreation area. The Secretary may provide such services and facilities directly, or by negotiated contract with public or private agencies or persons without advertising and without securing competitive bids. The Secretary shall make every effort to provide public access to the Gateway National Recreation Area by means of mass transit and water transportation in order to minimize the impact of automotive transit on the environment within the Gateway National Recreation Area and to increase the opportunities for access by the populations of nearby urban areas.

(2) The Secretary of Transportation is authorized and directed to assist the Secretary in developing a plan for a water-based rapid transit demonstration project designed to provide rapid and economical transportation to the areas established by this Act.

(c) The Secretary is authorized to enter into cooperative agreements with the States of New York and New Jersey, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(d) Notwithstanding any other provision of law, the Secretary is authorized to accept donations of funds from individuals, foundations, or corporations for the purpose of providing services and facilities which he deems consistent with the purposes of this Act.

SEC. 4. (a) The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection and navigation improvements on land and/or waters within the Gateway National Recreation Area in the States of New York and New Jersey shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related land resource development.

(b) The Secretary shall permit hunting, fishing, shellfishing, trapping, and the taking of specimens on the lands and waters

under his jurisdiction within the Gateway National Recreation Area in accordance with the applicable laws of the United States and the laws of the States of New York and New Jersey and political subdivisions thereof, except that the Secretary may designate zones where and establish periods when these activities may not be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment.

SEC. 5. The authority of the Secretary of Transportation to maintain and operate existing airway facilities and to install necessary new facilities within the Gateway National Recreation Area in the States of New York and New Jersey shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of Transportation and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with the establishment, maintenance, and operation of airway facilities.

SEC. 6. (a) There is hereby established a Gateway National Recreation Area Advisory Commission (hereinafter referred to as the "Commission"). Said Commission shall terminate ten years after the date the recreation area is established under section 1 of this Act.

(b) The Commission shall be composed of twelve members each appointed for a term of two years by the Secretary as follows:

(1) Four members to be appointed from recommendations made by the Governor of the State of New York;

(2) Four members to be appointed from recommendations made by the Governor of the State of New Jersey;

(3) Two members to be appointed from recommendations made by the mayor of New York City; and

(4) Two members to be appointed from recommendations made by the mayor of Newark, New Jersey.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon vouchers signed by the Chairman.

(e) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(f) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of the Gateway National Recreation Act.

SEC. (7). There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $98,148,000 (July 1971 prices) for development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the type of construction involved herein and not to exceed $40,000,000 for acquisition of lands, waters, and interests therein.

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

The PRESIDING OFFICER. Without objection, the committee amendments are considered and agreed to en bloc.

The bill is open to further amendment.

Mr. JAVITS. Mr. President, I send to the desk an amendment, which I have discussed with the Senator from Nevada (Mr. BIBLE) and the Senator from Colorado (Mr. ALLOTT). I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 3, line 23, strike the period and insert the following: "or which depart substantially from its present uses".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. The Senate passage of legislation establishing the Gateway National Recreation Area is an historic step in the process of making available urban parks to serve our vital metropolitan centers. The future benefit to New York State and the Nation from this project are inestimable.

This legislation is a combination of the Nixon administration's bill, S. 1852, and S. 1193, the bill introduced by me together with Senators BUCKLEY and WILLIAMS. I believe the Senate Interior Committee has done a fine job in expediting the measure through the Senate.

Recreation areas are among our most precious assests and as the population of this country continues to grow, these recreation areas become even more valuable to those who wish to escape, albeit for a time, from our urban areas where 70 percent of the population lives. Unfortunately, there are relatively few beaches and recreation areas near great population centers, and those that are within reasonable distance are taxed to the fullest extent. Anyone who has seen the beaches at Coney Island—or at Jones Beach—on a hot summer day will get a vivid picture of what it means for the millions who try to use limited facilities. This is why the Gateway National Recreation Area is so important to the New York metropolitan region and indeed for the whole country.

Approximately 15 million people live in the New York metropolitan area and this population is expected to grow to 30 million by the year 2000. It is estimated that 20 million people are within 2 hours driving distance of the Gateway Recreation Area. Because of the proximity of such a large share of America's population, Gateway is expected to accommodate more visitors than are now served by the six existing national seashores.

Because of the fact that many people living within reach of the Gateway do not have automobiles and because it is important not to encourage too much automobile traffic in the recreation area, it will be vital to develop adequate mass transportation to carry people back and forth to the recreation area. Without this transportation the recreation area will not have meaning for many in the New York metropolitan area, especially those residents living in the ghettos who should be encouraged to come out and enjoy the recreation area. I would hope that maximum use would be made of the existing subway systems and that this will be augmented by special bus systems and ferry systems which can carry large numbers of people to the various recreation areas within the project. I think that the most important feature of this mass transportation should be its low cost to the public so that large numbers of people, especially low-income people, will be able to enjoy the recreation area.

This project offers us a unique opportunity to establish a recreation area that will serve more people than any other area that could be developed in the Nation. It will enable many who would have no chance to get near a beach and water to avail themselves of such an opportunity. It is important that Gateway be approved by the Congress as soon as possible so this critical project can be implemented.

Mr. CASE. The Senate today is faced with an unprecedented opportunity to provide recreational facilities for almost 10 percent of the Nation's population who live in the most highly urbanized area of the Nation, an area where recreational space is at a premium.

Under the proposal before us, the Sandy Hook area in New Jersey and the Great Kills, Breezy Point, Floyd Bennett Field, and Jamaica Bay areas in New York will be combined into the Gateway National Recreation Area.

The composite area will serve more than 20 million persons who live within a 2-hour drive of the facilities. This exceeds the 15.2 million persons currently served by all six existing national seashore recreation areas in other parts of the Nation.

For many of those who will be served by the Gateway project, it will represent a rare opportunity to play and relax on the beaches and in the ocean.

More than 35 percent of those who live within 2 hours of the Gateway beaches are members of households with incomes of $5,000 or less.

We in New Jersey, of course, are most interested in the Sandy Hook component of the Gateway area.

Sandy Hook is a peninsula bounded by the Atlantic Ocean on one side and Sandy Hook Bay on the other. It consists of 1,634 acres. From 1846 until about 8 years ago, the entire complex was a military reservation known as Fort Hancock.

Early in 1962 it was determined that about 1,200 acres of Sandy Hook were no longer needed for military purposes. The Department of the Army leased 745 acres to the State of New Jersey for a State park.

In January 1967, the Department of Defense announced it would turn over to the General Services Administration for disposal that area no longer needed for military purposes, including the portion leased to the State.

Early this year, the General Services Administration, after screening Federal

agencies, notified the State of New Jersey that 1,033 acres of this land were being made available for disposal.

In order to preserve Sandy Hook for recreational purposes, New Jersey Governor Cahill announced that the State was prepared to take title to the surplus property. But the State made it clear that it preferred to have the Federal Government develop Sandy Hook for recreational purposes because the State would find it extremely difficult to do so in light of its financial situation.

In a letter I received today, the Department of the Interior says it has programed $643,000 for development, including erosion control, and $865,700 for operating costs at the Sandy Hook unit during the firsts year after authorization of the Gateway National Recreation Area.

While I favor greater resources devoted to erosion control at Sandy Hook, I recognize that funds for acquisition of land under the project will come from the land and water conservation fund, which was established by a 1965 act for the sole purpose of acquiring land for park use, not for development.

The ecology of Sandy Hook is more fragile and more diversified than that of such components of Gateway as Breezy Point. Because of this, the proper development of the area calls for use of Sandy Hook primarily for environmental and nature studies, hiking, and similar activities.

Inland from the beaches of Sandy Hook, a series of relatively unaltered dunes, interspersed with fresh and salt water marshes, provides an excellent opportunity for these activities, which are rare in urban areas.

I have been assured by the Interior Department that Sandy Hook will be maintained in a manner which will protect its ecological and educational values and that work in this direction will begin as soon as funds are available under the Gateway project. I will bend every effort toward that end as development of the recreational area proceeds.

At the same time, I am happy that development of the other components of Gateway will proceed without undue delay so that there will be a greater area available and no single area will suffer extreme overcrowding.

In this connection, I am particularly pleased that the Great Kills area has been included in the bill we are considering. This gives the heavily urbanized area of northern New Jersey another access point to the recreational area. At the same time, the inclusion of Floyd Bennett Field provides additional space to help prevent overcrowding.

It is my hope that at least one additional area, Liberty State Park, which provides an excellent view of the Statue of Liberty and another access point for New Jerseyites, will be added to the Gateway National Recreation Area in the future.

The recreational opportunities offered by the Gateway project are urgently needed and I hope that this bill can be enacted into law quickly so that development can begin in the near future.

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, read the third time, and passed.

Mr. JAVITS. I move to reconsider the vote by which the bill (S. 1852) was passed.

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

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

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

H. Con. Res. 319. Concurrent resolution to provide for the printing of 2,000 additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Comprehensive Preschool Education and Child Day-Care Act of 1969";

H. Con. Res. 320. Concurrent resolution to provide for the printing of 600 additional copies of the hearings before the Select Committee on Education of the Committee on Education and Labor entitled "Environmental Quality Education Act of 1970";

H. Con. Res. 337. Concurrent resolution to provide for the printing of 500 copies each of parts 1 and 2 of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Drug Abuse Education Act of 1969";

H. Con. Res. 359. Concurrent resolution to provide for the reprinting of the prayers offered by the Chaplain;

H. Con. Res. 365. Concurrent resolution to print as a House document the Constitution of the United States; and

H. Con. Res. 367. Concurrent resolution authorizing the printing of the pocket-size edition of "The Constitution of the United States of America" as a House document, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 581. An act to amend the Export-Import Bank Act of 1945, to eliminate certain export credit controls, and for other purposes; and

S. 2296. An act 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 enrolled bills were subsequently signed by the President pro tempore.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on Rules and Administration:

H. Con. Res. 319. Concurrent resolution to provide for the printing of 2,000 additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Comprehensive Preschool Education and Child Day Care Act of 1969";

H. Con. Res. 320. Concurrent resolution to provide for the printing of 600 additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Environmental Quality Education Act of 1970";

H. Con. Res. 337. Concurrent resolution to provide for the printing of 500 copies each of parts 1 and 2 of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Drug Abuse Education Act of 1969";

H. Con. Res. 359. Concurrent resolution to provide for the reprinting of the prayers offered by the Chaplain;

H. Con. Res. 365. Concurrent resolution to print as a House document the Constitution of the United States; and

H. Con. Res. 367. Concurrent resolution authorizing the printing of the pocket-size edition of "The Constitution of the United States of America" as a House document, and for other purposes.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1972—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. 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.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BENTSEN). 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 August 5, 1971, at pp. 29798–29799.)

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the requirement that the conference report on Labor-Health, Education, and Welfare and related agencies be printed as a Senate report be waived, inasmuch as, under the rules of the House, it has been printed as a report of the House of Representatives, and the reports are identical.

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

Mr. MAGNUSON. Mr. President, I shall make only a few brief remarks.

The total appropriations allowed in conference for the Departments of Labor, Health, Education, and Welfare is $20,804,662,000, an increase of $3,149,983,500 over last year, on a comparable basis $313,655,000 under the total sum recommended by the Senate, and $343,415,000 above the amount allowed by the

House. This is $581,025,000 over the budget estimate.

In my judgment, it is a good bill; the amounts provided for some items are not entirely to my satisfaction; however, in the main, there will be adequate funds to meet necessary expenses of the Departments of Labor, and Health, Education, and Welfare, and related agencies in fiscal year 1972.

As Senators know, these programs have been operating since July 1 under a continuing resolution of Congress.

Major items that were increased by the Senate and were reduced in conference are the following:

DECREASES FROM SENATE

	House	Senate	Conference	Decrease
Department of Labor	$1,310,913,000	$1,322,163,000	$1,315,913,000	−$6,250,000
Health, Education, and Welfare:				
Health Services and Mental Health Administration	1,886,874,000	2,134,670,000	1,993,489,000	−141,181,000
National Institutes of Health	1,447,055,000	1,821,940,000	1,683,229,000	−138,711,000
Social and Rehabilitation Service	12,540,065,000	12,557,701,000	12,533,780,000	−23,921,000
Other HEW	14,251,000	17,843,000	14,251,000	−3,592,000

Mr. President, as usual this was a difficult conference—and Senator COTTON, the ranking Republican and myself worked hard—as did all the Senate conferees—in providing as much of the Senate increases as were possible in the areas of greatest need. We were pitted against both the House conferees and the administration as they pressed for figures that were much lower than ours. We were also trying to arrive at a total figure that would be acceptable to the President, a figure in the bill that the President would sign and not veto as he has done with two bills this committee has previously agreed to in conference.

We believe this bill should be acceptable to the President.

We believe the President should sign this bill, so everyone affected can get their money and we can proceed in providing job opportunities, health-care services to millions of Americans, research that will sustain the lives of people around the world that now die from the major killers such as cancer and heart disease, and also that the welfare and well-being of our aged and our young can be sustained and improved upon.

We are just as disappointed as some Members are that we could not do better in providing a larger sum in some areas.

In the Department of Labor, we were able to get a little more money for improving safety and other working conditions of workers.

In the area of health and rehabilitation, the following Senate increases prevailed:

Mental Health:	
Hospital improvement grants	+$1,000,000
Alcoholism project grants	+20,000,000
Alcoholism formula grants	+5,000,000
Community Mental Health Center Construction grants	+5,000,000
Comprehensive Health Planning:	
Comprehensive Health Centers	+4,500,000
Migrant Health Services	+950,000
National Health Service Corps	+2,500,000
Maternal and Child Health:	
Crippled Children grants	+1,872,000
Maternity and infant care grants	+1,050,000
Intensive infant care	+258,000
Dental health of children	+$320,000
Regional Medical Programs:	
Health maintenance, kidney disease and pediatric pulmonary programs	+20,000,000
Disease Control:	
Lead base paint poisoning prevention	+2,500,000
Occupational health	+1,200,000
Arctic Health Research Center	+415,000
Medical Facilities Construction:	
Hospital construction grants	+25,0000,00
Hospital experimentation projects	+15,000,000
National Institutes of Health:	
Biologics standards	+249,000
Heart and lung	+20,483,000
Dental research	+1,560,000
Arthritis and metabolic diseases	+4,960,000
Neurological diseases and stroke	+8,000,000
Allergy and infectious diseases	+2,048,500
General medical sciences	+5,025,000
Child health and human development	+7,165,000
Eye	+1,233,500
Research resources	+3,000,000
Fogarty Center	+525,000
Health Manpower:	
Authorized health manpower programs, primarily student assistance	+180,620,000
National Library of Medicine	+$1,305,000
Rehabilitation Services and Facilities:	
University affiliated facilities	+4,250,000
Special programs for the aging:	
Community programs	+3,000,000
Foster Grandparents	+2,250,000
Youth development and delinquency prevention:	
This is the full budget request for this item in which the House did not consider	+10,000,000
Related agencies:	
National Commission on Libraries and Information Science	+200,000
National Commission on Marihuana and Drug Abuse	+1,228,000
Commission on Railroad Retirement	+483,000

Included in the increase of $11,890,000 over the budget request is institutional support for schools of public health. It is our intent that this $500,000 increase be allocated to formula grants to schools of public health.

In reference to health manpower—I want to stress that all of us on the conference committee agreed that we would reexamine all of these programs when the Department submits its supplemental requests for institutional support and construction.

We expect to give special attention at that time to allied health which includes all of the auxiliary health personnel—the physicians and dental assistants—and all kinds of technicians being trained in community colleges.

We will give all these health manpower programs at NIH close attention when that supplemental comes up after the enactment of authorizing legislation that is now in conference.

Mr. President, the committee understands that a question has arisen as to the interpretation of language in Senate Amendment No. 30 to the Labor, Health Education, and Welfare and Related Agencies Appropriation bill, H.R. 10061.

It was the intention of the Committee on Conference that the amendment apply so as to extend the availability of the Health Manpower appropriation coextensively with the extension of the continuing resolution as approved by the Senate today; that is, the appropriation now would be available until October 15, 1971; if the continuing resolution should later be amended to provide a different date, this appropriation would be available until whatever date might be specified in such further amendment.

So, Mr. President, the Senate conferees did manage to persuade our counterparts in the House to accept an additional $343,415,000 that was not in the House bill for these programs that are so important to our Nation.

Although that is a significant sum, it should not be considered inflationary. It should be carefully noted that the $343 million increase we brought back from conference will result in only a $55 million increase over budgeted expenditures during fiscal year 1972—hardly too high a price to pay or too large an investment to make in the health and well-being of the American people.

CONCLUSION

Mr. President, in closing, let me state that I thought the Senate bill was a good one. The conference report provides for a good bill. However, the health industry is destined to become the Nation's largest employer in the next few years, and today it faces too many problems.

There is a severe shortage of trained personnel, lack of adequate facilities, and many arguments about the way it organizes and delivers health care. But its most severe problem is sharply rising health costs—so evident in the medicare and medicaid programs.

The administration, the Congress, the State, and local governments, the insurance industry, the consumer, and, yes, the health industry itself must all show an increasing concern with solving the problems and the issues. This may re-

quire a stronger commitment—a rearranging of priorities if we are to provide for goals of excellence in health care.

The United States was once third in life expectancy among major Nations of the world. We have slipped to 13th now in this ranking.

Infant mortality continues to be a national embarrassment.

Government outlays have been increasing for the aged and poor, but these programs are far from being perfected and the burden on the taxpayer is being sorely felt.

There is an old adage that says "the sick get poorer, the poor get sicker."

My point is, Mr. President, that unless we all do more, this adage could well apply to too many Americans in a short period of time. It applies to too many now—here and around the world. Perhaps—just perhaps—we did not do enough in this bill.

Mr. President, I move the adoption of the conference report.

Have the yeas and nays been ordered, may I inquire of the Senator from West Virginia?

Mr. BYRD of West Virginia. Yes.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. MAGNUSON. I see the distinguished former Secretary of HEW in the Chamber, and I think he will agree thoroughly with this statement: This is the most complex, confusing, and frustrating bill that appears before Congress.

Mr. RIBICOFF. Not only that—I think the time has come for the Appropriation Committee, as well as the other basic committees, to start evaluating many of the programs that are involved in this report.

What disturbs me—with each passing year, I am more and more disturbed—is whether or not the bills and the programs we pass here are really accomplishing the objectives we believe they are. I think one of the tragedies is our failure to ever repeal a law that has been passed. Instead, we continue to pass more and more such laws.

This problem has been brought home to me as we consider in the Finance Committee the problems of H.R. 1—welfare and poverty. I have been very intrigued by a study that my staff and I have made to find that we have 168 poverty programs in this country and that we will spend some $31 billion on these poverty programs in 1972. And yet it is questionable whether any of these programs have removed a single person from poverty.

We have done a little arithmetic, and it might be intriguing for Senators to contemplate that, if we eliminated all these programs and bureaucracies and divided that $31 billion among the people who are now under the poverty line, every family of 4 would receive a total of $4,800, almost $1,000 over the poverty line. We would eliminate poverty completely in America. If we took $11.4 billion out of that $31 billion, we would bring every American up to the poverty line.

Perhaps the time has come for all of us to start taking a very hard look at these programs instead of automatically continuing them. I say this as a former Secretary of HEW who has been a strong advocate of many of these activities. Many of these programs started under my aegis. But with each passing year, I am more and more convinced that it is incumbent upon us in the Senate to be much more critical of the actual performance of many of the programs we pass.

Mr. MAGNUSON. I could not agree more with the Senator.

I just want to make one statement. At the present time, approximately 750,000 people are employed by HEW and in the many programs administered by HEW. It is difficult to get the exact figures. The bill now before the Finance Committee probably would add 25 to 27 million on welfare. Is that correct?

Mr. RIBICOFF. At present, some 11 million people are on welfare. It is estimated that with the new bill, if it is passed, anywhere from 25 million to 27 million will receive some welfare assistance.

Mr. MAGNUSON. That means, if we divide the population of 200 million by the 100 million who can be productive—the rest are children and others who are not productive—two people will be working like the dickens to take care of one. This is what is going to happen.

Mr. RIBICOFF. Since, as the Senator has raised this question—he and I have had informal discussions, and I see one of the most able Members of this body, who is a member of the Finance Committee, in the Chamber—I have asked the Secretary of HEW, the Secretary of Agriculture, the Secretary of Labor, the head of the OEO, and the Director of the Office of Management and Budget to list, by the time the Finance Committee returns after the recess, the 168 poverty programs, in an order of priorities, from the most effective and desirable programs to the least.

The Senator might be interested to know that, in the past 5 years, OEO has contracted with outside contractors for some $600 million to evaluate programs. So far as I know, the findings of these evaluations have never been made public. If they are adverse, they are stamped "top secret" or "confidential" and have never been made available to the public.

I have also asked the executive branch to submit to the Finance Committee all evaluations that have been made of these 168 programs.

I am willing to do my part in the Finance Committee to analyze this matter, but I think much of the responsibility eventually will have to rest on the shoulders of the distinguished chairman of the Appropriations Committee. I will be pleased to turn over to him the list of the rankings and evaluations I receive from the administration. I am very curious whether the executive branch will submit that list to me. I do not see how the Finance Committee really can make any judgments without this list.

Mr. MAGNUSON. I do not see how we can operate unless we get it.

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

Mr. MAGNUSON. I yield.

Mr. TALMADGE. I would like to ask a question or two about the program.

The Senator will recall that Congress passed S. 43, authorizing funds for municipalities and counties to aid in hardship and unemployment. My information is that the Department of Labor, which administers that program, is making plans to disburse funds to all counties and all municipalities that have a population of 75,000 or more; but, insofar as I have been able to determine, they expect the States to administer the distribution of the funds to counties with a population of less than 75,000 and to municipalities with a population less than 75,000.

I have heard from the Georgia Municipal Association this morning. They are somewhat concerned because they say that the State of Georgia has no machinery to administer the funds.

I would appreciate some comment from the distinguished floor manager of the bill with respect to the regulations the department is making and how it is expected that that will be handled.

Mr. MAGNUSON. That is the next bill we are going to bring up. It is not included in the Labor-HEW appropriation bill.

Mr. TALMADGE. It is not included in this appropriation bill.

Mr. MAGNUSON. Several Senators have asked me about the emergency employment assistance appropriation. I hope that when we vote on this conference report, and then bring up the next bill, we may be able to clear this up. The matter the Senator from Georgia refers to is not in the law. It is a proposed regulation.

Mr. TALMADGE. That is correct. I would hope that the distinguished chairman of the Appropriations Subcommittee having jurisdiction on this matter would inquire into it fully, to see that all the municipalities and all the counties, regardless of population, will have their pro rata share of the funds.

Mr. MAGNUSON. I agree that it is an arbitrary figure. If a county or a municipality or a town happens to have 25,000 or 20,000, they are eligible, and they should not have to go with hat in hand to their State capitol.

Mr. TALMADGE. Particularly if the State capitol has no machinery for the administration of that particular fund. I appreciate very much the Senator's clarification. I am grateful to him, indeed.

Mr. COOK. Mr. President, I do not intend to labor the point very long, except to say that I think Members of the Senate are aware of the fact the Senate Appropriations Committee increased the appropriation to the Juvenile Delinquency Division of HEW from $10 million to $15 million. The original author-

ization for the Juvenile Delinquency Division was $75 million. It has never been adequately funded.

The distinguished Senator from Indiana (Mr. BAYH) and I held extensive hearings on whether, in fact, the Juvenile Delinquency Division within HEW should be continued, or whether it should be combined with LEAA at the Justice Department, since LEAA was getting such tremendous appropriations. As a matter of fact, out of the appropriations last year, it expended almost $70 million in the juvenile delinquency field, when the real agency with the true authority to handle juvenile delinquency problems throughout the country is the Juvenile Delinquency Division in HEW, the Youth Development and Delinquency Prevention Administration.

The distinguished manager of the bill, the Senator from Washington (Mr. MAGNUSON), agreed to an amendment of mine which added $5 million to that $15 million figure, so that the programs presently in existence throughout the United States would be continued at the 1970 funding level, and so new ones could be created in States denied the privilege of such comprehensive programs.

We find now, unfortunately, that the Senate could not even prevail with its $15 million. Not only that, it gave up the $5 million that I was privileged to add to the bill for programs that are absolutely necessary, and it gave up the additional $5 million appropriation that the committee itself thought was needed.

We held hearings on the continuation of the Juvenile Delinquency Division within HEW, with the understanding that if, in fact, it was not going to be adequately funded, it should be abandoned as a Division of HEW and should be added to LEAA.

I am extremely disappointed at House Members who stand up and make long and impassioned speeches about juvenile delinquency problems in the United States, who harp hour after hour within their congressional districts that something should be done about delinquency but in the final analysis they seem to be unable to understand the high percentage of the crime figures now attributable to that division of our population since they proceeded to cut the Senate appropriation from $20 million to $10 million.

I suspect that this will seal the doom of the Juvenile Delinquency Division within HEW because in all likelihood there will be no enthusiasm on the part of the members of the Committee on Juvenile Delinquency in the Senate to renew this Division within HEW at the end of its present term.

It is most unfortunate that there are in the House those who feel, somehow or other, that this is apparently not a problem in their congressional district, and that if it does not happen to be a problem in their congressional district, it is not a problem anywhere else in the United States.

It is a great shame.

I want to thank the distinguished Senator from Washington for giving me this opportunity to express my opinions on this matter, because I think that the Senate tried to do the job it thought it could live with in conference, and it tried to increase it on the floor of the Senate.

We found, once again, that we had no other alternative than to knuckle under to a legislative body that, for some reason, does not understand the magnitude of the delinquency problem in the United States.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that a summary of the bill as agreed to by the conferees and adopted by both bodies be printed in the RECORD.

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

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

TITLE I U.S. DEPARTMENT OF LABOR

Agency	1971 comparable[1 2] appropriation	1972 Budget estimate[2]	House allowance	Senate allowance	Conference action
(1)	(2)	(3)	(4)	(5)	(6)
MANPOWER ADMINISTRATION, SALARIES AND EXPENSES[4]					
Planning, research and evaluation	$4,628,500	$5,034,030	$4,685,000	$4,685,000	$4,685,000
Training program development and administration:					
Training and employment	18,575,455	34,641,900	9,554,800	9,554,800	9,554,800
Trust fund transfer	(13,023,700)		(13,547,500)	(13,547,500)	(13,547,500)
Job Corps direction	10,059,800	10,292,600			
Institutional training administration	2,711,200	2,784,300	2,784,300	2,784,300	2,784,300
Apprenticeship services	7,408,686	8,150,800	8,150,800	8,150,800	8,150,800
Unemployment insurance	81,700	7,485,500	491,500	491,500	491,500
Trust fund transfer	(5,629,000)		(6,994,000)	(6,994,000)	(6,994,000)
Civil Rights compliance	88,900	833,500	85,400	85,400	85,400
Trust fund transfer	(672,700)		(716,700)	(716,700)	(716,700)
Executive direction:					
General administration	3,925,600	4,383,400	2,332,700	2,332,700	2,332,700
Trust fund transfer	(420,300)		(596,100)	(596,100)	(596,100)
Financial and management services	4,792,159	7,582,100	3,146,400	3,146,400	3,146,400
Trust fund transfer	(2,476,100)		(2,267,600)	(2,267,000)	(2,267,000)
Manpower management data systems	3,597,600	8,533,600	6,337,100	6,337,100	6,337,100
Trust fund transfer	(1,633,200)		(1,725,100)	(1,725,100)	(1,725,100)
Total, Manpower Administration, salaries and expenses	55,869,600	[23] 89,722,000	[37] 37,568,000	[37] 37,568,000	[37] 37,568,000
Total, trust fund transfers	(23,855,000)		(25,847,000)	(25,847,000)	(25,847,000)
Total available	79,724,600	89,722,000	63,415,000	63,415,000	63,415,000
Emergency Employment Assistance:					
Emergency employment assistance		983,419,000			
Federal support		16,581,000			
Total, emergency employment assistance		1,000,000,000	(44)	(44)	(44)
Manpower training services[5]:					
Private sector, on-the-job-training	260,700,000	260,500,000	260,500,000	260,500,000	260,500,000
Public sector, on-the-job training	126,800,000	125,800,000	35,400,000	35,400,000	35,400,000
Institutional training:					
Regular	327,576,000	324,852,000	324,852,000	324,852,000	324,852,000
Job Corps	156,735,000	197,197,000			
Inschool work support	329,800,000	235,500,000			
Postschool work support:					
Operation mainstream	38,800,000	38,800,000			
Out of school	127,000,000	127,000,000			
Special targeting	177,900,000	172,800,000	52,000,000	52,000,000	52,000,000
Computerized job placement	22,274,000	22,274,000	22,274,000	22,274,000	22,274,000
Program support	55,412,000	61,673,000	53,773,000	53,773,000	53,733,000
Total, manpower training services	[7] 1,622,997,000	[10] 1,566,396,000	[38] 748,799,000	[38] 748,799,000	[38] 748,799,000
Federal unemployment benefits and allowances: [6]					
Payments to Federal employees	84,400,000	80,000,000	80,000,000	80,000,000	80,000,000
Payments to ex-servicemen	220,775,000	174,500,000	174,500,000	174,500,000	174,500,000
Trade adjustments assistance	11,905,000	20,000,000	20,000,000	20,000,000	20,000,000
Total, Federal unemployment benefits and allowances	[7] 317,080,000	274,500,000	274,500,000	274,500,000	274,500,000

Footnotes at end of table.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES—Continued

TITLE I U.S. DEPARTMENT OF LABOR—Continued

Agency	1971 comparable [1] [2] appropriation	1972 Budget estimate [3]	House allowance	Senate allowance	Conference action
(1)	(2)	(3)	(4)	(5)	(6)
MANPOWER ADMINISTRATION, SALARIES AND EXPENSES [4]—Continued					
Limitation on Grants to States for Unemployment Insurance and Employment Services [5]:					
Unemployment insurance service	($369,047,000)	($411,000,000)	($411,000,000)	($411,000,000)	($411,000,000)
Employment Service	(374,453,000)	(395,000,000)	(395,000,000)	(395,000,000)	(395,000,000)
Total, limitation on grants to states for unemployment insurance and employment services	(743,500,000)	(806,000,000)	(806,000,000)	(806,000,000)	(806,000,000)
Subtotal, Manpower Administration—Federal funds	[7] 1,995,946,600	2,930,618,000	1,060,867,000	1,060,867,000	1,060,867,000
Subtotal, Manpower Administration—trust	(767,355,000)	(806,000,000)	(831,847,000)	(831,847,000)	(831,847,000)
Total, Manpower Administration	2,763,301,600	3,736,618,000	1,892,714,000	1,892,714,000	1,891,714,000
LABOR-MANAGEMENT SERVICES ADMINISTRATION					
Labor-management relations services	536,000	788,000	788,000	788,000	788,000
Labor-management policy development	1,015,100	1,363,300	1,363,300	1,363,300	1,363,300
Administration of reporting and disclosure laws	11,173,111	12,938,778	12,938,778	12,938,778	12,938,778
Veterans' reemployment rights	1,744,527	2,042,229	2,042,229	2,042,229	2,042,229
Federal labor-management relations	1,937,000	4,274,373	4,274,373	4,274,373	4,274,373
Executive direction and administrative services	1,228,120	1,391,320	1,391,320	1,391,320	1,391,320
Total, Labor-Management Services Administration	[7] 17,634,758	22,798,000	22,798,000	22,798,000	22,798,000
WORKPLACE STANDARDS ADMINISTRATION					
Improving and protecting wages of the Nation's workers	25,831,316	28,157,000	28,157,000	28,157,000	28,157,000
Government contract wage standards	2,283,900	2,664,800	2,664,800	2,664,800	2,664,800
Improving safety and other working conditions of workers	14,778,396	32,541,300	32,541,300	42,541,300	37,541,300
Advancing opportunities and status of women	1,177,200	1,394,900	1,394,900	1,394,900	1,394,900
Federal contract compliance	1,604,900	2,705,800	2,705,800	2,705,800	2,705,800
Workmen's compensation	[8] 7,337,000	8,184,400	8,184,400	8,184,400	8,184,400
Program development and administration	5,020,400	5,742,800	5,742,800	5,742,800	5,742,800
Total, Workplace Standards Administration	[7] 58,033,112	81,391,000	81,391,000	91,391,000	86,391,000
FEDERAL WORKMEN'S COMPENSATION BENEFITS					
Federal civilian employees benefits	95,627,200	75,600,000	75,600,000	75,600,000	75,600,000
Armed Forces reservists benefits	10,775,000	9,500,000	9,500,000	9,500,000	9,500,000
War Claims Act benefits	400,000	400,000	400,000	400,000	400,000
Other benefits	2,997,800	4,500,000	4,500,000	4,500,000	4,500,000
Total, Federal workmen's compensation benefits	109,800,000	90,000,000	90,000,000	90,000,000	90,000,000
BUREAU OF LABOR STATISTICS					
Manpower and employment	10,036,200	12,521,500	11,271,500	12,521,500	11,271,500
Prices and cost of living	4,476,300	5,594,000	5,119,000	5,119,000	5,119,000
Wages and industrial relations	4,266,200	5,841,800	5,430,800	5,430,800	5,430,800
Productivity, technology and growth	1,831,500	2,003,200	2,003,200	2,003,200	2,003,200
Foreign labor and trade	548,300	590,500	590,500	590,500	590,500
Executive direction and staff services	5,417,600	6,775,500	6,775,000	6,775,000	6,775,000
Revision of the consumer price index	1,587,100	4,309,050	4,310,000	4,310,000	4,310,000
Total, Bureau of Labor Statistics	28,163,200	[9] 37,636,000	35,500,000	36,750,000	35,500,000
BUREAU OF INTERNATIONAL LABOR AFFAIRS					
International organizations affairs	237,200	258,400	258,400	258,400	258,400
Foreign labor and manpower policy and program development	389,900	439,900	439,900	439,900	439,900
Labor and manpower technical services	150,100	203,800	203,800	203,800	203,800
Trade negotiations and economic policy development	586,400	630,300	630,300	630,300	630,300
Executive direction and management services	426,200	463,600	463,600	463,600	463,600
Total, Bureau of International Labor Affairs	1,789,800	1,996,000	1,996,000	1,996,000	1,996,000
SPECIAL FOREIGN CURRENCY					
Overseas labor conference support	75,000	300,000	100,000	100,000	100,000
Overseas labor and manpower technical cooperation		225,000			
Total, Special Foreign Currency	75,000	525,000	100,000	100,000	100,000
OFFICE OF THE SOLICITOR					
Fair labor standards	681,400	725,010	725,010	725,010	725,010
General legal services	904,860	960,146	960,146	960,146	960,146
Manpower legal services	551,300	746,220	589,220	589,200	589,220
Trust fund transfer	(157,000)		(157,000)	(157,000)	(157,000)
Legislation and legal counsel	396,040	421,894	421,894	421,894	421,894
Labor-management laws	446,140	479,464	479,464	479,464	479,464
Labor relations and civil rights	732,400	772,220	772,220	772,220	772,220
Field legal services	2,826,940	3,211,794	3,211,794	3,211,794	3,211,794
Administrative and management services	479,520	534,252	534,252	534,252	534,252
Total, Office of the Solicitor, salaries and expenses	7,018,600	7,851,000	7,694,000	7,694,000	7,694,000
Total, trust fund transfers	(157,000)		(157,000)	(157,000)	(157,000)
Total available	7,175,600	7,851,000	7,851,000	7,851,000	7,851,000
OFFICE OF THE SECRETARY					
Executive direction	3,009,700	3,458,600	3,458,600	3,458,600	3,458,600
Management and central services	7,224,411	6,666,000	6,051,000	6,051,000	6,051,000
Trust fund transfer	(615,000)		(615,000)	(615,000)	(615,000)
Appeals from determinations of Federal employee claims	187,700	197,400	197,400	197,400	197,400
Promoting employment of the handicapped	722,000	760,000	860,000	860,000	860,000
Total, Office of the Secretary, salaries and expenses	11,143,811	11,082,000	10,567,000	10,567,000	10,567,000
Total, trust fund transfers	(615,000)		(615,000)	(615,000)	(615,000)

Footnotes at end of table.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES—Continued

TITLE I U.S. DEPARTMENT OF LABOR—Continued

Agency (1)	1971 comparable[1 2] appropriation (2)	1972 Budget estimate[3] (3)	House allowance (4)	Senate allowance (5)	Conference action (6)
OFFICE OF THE SECRETARY—Continued					
Total available	$11,758,811	$11,082,000	$11,182,000	$11,182,000	$11,182,000
Total appropriations, Department of Labor	[7] 2,229,604,881	[10] 3,183,897,000	1,310,913,000	1,322,163,000	1,314,913,000
Total trust funds	(768,127,000)	(806,000,000)	(832,619,000)	(832,619,000)	(832,619,000)
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE					
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION					
Mental health:					
1. Research:					
(a) Grants	$90,600,000	$92,400,000	$92,400,000	$94,400,000	$93,400,000
(b) Direct operations	26,573,000	28,059,000	28,059,000	28,059,000	28,059,000
Subtotal	117,173,000	120,459,000	120,459,000	122,459,000	121,459,000
2. Manpower development:					
(a) Grants	116,350,000	113,300,000	120,050,000	120,050,000	120,050,000
(b) Direct operations	5,832,000	6,365,000	6,365,000	6,365,000	6,365,000
Subtotal	122,182,000	119,665,000	126,415,000	126,415,000	126,415,000
3. State and community assistance:					
(a) Community mental health centers:					
(1) Construction			10,000,000	20,000,000	15,110,000
(Obligations)	(27,678,000)		(10,000,000)	(20,000,000)	(15,000,000)
(2) Staffing	90,100,000	105,100,000	135,100,000	145,100,000	135,100,000
Subtotal	90,100,000	105,100,000	145,100,000	165,100,000	150,100,000
(b) Narcotic addiction and alcoholism programs	21,595,000	45,193,000	70,193,000	125,193,000	95,193,000
(c) Mental health of children			10,000,000	10,000,000	10,000,000
(d) Direct operations	3,478,000	6,459,000	6,459,000	6,459,000	6,459,000
Subtotal	115,173,000	156,752,000	231,752,000	306,752,000	261,752,000
4. Drug abuse initiative		67,000,000	67,000,000	67,000,000	67,000,000
5. Rehabilitation of drug abusers	20,584,000	21,323,000	21,323,000	21,323,000	21,323,000
6. Program support	13,460,000	14,252,000	14,252,000	14,252,000	14,252,000
Total, mental health	388,572,000	[5] 499,451,000	581,201,000	658,201,000	612,201,000
Saint Elizabeths Hospital (indefinite)	22,848,000	23,144,000	23,144,000	23,144,000	23,144,000
(Obligations)	(45,327,000)	(49,709,000)	(49,709,000)	(49,709,000)	(49,709,000)
Health services research and development	57,678,000	62,070,000	62,070,000	62,070,000	62,070,000
Comprehensive health planning and services:					
1. Partnership for health:					
(a) Grants:					
(1) Planning	22,000,000	25,000,000	25,000,000	25,000,000	25,000,000
(2) Formula	90,000,000	100,000,000	90,000,000	95,000,000	90,000,000
(3) Project	108,813,000	133,713,000	153,713,000	164,713,000	158,213,000
Subtotal	220,813,000	258,713,000	268,713,000	284,713,000	273,213,000
(b) Direct operations	8,234,000	10, 19,000	10,919,000	10,919,000	10,919, 00
Subtotal	229,047,000	269,632,000	279,632,000	295,632,000	284,132,000
2. Migrant health	15,062,000	18,101,000	18,101,000	20,000,000	19,051,000
3. National Health Service Corps	3,000,000	10,000,000	10,000,000	15,000,000	12,500,000
4. Medical care standards and implementation	6,691,000	7,068,000	7,068,000	7,068,000	7,068,000
5. Program direction and management services	2,395,000	2,471,000	2,471,000	2,471,000	2,471,000
Total	256,195,000	307,272,000	317,272,000	340,171,000	325,222,000
Less, trust fund transfer	−4,519,000	−4,519,000	−4,519,000	−4,519,000	−4,519,000
Total appropriation	251,676,000	[26] 203,753,000	312,753,000	335,652,000	320,703,000
Maternal and child health:					
1. Formula grants	117,850,000	119,650,000	119,650,000	123,394,000	121,522,000
2. Project grants	83,350,000	99,380,000	90,380,000	99,636,000	92,008,000
3. Research and training	16,935,000	21,106,000	21,106,000	21,106,000	21,106,000
4. Program management	4,083,000	4,477,000	4,477,000	4,477,000	4,477,000
5. Family planning services:					
(a) Grants and contracts	37,765,000	88,815,000	88,815,000	88,815,000	88,815,000
(b) Direct operations	1,510,000	2,223,000	2,223,000	2,223,000	2,223,000
Subtotal	39,275,000	91,038,000	91,038,000	91,038,000	91,038,000
Total	261,493,000	326,651,000	326,651,000	339,651,000	330,151,000
Regional medical programs:					
1. Grants	99,500,000	40,500,000	70,500,000	110,500,000	90,500,000
(Obligations)	(70,298,000)	(75,104,000)	(115,104,000)	(115,104,000)	(135,104,000)
2. Technical assistance and disease control	8,811,000	8,883,000	8,883,000	8,883,000	8,883,000
3. Program management	3,297,000	3,388,000	3,388,000	3,388,000	3,388,000
Total	111,608,000	52,771,000	82,771,000	122,771,000	102,771,000
Disease control:					
1. Prevention and control	39,496,000	38,500,000	38,500,000	38,500,000	38,500,000
2. Laboratory improvement	7,461,000	7,788,000	7,788,000	7,788,000	7,788,000
3. Occupational health	17,662,000	25,216,000	25,216,000	26,966,000	26,466,000
4. Radiological health	10,377,000	11,574,000	11,574,000	11,574,000	11,574,000
5. Community environmental management	4,962,000	5,875,000	8,875,000	20,040,000	11,790,000
6. Program direction	2,392,000	2,472,000	2,472,000	2,472,000	2,472,000
7. Tuberculosis control grants				6,000,000	
Total	82,340,000	[27] 91,425,000	94,425,000	113,340,000	98,590,000

Footnotes at end of table.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES—Continued

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

Agency	1971 comparable [1] [2] appropriation	1972 Budget estimate [3]	House allowance	Senate allowance	Conference action
(1)	(2)	(3)	(4)	(5)	(6)
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION—Continued					
Medical facilities construction:					
1. Construction grants:					
(a) Hospitals and public health centers	$16,400,000	----------	$16,400,000	$66,400,000	$41,400,000
(b) Long-term care facilities	20,800,000	----------	20,800,000	20,800,000	20,800,000
(c) Outpatient facilities	70,000,000	$70,000,000	70,000,000	70,000,000	70,000,000
(d) Rehabilitation facilities	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000
(e) Modernization	50,000,000	----------	50,000,000	50,000,000	50,000,000
Subtotal	172,200,000	85,000,000	172,200,000	222,200,000	197,200,000
2. Direct loans	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000
3. Interest subsidies	5,000,000	20,300,000	20,300,000	20,300,000	20,300,000
(New loans subsidized)	(500,000,000)	(500,000,000)	(500,000,000)	(500,000,000)	(500,000,000)
4. District of Columbia medical facilities	15,000,000	----------	40,627,000	55,627,000	55,627,000
5. Administration and technical assistance	3,154,000	3,577,000	3,577,000	3,577,000	3,577,000
Total	225,354,000	138,877,000	266,704,000	331,704,000	306,704,000
Patient care and special health services	85,730,000	71,682,000	85,700,000	96,682,000	85,700,000
National health statistics	13,052,000	15,900,000	15,900,000	15,900,000	15,900,000
Retirement pay and medical benefits for commissioned officers (indefinite) [14]	19,501,000	23,195,000	23,196,000	23,196,000	23,196,000
Buildings and facilities					
(Obligations)	(11,052,000)	(3,127,000)	(3,127,000)	(3,127,000)	(3,127,000)
Office of the Administrator	11,892,000	12,359,000	12,359,000	12,359,000	12,359,000
Total, Health Services and Mental Health Administration	1,531,744,000	1,620,279,000	1,886,874,000	2,134,670,000	1,993,489,000
National Institutes of Health					
Research institutes (analysis by appropriation):					
Biologics Standards	8,725,000	8,956,000	8,956,000	9,755,000	9,205,000
National Cancer Institute	230,462,000	[17] 234,338,000	[39] 237,531,000	[39] 258,233,000	237,531,000
National Heart and Lung Institute	191,627,000	195,492,000	211,624,000	252,590,000	232,107,000
National Institute of Dental Research	34,703,000	38,829,000	41,828,000	44,948,000	43,388,000
National Institute of Arthritis and Metabolic Diseases	134,425,000	135,433,000	148,204,000	163,629,000	153,164,000
National Institute of Neurological Diseases and Stroke	99,482,000	96,521,000	108,590,000	139,187,000	116,590,000
National Institute of Allergy and Infectious Diseases	98,124,000	99,342,000	106,662,000	112,979,000	108,710,500
National Institute of General Medical Sciences	154,527,000	150,400,000	168,490,000	179,318,000	173,515,000
National Institute of Child Health and Human Development	93,676,000	103,232,000	109,668,000	126,093,000	116,833,000
National Eye Institute	30,406,000	32,639,000	36,022,000	40,187,000	37,255,500
National Institute of Environmental Health Sciences	19,990,000	25,271,000	26,436,000	31,991,000	26,436,000
Research Resources	66,431,000	68,069,000	71,948,000	75,948,000	74,948,000
John E. Fogarty International Center for Advanced Study in the Health Sciences	3,682,000	3,319,000	3,763,000	4,288,000	4,288,000
Special Cancer Research Initiative	----------	100,000,000	100,000,000	100,000,000	100,000,000
Total	1,166,260,000	1,291,841,000	1,379,722,000	1,539,146,000	1,433,971,000
Health manpower:					
1. Medical, dental, and related health professions:					
(a) Institutional support	147,350,000	256,358,000	----------	----------	----------
(1) Family practice of medicine	----------	----------	----------	5,000,000	----------
(b) Student assistance:					
(1) Direct loans	25,000,000	25,000,000	----------	30,000,000	30,000,000
(2) Scholarships	15,500,00	15,500,000	----------	18,500,000	15,500,000
Subtotal	40,500,000	[18] 40,500,000	----------	[43] 48,500,000	45,500,000
(c) Construction	131,600,000	98,000,000	----------	----------	----------
(d) Educational grants and contracts and direct operatons	14,924,000	17,050,000	----------	17,050,000	17,050,000
Subtotal	334,374,000	411,908,000	----------	70,550,000	62,550,000
2. Nursing:					
(a) Institutional support	11,500,000	18,837,000	----------	----------	----------
(b) Student assistance:					
(1) Direct loans	17,110,000	17,110,000	----------	21,000,000	21,000,000
(2) Scholarships	17,000,000	17,000,000	----------	22,000,000	19,500,000
(3) Traineeships	10,470,000	10,470,000	----------	12,470,000	10,470,000
Subtotal	44,580,000	44,580,000	----------	55,470,000	50,970,000
(c) Construction	9,500,000	----------	----------	----------	----------
(d) Educational grants and contracts and direct operations	9,196,000	10,720,000	----------	10,720,000	10,720,000
Subtotal	74,776,000	74,137,000	----------	66,190,000	61,690,000
3. Public health:					
(a) Institutional support	9,571,000	9,571,000	----------	15,571,000	10,071,000
(b) Traineeships	8,400,000	8,400,000	----------	10,400,000	8,400,000
(c) Direct operations	530,000	573,000	----------	573,000	573,000
Subtotal	18,501,000	18,544,000	----------	26,544,000	19,044,000
4. Allied health:					
(a) Institutional support	9,750,000	10,000,000	----------	15,000,000	10,000,000
(b) Traineeships	3,750,000	3,750,000	----------	7,750,000	3,750,000
(c) Educational grants and contracts and direct operations	5,987,000	16,904,000	----------	20,000,000	16,904,000
Subtotal	19,487,000	30,654,000	----------	42,750,000	30,654,000
5. Program direction and manpower analysis	5,272,000	6,682,000	----------	5,272,000	6,682,000
Total	452,410,000	[15] [16] 541,925,000	([40])	[40] 211,306,000	180,620,000
National Library of Medicine	21,510,000	21,981,000	22,781,000	25,086,000	24,086,000
Buildings and facilities	----------	3,565,000	3,565,000	5,065,000	3,565,000
(Obligations)	(6,715,000)	(6,981,000)	(6,981,000)	(8,481,000)	(6,981,000)
Office of the director	10,886,000	11,442,000	11,442,000	11,792,000	11,442,000
Scientific activities overseas (special foreign currency program)	28,944,000	25,545,000	25,545,000	25,545,000	25,545,000
Health education loans:					
Payment of sales insufficiencies and interest losses	3,083,000	4,000,000	4,000,000	4,000,000	4,000,000
Total, National Institutes of Health	1,683,093,000	1,900,299,000	1,447,055,000	1,821,940,000	1,683,229,000

Footnotes at end of table.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES—Continued

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

Agency	1971 comparable [1] [2] appropriation	1972 Budget estimate [3]	House allowance	Senate allowance	Conference action
(1)	(2)	(3)	(4)	(5)	(6)
OFFICE OF EDUCATION					
School assistance in Federally affected areas (Emergency School Construction)				$1,592,000	
Social and Rehabilitation Service					
Grants to States for public assistance:					
1. Maintenance assistance	$5,167,189,000	$6,655,321,000	$6,655,321,000	$6,655,321,000	$6,655,321,000
2. Assistance to repatriated U.S. nationals	770,000	687,000	687,000	687,000	687,000
3. Medical assistance	3,216,142,000	3,827,619,000	3,827,619,000	3,827,619,000	3,827,619,000
4. Social services	756,886,000	838,200,000	838,200,000	838,200,000	838,200,000
5. State and local training	45,070,000	43,866,000	43,866,000	43,866,000	43,866,000
Subtotal, noncontrollable	9,636,057,000	11,365,693,000	11,365,693,000	11,365,693,000	11,365,693,000
6. Child welfare services	46,000,000	46,000,000	46,000,000	46,000,000	46,000,000
Total	[18] 9,682,057,000	[15] [19] 11,411,693,000	*11,411,693,000	*11,411,693,000	*11,411,693,000
Work incentives:					
1. Training and incentives	71,780,000	196,136,000	181,136,000	181,136,000	181,136,000
2. Child care	26,400,000	78,000,000	78,000,000	78,000,000	78,000,000
Total	98,180,000	275,136,000	259,136,000	259,136,000	259,136,000
Rehabilitation services and facilities:					
1. Basic State grants	503,000,000	518,000,000	575,000,000	560,000,000	560,000,000
2. Innovation	3,200,000				
3. Rehabilitation service projects	27,650,000	52,210,000	57,210,000	57,210,000	54,710,000
4. Vocational rehabilitation facilities	1,750,000		3,051,000	3,051,000	3,051,000
5. Grants for the developmentally disabled:					
(a) Formula grants	11,215,000	11,215,000	30,000,000	21,715,000	21,715,000
(b) Service project grants	23,575,000	23,575,000	23,575,000	23,575,000	23,575,000
(c) University affiliated facilities				8,500,000	4,250,000
Subtotal	34,790,000	34,790,000	53,575,000	50,299,000	49,540,000
Total	570,390,000	605,000,000	688,836,000	674,051,000	667,301,000
Special programs for the aging: [20]					
1. State planning and service grants:					
(a) Community programs	9,000,000	9,000,000	9,000,000	15,000,000	12,000,000
(b) Areawide projects	2,200,000	5,200,000	5,200,000	5,200,000	5,200,000
(c) Planning and operations	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000
Subtotal	15,200,000	18,200,000	18,200,000	24,200,000	21,200,000
2. Foster grandparents	10,500,000	10,500,000	10,500,000	15,000,000	12,750,000
3. Retired senior volunteer program	500,000	5,000,000	5,000,000	5,000,000	5,000,000
4. White House Conference on Aging	1,650,000				
Total	27,850,000	[18] 33,700,000	33,700,000	44,200,000	38,950,000
Youth development and delinquency prevention [21]	15,000,000	10,000,000	([43])	20,000,000	10,000,000
Research and training:					
1. Research:					
(a) Social and rehabilitation projects	29,257,000	24,125,000	29,257,000	29,257,000	29,257,000
(b) Income maintenance projects	9,000,000	11,000,000	11,000,000	11,000,000	11,000,000
(c) Special centers	14,918,000	12,375,000	13,941,000	14,918,000	13,941,000
Subtotal	53,175,000	47,500,000	54,198,000	55,175,000	54,198,000
2. Training:					
(a) Rehabilitation	33,065,000	14,650,000	33,065,000	33,065,000	33,065,000
(b) Community services	8,900,000	4,000,000	8,900,000	8,900,000	8,900,000
(c) Aging	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
Subtotal	44,965,000	21,650,000	44,965,000	44,965,000	44,965,000
Total	98,140,000	[39] 69,150,000	99,164,000	100,140,000	99,163,000
Social and rehabilitation activity overseas (special foreign currency program)	4,000,000	10,000,000	8,000,000	8,000,000	8,000,000
Salaries and expenses	36,272,000	40,881,000	39,937,000	40,881,000	39,937,000
Less, trust fund transfer	−390,000	−400,000	−400,000	−400,000	−400,000
Total appropriation	35,882,000	[30] 40,481,000	39,537,000	40,481,000	39,537,000
Total, Social and Rehabilitation Service	10,531,499,000	12,455,160,000	12,540,065,000	12,557,701,000	12,533,780,000
SOCIAL SECURITY ADMINISTRATION					
Federal Funds					
Payments to social security trust funds:					
1. Matching payments for supplementary medical insurance	1,245,282,000	1,376,400,000	1,376,400,000	1,376,400,000	1,376,400,000
2. Hospital insurance for the uninsured	878,688,000	503,351,000	503,351,000	503,351,000	503,351,000
3. Military service credits	105,000,000	235,000,000	235,000,000	235,000,000	235,000,000
4. Retirement benefits for certain uninsured persons	370,916,000	350,546,000	350,546,000	350,546,000	350,546,000
Total	2,599,886,000	2,465,297,000	2,465,297,000	2,465,297,000	2,465,297,000
Special benefits for disabled coal miners [41]		[41] 644,249,000	[41] 644,249,000	[41] 644,249,000	[41] 644,249,000
Definite		(384,615,000)	(384,615,000)	(384,615,000)	(384,615,000)
Indefinite		(259,634,000)	(259,634,000)	(259,634,000)	(259,634,000)
Total		644,249,000	644,249,000	644,249,000	644,249,000
Social security activities overseas (special foreign currency program)		750,000			
Total, Federal Funds	2,599,886,000	3,110,296,000	3,109,546,000	3,109,546,000	3,109,546,000

Footnotes at end of table.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES—Continued

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

Agency	1971 comparable [1] [2] appropriation	1972 Budget estimate [3]	House allowance	Senate allowance	Conference action
(1)	(2)	(3)	(4)	(5)	(6)
SOCIAL SECURITY ADMINISTRATION—Continued					
Federal Funds—Continued					
Trust funds					
Limitation on salaries and expenses	($1,044,708,000)	($1,134,640,000)	($1,134,640,000)	($1,134,640,000)	($1,134,640,000)
Limitation on construction	(2,800,000)	(18,194,000)	(18,194,000)	(18,194,000)	(18,194,000)
(Obligations)	(20,357,000)	(13,314,000)	(13,314,000)	(13,314,000)	(13,314,000)
Total, Social Security Administration	2,599,886,000	3,110,296,000	3,109,546,000	3,109,546,000	3,109,546,000
OFFICE OF CHILD DEVELOPMENT [22]					
1. Research and demonstrations	5,500,000	13,500,000	11,500,000	13,500,000	11,500,000
2. White House Conference on Children and Youth	2,541,000	304,000	304,000	304,000	304,000
Subtotal	8,041,000	13,804,000	11,804,000	13,804,000	11,804,000
3. Head Start:					
(a) Full year programs	278,308,000	290,552,000			
(b) Experimental programs	3,200,000	3,200,000			
(c) Summer programs	46,579,000	48,920,000			
(d) Career development and technical assistance	18,000,000	18,000,000			
(e) Evaluation	2,500,000	3,000,000			
(f) Parent and child centers	5,000,000	5,792,000			
Subtotal	353,587,000	369,464,000			
4. Salaries and expenses	8,321,000	9,800,000	2,447,000	2,447,000	2,447,000
Total	369,949,000	[15] 393,068,000	[42] 14,251,000	[42] 16,251,000	14,251,000
DEPARTMENTAL MANAGEMENT					
Office for Civil Rights	9,640,000	11,879,000	11,879,000	11,879,000	11,879,000
Less, trust fund transfer	−947,000	−1,049,000	−1,049,000	−1,049,000	−1,049,000
Total appropriation	8,693,000	10,830,000	10,830,000	10,830,000	10,830,000
Departmental management:					
1. Executive direction	9,838,000	8,251,000	8,251,000	8,251,000	8,251,000
2. Public information	784,000	808,000	808,000	808,000	808,000
3. Community and field services	5,835,000	6,469,000	6,469,000	6,469,000	6,469,000
4. Legal services	4,969,000	5,235,000	5,235,000	5,235,000	5,235,000
5. Financial management:					
(a) Audit	13,607,000	14,604,000	14,604,000	14,604,000	14,604,000
(b) Other	2,675,000	2,844,000	2,844,000	2,844,000	2,844,000
Subtotal	16,282,000	17,448,000	17,448,000	17,448,000	17,448,000
6. Facilities engineering and construction	6,437,000	6,755,000	6,755,000	6,755,000	6,755,000
7. Administrative management	6,471,000	6,982,000	6,982,000	6,982,000	6,982,000
8. Surplus property utilization	1,519,000	1,577,000	1,577,000	1,577,000	1,577,000
Total	52,135,000	53,525,000	53,525,000	53,525,000	53,525,000
Less, trust fund transfer	−5,725,000	−5,955,000	−5,955,000	−5,955,000	−5,955,000
Total appropriation	46,410,000	[31] 47,570,000	47,570,000	47,570,000	47,570,000
Total, Departmental Management	55,103,000	58,400,000	58,400,000	58,400,000	58,400,000
Total, new budget (obligational) authority, Department of Health, Education, and Welfare	[18] 16,771,274,000	[18] [19] 19,537,502,000	19,056,191,000	19,700,100,000	19,392,695,000
Limitation of trust fund transfers	(1,059,089,000)	(1,164,757,000)	(1,164,757,000)	(1,164,757,000)	(1,164,757,000)
Consisting of—					
Definite appropriations	16,728,925,000	19,231,528,000	18,750,217,000	19,394,126,000	19,086,721,000
Indefinite appropriations	42,349,000	305,974,000	305,974,000	305,974,000	305,974,000
TITLE III—RELATED AGENCIES					
RELATED AGENCIES					
National Commission on Libraries and Information Science		[32] $200,000	([43])	$200,000	$200,000
National Commission on Marihuana and Drug Abuse	$$700,000	[33] 1,228,000	([43])	1,228,000	1,228,000
National Labor Relations Board	41,827,000	[34] 48,468,000	$48,468,000	48,468,000	48,468,000
National Mediation Board	2,454,000	2,796,000	2,796,000	2,796,000	2,796,000
Railroad Retirement Board:					
Payment for military service credit	19,969,000	20,757,000	20,757,000	20,757,000	20,757,000
Limitation on salaries and expenses	(19,160,000)	(18,838,000)	(18,838,000)	(18,838,000)	(18,838,000)
Commission on Railroad Retirement	300,000	[35] 483,000	([43])	483,000	483,000
Federal Mediation and Conciliation Service	9,722,000	10,289,000	10,289,000	10,289,000	10,289,000
U.S. Soldiers' Home (trust fund appropriation):					
Operation and maintenance	10,557,000	11,353,000	11,353,000	11,353,000	11,353,000
Capital outlay	128,000	80,000	80,000	80,000	80,000
Office of Economic Opportunity	894,268,000	[36] 780,410,000	([43])		
President's Council on Youth Opportunity	300,000				
Cabinet Committee on Opportunities for Spanish-Speaking People	725,000	890,000	([43])		
Occupational Safety and Health Review Commission	75,000	400,000	400,000	400,000	400,000
Total, related agencies	981,025,000	877,354,000	94,143,000	96,054,000	96,054,000
Limitation on trust fund transfers	(19,160,000)	(18,838,000)	(18,838,000)	(18,838,000)	(18,838,000)
Grand total	19,981,903,881	23,598,753,000	20,461,247,000	21,118,317,000	20,804,662,000
Limitation on trust fund transfers	(1,846,376,000)	(1,989,595,000)	(2,016,214,000)	(2,016,214,000)	(2,016,214,000)
Consisting of—					
Definite appropriations	19,939,554,881	23,292,779,000	20,155,273,000	20,812,343,000	20,498,688,000
Indefinite appropriations	42,349,000	305,974,000	305,974,000	305,974,000	305,974,000

Footnotes on following page.

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

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

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

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

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

[5] Formerly titled "Manpower training activities."

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

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

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

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

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

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

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

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

[13] Formerly titled "Communicable diseases."

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

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

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

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

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

Cancer research initiatives	$100,000,000

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

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

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

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

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

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

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

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

[24] Includes proposed budget amendment of $2,625,000 to provide for improvements in statistical measures of economic activity, including employment, prices, and wages. (H. Doc. 92-130.)

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

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

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

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

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

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

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

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

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

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

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

[36] Contingent upon enactment of proposed legislation.

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

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

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

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

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

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

[43] The House did not consider this item.

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

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

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

The PRESIDING OFFICER (Mr. BENTSEN). The question is on agreeing to the conference report on H.R. 10061.

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 New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), the Senator from Utah (Mr. MOSS), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Illinois (Mr. STEVENSON), the Senator from California (Mr. TUNNEY), and the Senator from Utah (Mr. Moss) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), the Senator from Kansas (Mr. PEARSON), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON), 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 Jersey (Mr. CASE) is detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 79, nays 0, as follows:

[No. 208 Leg.]

YEAS—79

Aiken	Brock	Church
Allen	Brooke	Cook
Allott	Buckley	Cooper
Beall	Burdick	Curtis
Bellmon	Byrd, Va.	Dole
Bentsen	Byrd, W. Va.	Dominick
Bible	Cannon	Eagleton
Boggs	Chiles	Ellender
Ervin	Kennedy	Roth
Fannin	Long	Saxbe
Fong	Magnuson	Schweiker
Fulbright	Mansfield	Scott
Gambrell	Mathias	Smith
Gravel	McClellan	Sparkman
Griffin	McGovern	Spong
Gurney	Metcalf	Stennis
Hansen	Miller	Stevens
Harris	Mondale	Symington
Hart	Montoya	Taft
Hatfield	Muskie	Talmadge
Hollings	Nelson	Thurmond
Hughes	Packwood	Tower
Humphrey	Pastore	Weicker
Jackson	Pell	Williams
Javits	Proxmire	Young
Jordan, N.C.	Randolph	
Jordan, Idaho	Ribicoff	

NAYS—0

NOT VOTING—21

Anderson	Eastland	Moss
Baker	Goldwater	Mundt
Bayh	Hartke	Pearson
Bennett	Hruska	Percy
Case	Inouye	Prouty
Cotton	McGee	Stevenson
Cranston	McIntyre	Tunney

So the report was agreed to.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and

concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

"Health Manpower

"The carry out, to the extent not otherwise provided, sections 301, 306, 309, 311, and 422 with respect to training grants, title VII, and Title VIII of the Public Health Service Act, $180,620,000: *Provided*, That, in addition, any projects or activities not provided for herein which were conducted during the fiscal year 1971 but for which legislative authorization has expired, may be continued at a rate for operations not to exceed the current rate or the rate provided for in the budget estimate, whichever is lower, until the date specified in section 102(c) of Public Law 92–33, approved July 1, 1971, as hereafter amended; and expenditures made pursuant to this proviso shall be charged to the applicable appropriation whenever a bill containing such applicable appropriation is enacted into law."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 37 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum proposed, insert: "$667,301,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 41 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert: "$4,250,000."

Mr. MAGNUSON. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 30, 37, and 41.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

EMERGENCY EMPLOYMENT ASSISTANCE APPROPRIATION, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 352, House Joint Resolution 833.

The PRESIDING OFFICER (Mr. HUGHES). The joint resolution will be stated.

The joint resolution was read as follows:

A joint resolution (H.J. Res. 833) making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

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

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays on final passage.

Mr. BYRD of West Virginia. They have been ordered already.

Mr. GRIFFIN. I thank the Senator.

Mr. MAGNUSON. Mr. President, the purpose of House Joint Resolution 833 is to appropriate funds to implement Public Law 92–54, the Emergency Employment Assistance Act of 1971. This act provides during times of high unemployment for programs of public service employment for unemployed persons and assistance to States and local communities in providing needed public services. When the basic authorizing legislation was originally before the Senate, it was passed by a vote of 62 to 10. In conference, the basic authorizing legislation was revised and on June 29 the Senate adopted the conference report. The vote was 75 to 11.

The Emergency Employment Assistance Act of 1971 was signed into law by the President on July 12, and on the next day the President requested a $1 billion appropriation. This is the full amount authorized for fiscal year 1972 and this joint resolution appropriates the full amount of the budget request.

The jobs which will be provided under the emergency employment program will help to fill the unmet needs for public service in a variety of fields. These fields include environmental quality, health, education, public safety, crime prevention and control, transportation, park maintenance, recreation, rural development, and sanitation. Specific jobs to be funded include such positions as policemen, teachers, nurses, firemen, and other jobs recognized as necessary and permanent in nature.

It is estimated that this appropriation will provide jobs to between 100,000 to 150,000 people in the first year of this 2-year program. The highest amount of pay that could be given to any unemployed person employed under this program is $12,000. The legislation provides that not more than one-third of the employees under the program can be of the professional type. The proposed appropriation is composed of two principal parts, $750 million to carry out the provisions of section 5 and $250 million to carry out the provisions of section 6.

The committee was told during the hearings that under section 5, $600 million would be allocated on a two-part formula in which both the absolute numbers of unemployed persons and the relative severity of unemployment would be given equal weight. The funds will be apportioned among States, based on the number of unemployed persons in the State as a percentage of the number of persons unemployed nationwide, and on the number of the State's unemployed in excess of 4.5 percent as a percentage of national unemployment in excess of 4.5 percent. No State will be allocated less than $1,500,000 regardless of its unemployment status, as the law prescribes. The Secretary is given discretion in allocating the remainder of the $750 million, which also includes the funds for administrative expenses and program direction.

The funds under section 6 are not allocated by State under a formula, as is the case with section 5 funds, but are reserved for areas of substantial unemployment. "An area of substantial unemployment" is defined by the act as "any area of sufficient size and scope to sustain a public service employment program and which has a rate of unemployment equal to or in excess of 6 percent for 3 consecutive months as determined by the Secretary."

The Senate Committee on Appropriations, in considering this matter, concurs in the House action to limit the availability for program direction and support, administration of the program at the local level and for agent assistance and statistics to $50 million.

The administration requested $99 million. The House cut it down, and we agreed with the House.

The heads of local units of government, such as cities, counties, and States, will be the principal agents of the Secretary of Labor in carrying out the act at these levels.

The committee agrees that administrative cost should be held down in order to make more money available for jobs. This $50 million limitation will increase funds for wages and benefits from $864,119,000 to $908,200,000, and for training and manpower services from $36,800,000 to $41,800,000.

Mr. President, the Congress has passed the Emergency Employment Assistance Act by an overwhelming margin and I urge that this joint resolution to provide the funds to implement this act be passed.

Before yielding, Mr. President, I ask unanimous consent to include in the RECORD a letter from the Secretary of Labor appealing the limitation of $50 million for administration of the program. The appeal was before the committee when it concurred in the House action, but we unanimously agreed that we would limit it to the $50 million.

I also ask unanimous consent to include in the RECORD a table furnished by the Department of Labor showing the tentative apportionment of section 5 funds by State.

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

U.S. DEPARTMENT OF LABOR,
Washington, D.C., August 4, 1971.

HON. WARREN G. MAGNUSON,
Chairman, Appropriations Subcommittee for Labor and Health, Education, and Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: The House has approved the request of $1,000,000,000 for the Emergency Employment Assistance program as authorized by P.L. 92–54 but has put a limitation of $50,000,000 on funds available for administrative implementation of the program by addition of language that says, ". . . of which not to exceed $50,000,000 shall be available for program direction and support, administration of the program at the local level, and for agent assistance and statistics." This will be a reduction of $49,081,000 (almost 50 percent) from the amount requested for these activities as follows:

[In thousands of dollars]

	Budget estimate	House action	Difference
Local administration	43,500	31,000	−12,500
Agent assistance and statistics	39,000	6,000	−33,000
Federal program direction	16,581	13,000	−3,581
Subtotal	99,081	50,000	−49,081
Wages and benefits	864,119	908,200	+44,081
Training and manpower services	36,800	41,800	+5,000
Subtotal	900,919	950,000	+49,081
Total	1,000,000	1,000,000	

This action by the House will have a serious effect upon the program by slowing its implementation and by reducing the effectiveness with which it can be maintained. Although the program is quite new and we do

not know precisely how much will be required in each of these areas, our experience with other manpower programs has given us a good benchmark against which to estimate. It is our announced intention to maintain the lowest possible level of administrative costs within the amounts requested and to divert all possible funds from these sources into wages, benefits and training as soon as an optimum level is reached. It would seem imprudent, however, to try to mount so massive a program with inadequate guidance to the local agents, an inadequate statistical base for further distribution of funds and too small an effort to help the agents run a useful program.

The reduction in local administration amounts to $12,500,000 from the request of $43,500,000. A reduction of this magnitude will seriously hamper the speed and effectiveness of implementing the program in the States and communities. It will mean that the local agents will be unable quickly to bring on staff needed to develop program plans. This will delay getting the plans approved and the program in operation. It will also limit the capability of public employers to effectively manage additional employees drawn from the groups to be served by the Act. The rapid impact of the program, which has been the objective of the President and the Congress, will not take place. Local administration for our other (regular) manpower programs generally ranges around 15% of the cost of the program as opposed to the 4.4% estimated for this program. It is felt that less than the normal amount will be needed here for two reasons. First, because the agents will have to furnish equipment etc. out of their own resources as provided by the law and, second, because a few of the lesser administrative functions will be available from on-going efforts.

The reduction of $33,000,000 from the $39,000,000 requested for agent assistance and statistics will also have the effect of slowing the impact and reducing its effectiveness. The lack of needed statistical data will make it difficult to distribute funds equitably to the localities in greatest need. This is especially true of the special program for areas with over 6 percent unemployment. It will also be necessary to greatly limit assistance to the local agents who are faced with implementing a major program with little experience in mounting an effort of this nature. The Manpower Development and Training Act as amended sets a statutory amount of 2 percent each (a total of 4 percent) for technical assistance and for labor market information. This estimate provides just under 4 percent in a program that may well have greater need for both because of its newness and complexity.

Finally, the reduction $3,581,000 from the $16,581,000 requested for Federal program direction and management will also tend to delay the implementation of the program. In order to stay within the budget constraint, Federal staff will be hired at a slower rate than needed. This staff is needed initially to develop the program design and procedures at the national level and implement the program at the local level. As the program matures, there will need to be sufficient Federal staff (mostly in the field) to monitor and assist in seeing that the many and complex provisions of the law are met. Our estimates provide for only 1.6 percent of the program cost to be used for a minimum for Federal administration. For MDTA our comparable costs run about 5 percent.

As I have indicated above, the limitation imposed by the House will seriously delay the implementation of the program—a program which must have an immediate impact if it is to realize the purposes for which it was enacted. I strongly recommend that the Senate remove the House limitation and approve the amounts requested in the Administration's estimate.

Sincerely,

J. D. HODGSON,
Secretary of Labor.

TENTATIVE APPORTIONMENT OF SECTION 5 EEA FUNDS BY STATE

[Thousands of dollars]

U.S. total	$600,000
Alabama	5,000
Alaska	3,150
Arizona	2,680
Arkansas	5,350
California	100,450
Colorado	2,440
Connecticut	18,090
Delaware	1,500
District of Columbia	2,680
Florida	7,730
Georgia	4,760
Hawaii	1,670
Idaho	2,440
Illinois	17,910
Indiana	15,230
Iowa	4,220
Kansas	6,840
Kentucky	8,750
Louisiana	11,010
Maine	4,580
Maryland	4,700
Massachusetts	24,520
Michigan	44,690
Minnesota	11,070
Mississippi	4,160
Missouri	13,510
Montana	3,990
Nebraska	2,200
Nevada	1,840
New Hampshire	1,610
New Jersey	30,230
New Mexico	3,450
New York	46,950
North Carolina	6,130
North Dakota	1,900
Ohio	19,820
Oklahoma	4,050
Oregon	9,940
Pennsylvania	24,160
Rhode Island	4,220
South Carolina	4,520
South Dakota	1,500
Tennessee	7,440
Texas	11,780
Utah	3,990
Vermont	1,780
Virginia	4,460
Washington	29,870
West Virginia	7,020
Wisconsin	13,030
Wyoming	1,500
Puerto Rico	18,570
Indian tribes on Federal or State reservations	3,420
Virgin Islands, Guam, American Samoa, Trust Territory of the Pacific Islands	1,500

Mr. MAGNUSON. Now I am glad to yield for questions.

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

Mr. MAGNUSON. The Senator from Vermont was standing on his feet.

Mr. AIKEN. The Senator from North Dakota is on the committee.

Mr. YOUNG. Mr. President, this is a very necessary program. It was supported unanimously by the committee. The allowance for administrative costs was cut by the House from approximately 10 to 5 percent. I do not know of any other new program of this magnitude in which the administrative costs have been cut to that low a figure. This is the first time I knew that the administration had made an appeal. It said nothing to me about wanting more money for administrative costs.

Mr. MAGNUSON. The administration said nothing to me either. I received the letter yesterday and it was before the committee when we met.

Mr. YOUNG. If the administration needs more money and makes a case, I for one would certainly consider it in a supplemental appropriation.

Mr. MAGNUSON. Yes, they can come back. As a matter of fact, if we changed the amount in the Senate, we would have to go to conference with the House, and there would be no bill at all.

I yield now to the Senator from Vermont.

Mr. AIKEN. According to the testimony before the committee, which I have just been reading, it would seem the Department of Labor had first recommended that this program be applicable only to communities of 75,000 population and up, regardless of the need of smaller communities. Several States have no communities of 75,000 population and up, and had the original proposal been accepted by the committee, they, of course, would have been left out in the cold.

I understand that the House and Senate committees both agreed that a community in any State will be eligible regardless of population. I think that is a fair thing to do, but I want to make sure that that is the understanding of the chairman.

Mr. MAGNUSON. There is nothing in the authorizing legislation that says how the funds are to be divided within a State; it is merely a method chosen by the Department of Labor to allocate the funds quickly and to deal with a lesser number of people. I will read, for the benefit of the Senate, and so that the legislative record will be clear, from the hearing. We had before us Mr. Lovell, who will be in charge of this program, and who is the Assistant Secretary of Labor for Manpower Administration. He said, as appears on page 4 of the hearing record:

> Also, there is nothing in the act that says how the money is to be divided within a State other than it is to be divided within a State. So we have chosen units of government, governmental units, cities and counties of 75,000 or more. We could have used 250,000, or we could have used 50,000. It was a judgment we made so we could allocate the money quickly and not have so many people that we are dealing with at one time that it would impair our ability to get the money out in a rapid fashion. So we are allocating this money to be used in these areas.

He goes on to say:

> Now, areas that do not have a population of 75,000 fall into what we call a balance of the State. They get an amount which is computed on the same basis as the other areas and that money is to be used by these smaller areas. The amount they get is based on their unemployment above 4½ percent. So I would say generally across the nation about 20 percent, perhaps, of the money will go to this balance—

He calls it a balance.

> Of the States. In other words, about 75 or 80 percent of the people in the United

States live in cities or counties, so this balance of the State is not Governors' money but is for use in those areas smaller than 75,000.

Now, this is a little vague, and it is the opinion, I think, of both the distinguished chairman and the ranking minority member of the committee—we did this in some haste, as the Senator understands.

Mr. AIKEN. I know.

Mr. MAGNUSON. That they should not have any limitation here at all.

Mr. AIKEN. That is right.

Mr. MAGNUSON. Seventy-five, or 50, or any figure. And surely I hope the RECORD will make it clear that if it is a smaller community—it might be 30,000, or it might be a county of less than 75,000 or 50,000—that they can make their application, and the allocations will be made to them just as if they did not have to go into this balance.

Mr. AIKEN. Yes.

Mr. MAGNUSON. And that they would not have to go down to the Governor's office with their hats in their hands to get their allocation, because this bill is not intended for that.

This method of allocation is not in the law. It is a kind of picked-out-of-the-air regulation. They had a problem about this balance of State that is true. But we are talking about 20 percent of the money, and I think the smaller areas ought to be able to apply directly, by themselves, consistent with their own condition, whatever it may be, whether they are 5,000, 10,000, or 200,000.

Mr. AIKEN. Yes. I think——

Mr. MAGNUSON. We have several counties out West that do not have 75,000 people.

Mr. AIKEN. We have the town system in New England.

I think the intent of both Houses of Congress is perfectly clear, as I understand it, and the intent of the chairman of the committee, the Senator from Washington, is perfectly clear. I presume that the Department of Labor could arbitrarily allocate or reallocate this fund in a different manner, but I think it would be very unwise if the Labor Department did allocate it in a manner contrary to the intent of Congress, and I do not believe it would want to do that anyway.

Mr. MAGNUSON. Or cut it off at a certain population.

Mr. AIKEN. The program is one to apply where the need is, regardless of whether it is in a community of 5,000, 10,000 or 10 million.

Mr. MAGNUSON. That is the intent of both the House of Representatives and Senate Appropriations Committees, and I hope the record is clear on it now.

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

Mr. MAGNUSON. I yield.

Mr. DOMINICK. Mr. President, I have had an interest in this bill for some time. As the Senator from Washington will remember, I was asked, and did fight it in committee. It was reported on the floor, and I was then told that instead of fighting it, they were going to take it to their bosoms on behalf of the administration. So as a result of this shift in style, I did not go to conference, I did not sign the conference report, and I fought against the conference report when it came to the floor of the Senate.

The basis of my fight and my objection is that it is held out as a temporary employment measure, but it is no more temporary than this Senate is. If there is anyone in this body who does not agree with this, I shall be amazed. Every locality in the country with unemployment is going to come in and ask that their unemployed be put to work in their own bureaucracy, at Federal Government expense—90 percent of their salaries are going to be paid by the Federal Government, so they can expand like a mushroom all over the country, and not have to pay more than 10 percent of the cost of the added personnel they are bringing in.

We are getting further and further and further away from a republic in this country, and more and more into a centralized democracy such as has been the bane of every European country and every other country in this world. If we keep on going the way we are going, we are going to find ourselves in such a substantial problem that this whole governmental system from Washington down is going to fall in a heap.

Listen to what the chairman himself said:

One-third of the money is to be used for permanent-type jobs.

Not temporary jobs, permanent-type jobs. So all of a sudden, we are going to be pouring in a billion dollars this year, with an authorization of $1.25 billion for next year, and then they are going to be there, they are going to be on the payrolls, and when someone comes in and says the authorization will expire——

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

Mr. DOMINICK. In just a minute.

When someone comes in and says the authorization will expire, they will say, "Oh, you can't throw those people out of a job, they are just beginning to do it right now."

So we go ahead and pass a new law.

Mr. MAGNUSON. Mr. President, I think the Senator misunderstood me. I said one-third for professional jobs, not permanent jobs.

Mr. DOMINICK. Very well; I take it all back.

Mr. MAGNUSON. The word in my prepared statement is "professional." If the Senator heard the word "permanent," I will take that out of the RECORD fast, because I thoroughly agree with the Senator on that.

Mr. DOMINICK. At the very beginning of the Senator's statement, he said that permanent-type jobs were going to be created, such as policemen, teachers, garbage collectors, and the rest.

Mr. MAGNUSON. That is right.

Mr. DOMINICK. And I can assure the Senate they will. There will be a lot of them. And at the end of the 2-year period, they will come along and say, "We cannot afford to keep these people on our own, they have a job here, we need them desperately, the Federal Government is going to have to pay for them again."

Over and over this is going to go on, and the local taxpayers in those areas have never had a right to vote on whether they want their own local bureaucracy to increase in this type of scope and size.

I understand the pressure my distinguished friend was under. I understand the problems he has in Washington, and I sympathize deeply with him. I was on his side, as he knows, on the SST, on this very basis, and fought for it like mad.

What I am saying here, however, is that we should not let isolated problems of this nature put us into a permanent program which is going to go all over the country, regardless of whether or not we have a sudden crisis situation like they had in Seattle.

I think it is wrong, Mr. President, and I think it is so wrong that I fully intend to vote against the appropriation, and I want the RECORD to show why I am doing it.

If we are going to do something on unemployment, to try to be able to provide the necessary jobs for the people who are out of work at the present time, the way we should go about it is through the manpower training programs which have been suggested, but on which we have had no hearings. What we should do is go into the revenue-sharing projects, so that the communities themselves can determine whether they are going to use the money, and what we should do above all is try to give some sense of encouragement to the associations, the businesses, and the individual people who are working in this country to try to provide the jobs which are needed.

We have more people at work right now than we have ever had in the history of the country. You do not hear that. You hear about the unemployed. We have more people working right now than we have ever had before in the history of the country. You do not hear hear it. Why? Because you hear only the cry of those who are out of jobs, and I do not blame them. I may be out of a job myself, and be screaming. It is entirely possible.

What I am saying is that we should not let ourselves—and I think we have been—be bamboozled into trying to make a totally federally controlled economy out of this country. That is where we are going right now.

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

Mr. DOMINICK. I yield to the Senator from New York.

Mr. BUCKLEY. First, I associate myself with the remarks of the Senator from Colorado. We are not dealing so much, in a sense, with the need we all recognize to help people get employment, but in setting new precedents that may come to haunt us.

I would like to ask the Senator from Colorado if it is true that this particular legislation will require that participating communities qualify these temporary employees for certain pension benefits, and so forth.

Mr. DOMINICK. Yes. Under the au-

thorizing legislation, they have to fit into the existing retirement and other benefit and privilege systems that may be in effect for comparable employees in that area.

Mr. BUCKLEY. Is it also true that these local communities will be required to meet national minimum wage standards for these employees?

Mr. DOMINICK. On that, I would have to ask the Senator from New York or the Senator from Washington. I am not sure.

If I could have the attention of the Senator from Washington, I was asked a question as to whether or not they have to meet national minimum wage standards. I believe they do, do they not?

Mr. BUCKLEY. With respect to these special temporary employees.

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

Mr. DOMINICK. I yield.

Mr. JAVITS. They do, but our general view was that overall that is well within the context of the wage structures of individual municipalities and States, anyhow. Therefore, I do not think the Senator will find any appreciable forcing of the wage level on that account.

Mr. MAGNUSON. That is correct.

Mr. BUCKLEY. It had been my understanding that certain communities did not themselves match the Federal standard for their own employees.

Mr. JAVITS. I have little doubt that that is true; but, taken overall, I think the Senator will find that there will not be any great inflationary pressure in that.

Mr. BUCKLEY. In any event, in order to qualify for a 90 percent contribution, some communities will have to restructure their entire civil service pay schedules.

Mr. JAVITS. We were very careful to eliminate everything that would compel that. I think the Senator will find as a practical matter that, by simply adjusting at the very lowest levels to that necessity, they will comply and will not have to go through a complete revision.

Mr. DOMINICK. If I may say to the senior Senator from New York and to the junior Senator from New York, I think the junior Senator from New York is right in this case, because the bill provides that they can be put into jobs up to $12,000 a year. When that is done, they are not being put in at the low category of governmental level. They are being put at least into the average and in some cases into the high category. I do not care whether it is in Florida or New York City or the Delta area of Mississippi—a salary of that kind is pretty high up in the local governmental structure. They will have to restructure the remainder of their employees to fit in with that they are going to do here.

Mr. MAGNUSON. Mr. President, how much time do I have remaining on the bill? We have a time limitation.

The PRESIDING OFFICER. The Senator from Washington has 10 additional minutes.

Mr. DOMINICK. Are we under a time limit?

Mr. MAGNUSON. Yes.

Mr. JAVITS. There is an hour on amendments.

Mr. MAGNUSON. I will take my 10 minutes now.

Mr. DOMINICK. I thank the Senator for yielding. I did not realize that we were under a time limit.

Mr. MAGNUSON. I need only 10 minutes.

The junior Senator from New York and the Senator from Colorado are talking about the authorizing bill which has been passed by the Senate. We are only talking about the appropriation. I did not concoct this idea myself. The authorization came out of the legislative committees, and I have to deal with what the President urgently requested—the amount of money to implement the act.

I agree with a great deal of what the Senator from Colorado has said. I recall being in a courthouse during the depression days when we hired people temporarily. I still greet some of them there when I go home.

The President adopted this policy. This is not for the State of Washington, particularly. We are going to share in an amount. I put into the RECORD the amount each State will receive. Colorado gets $2.4 million, and New York gets $46 million.

I would have preferred having both accelerated public works and this bill. The Accelerated Public Works Act would have created more jobs—not only in my State—public works that are planned, ready and that could be started in 30 days. Then you have something to look at. It is there. It is worthwhile.

Last year, the President vetoed the emergency employment bill. He had intimated that we ought to have more public works. This year, he vetoed the public works and signed this bill. That is consistent with changing hats at 1600 Pennsylvania Avenue.

This is not my bill. But inasmuch as this is all we have with which to help the unemployment situation, the Appropriations Committee decided that it would appropriate the amount requested.

What the two Senators are talking about is what they discussed in committee and what they did not like about the bill. But the bill has been passed. The bill was passed by a vote of 62 to 10, I believe.

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

Mr. MAGNUSON. I am just talking about the appropriation and the way the Labor Department says they are going to allocate the funds. This is going to be helpful. It is for 2 years. It expires at the end of 2 years. Some of them will be permanent jobs, because there is an attrition rate. Let us say a person wants to become a fireman or that cities and counties need extra firemen or policemen or recreation people in the parks. Then, perhaps in the 2-year period there will be a vacancy, and he will have that experience.

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

Mr. MAGNUSON. I yield.

Mr. PASTORE. It is my understanding that there is an allotment of $1.5 million to each State, no less than that, and the rest of the money is in the discretion of the administration.

Mr. MAGNUSON. It is allocated by a formula of unemployment. But they made the formula; we did not.

Mr. PASTORE. That is what I am talking about.

Mr. NELSON. Mr. President, will the President yield?

Mr. MAGNUSON. I yield such time as I have.

The PRESIDING OFFICER. The Senator from Washington has 7 minutes remaining; and the Senator from North Dakota has 30 minutes remaining.

Mr. YOUNG. How much times does the Senator wish?

Mr. NELSON. Three minutes.

Mr. YOUNG. I yield 3 minutes to the Senator.

Mr. NELSON. There is some misunderstanding as to the effect the bill might have upon the pay scales of a municipality or a State or any employing agency. It will have no effect at all—none. It cannot force any municipality or any State to make any changes. It simply says that if an employee is hired by a municipality or by a State agency, that employee must be paid the prevailing wage of the job he occupies, for which he is hired, and that the rate for that job may not be below $1.60.

All that happens there is that they will not hire anybody at the minimum wage. They will hire him at a slot classification in which the prevailing wage is $1.60 or above that. So it does not force any change in pay scales.

The PRESIDING OFFICER. Who yields time?

Mr. BUCKLEY. Mr. President, will the Senator yield me 1 minute?

Mr. YOUNG. I yield 1 minute to the Senator.

Mr. BUCKLEY. I appreciate the clarifications which my colleagues have given.

Of course, I am aware that this is an appropriation measure and not a discussion on the merits of the bill that has already been passed. But I did want to make clear in the RECORD that I had some very basic concerns about the direction in which this seems to be taking us, of one more area in which the Federal Government, softly now, but more directly later, will be dictating the smallest areas of employment practices of the States.

It is because of this, reluctant as I am to vote against an appropriation bill, that I shall do so, just to dramatize this point.

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

Mr. YOUNG. I yield 5 minutes to the Senator.

Mr. JAVITS. Mr. President, I had no intention of debating this matter. I am entirely for the measure before the Senate. But the debate which seems to have been triggered brings me to my feet.

I am the coauthor, with Senator NELSON, of this bill, and I certainly support the action of the Committee on Appropriations.

As it is a substantial amount of money for a new authority, I think that the Senate is entitled to be assured on the extent to which that amount is required by the situation, and how the law is tailored to accept these funds and funnel them to their mark.

The act is excellently designed, in my opinion, to respond to five basic aspects

of the current unemployment situation which the Nation now faces, and which we know is very serious.

First, we have the unemployment crisis generally—with the national level holding at around the 6 percent level—and its effects being felt not only by the disadvantaged—who suffer even in times of so-called "acceptable" unemployment—but by all socioeconomic groups, many of which have been affected also by cutbacks in defense and aerospace expenditures. The act would help to meet this general unemployment crisis through an authorization of $750 million for fiscal year 1972, as well as $1 billion for fiscal year 1973 for public service employment programs and related training and services—amounts which could create as many as 150,000 jobs annually. These would be available only so long as national unemployment remains above 4.5 percent—the benchmark included in a similar "trigger" provision first proposed in the administration's own Manpower Training Act of 1969. These basic provisions are set forth in section 5 of the act.

Second, we have the particular crisis of local areas where unemployment is continuing substantially above the national average, for example, in poverty areas such as Bedford-Stuyvesant in Brooklyn, N.Y., where the unemployment among certain groups—for example, black teenagers, may be as high as 45 percent. To meet the special needs of particular urban and rural geographic areas, section 6 of the act contains a special provision for special emergency employment assistance to zero-in on areas of unemployment equal to or in excess of 6 percent with an authorization of $250 million for each fiscal year.

Third, we have the individual employment crisis which faces the returning veteran. As was noted in the conference report on the bill, an average of 375,000 veterans 20 to 29 years of age were unemployed each month during the first quarter of this year. While there are many groups in our society which face employment difficulties, the situation of the veteran is an especially tragic one. The act requires that "special consideration" in filling jobs be given to persons who served in the Armed Forces in Indochina or Korea on or after August 5, 1964. This provision, coupled with the other programs which the President has announced, should provide an important tool to deal with the current situation as it affects this important group.

Fourth, we have the all too familiar welfare crisis—with the welfare rolls almost doubling in the last decade. This crisis can be significantly met by the President's proposed Family Assistance Act, but even upon enactment, it will not go into effect at the earliest until the middle of next year and we need to provide opportunities in the meantime.

If we are going to encourage people to work, then we have to be sure they find work. The act, insures that the Secretary can utilize funds to provide financial assistance on an equitable basis among welfare recipients as well as other segments of the population of unemployed and underemployed persons.

Fifth, related to the welfare crisis is the fiscal crisis with States and cities unable to meet new staggering social and environmental needs—and in many cases unable even to maintain past efforts.

There are two substantial assurances that the funds made available under this act will be put into meaningful jobs. The act contains a number of provisions against "make-work" jobs, for example, paragraph (8) of section 7(c) which requires applicants to set forth "a description of needs." A second lies in the fact that the act can meet less than one-eleventh of the more than 4.3 million real jobs which studies have indicated could be filled in the public service, and we can assume that public sponsors will direct their efforts to the greatest need.

Mr. President, I think that the Senate is entitled to know also that these funds will have an effect beyond the fiscal year in question.

In this connection, it is important to note that the assistance given to individuals under the act is provided in such a way as to encourage movement into "regular" employment at the earliest meaningful opportunity, thus limiting the possibility that appropriations as to these particular individuals will have to be made in subsequent years.

The act expressly states that the purpose of the act is:

> To provide unemployed and underemployed persons with transitional employment in jobs providing needed public services . . . and wherever feasible, related training and manpower services to enable such persons to move into employment or training not supported under this Act.

As was noted in the joint explanatory statement of the committee of conference, the term "transitional" refers both to the fact that we are dealing with a short term 2-year program, and as to the individual that public service employment opportunities are to lead wherever possible to positions in the public or private sector not suported under the act.

Mr. President, the act contains a number of other provisions—many of which were first included by myself and other members of the minority in the Senate bill. These include substantial training provisions and a very key provision contained in section 11 of the bill.

This provision which we were not successful in including in the Employment and Manpower Act which was vetoed last year, clearly directs the Secretary of Labor to establish procedures for periodic review of the status of public service employees to insure that "maximum efforts" are made to locate other training or employment opportunities not supported under the act.

Mr. President, we spent a great deal of time yesterday talking about the unemployment crisis. That crisis triggered the tremendous vote here on a bill which had openings as large as barn doors, because we felt there was a general climate, and we were trying to establish an emergency with respect to unemployment. Now here is a bill that actually and directly seeks to do something about it. Many of us, I think, with all respect to our President, impressed him deeply with the fact that he should sign this one, even if he vetoed the accelerated public works legislation where we sustained his veto, although many of us did so with no great joy. It represented immediacy. If we do not act today, there will be no immediacy. The guidelines have already been issued generally by the Labor Department.

Mr. President, I ask unanimous consent to have printed in the RECORD a description of those guidelines insofar as they have gone.

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

HODGSON SETS GUIDELINES FOR PUBLIC SERVICE EMPLOYMENT PROGRAM

Responding to President Nixon's desire for fast action, Secretary of Labor J. D. Hodgson today announced initial decisions implementing the Emergency Employment Act signed by the Persident July 12.

On July 13 the President asked the Congress to move as expeditiously as possible to appropriate the full $1 billion authorized by the Act for this fiscal year.

The Secretary said the President had directed him to make plans to move as soon as the Congress has acted to distribute funds to States and localities.

Hodgson announced:

The formula under which $600 million will be made available for use in approximately 700 governmental units.

That all governmental units would be eligible to receive funds either as agents directly designated to act for the Labor Department, such as a governor, mayor, city manager, or county executive, or through such an agent.

That "start-up" grants would be made available immediately for distribution upon approval by Congress of the requested appropriation.

Hodgson said the 700 governmental units will be composed of States, cities with a population of at least 75,000, counties with a population of 75,000 but not counting the population of a designated city within the county. Indian reservations also are eligible.

The Secretary said, "I urge these governmental units to begin planning immediately for the jobs to be filled by unemployed persons in their jurisdictions." Additional guidelines are being developed and will be issued shortly to expedite the creation of jobs for the unemployed, he said.

The bill signed by the President authorizes the expenditure of $2.5 billion over a two-year period to enable governmental units to hire more than 150,000 unemployed persons for transitional public service jobs.

Of this amount $250 million is for a special program to aid communities with more than 6 percent unemployment. Hodgson said guidelines for this program are in process of formulation. The law requires that 80 percent or $600 million of the remaining $750 million be apportioned to States and communities.

The Secretary said, "We are moving as rapidly as we prudently can to put this public service program into operation. The President is acutely aware of the pressing needs of those who want to work but cannot find a job and of the strong need of State and local governments for additional personnel."

Secretary Hodgson noted that in signing the Act President Nixon said that "America needs more jobs, and it needs them now." The Act "will be speedy in its relief," the President declared, and the jobs it creates "will be real and steadying."

Funds will be distributed among States and designated areas on a two-part formula in which both the absolute numbers of unemployed persons and the relative severity of

unemployment will be given equal weight, Hodgson explained.

The funds will be apportioned among States based on the number of unemployed persons in the State as a percentage of the number of persons unemployed nationwide, and on the number of the State's unemployed in excess of 4.5 percent as a percentage of national unemployment in excess of 4.5 percent. No State will be allocated less than $1,500,000, regardless of its unemployment status, as the law prescribes.

Both the general and the special assistance sections of the Public Service Employment program became effective upon enactment of the law.

Obligation of funds for the $750 million general section of the Act terminates when the national unemployment rate drops below 4.5 percent for three consecutive months. Projects which have been funded will continue until complete however.

The $250 million special assistance program designed for areas with more than 6 percent unemployment would continue regardless of the drop below 4.5 percent in the national rate.

Attached is a list of the tentative State allocations which would be available if Congress passes the appropriation of $1 billion authorized by the Act and requested by the President. The funds listed for each State is the amount to be spent within the geographic area of the State, by eligible governmental units.

The amounts into which these State apportionments will be divided for use in designated areas within each State will be made available as soon as the unemployment calculations are completed.

TENTATIVE APPORTIONMENT OF SECTION 5 EEA FUNDS BY STATE

(In thousands of dollars)

U.S. total	$600,000
Alabama	5,000
Alaska	3,150
Arizona	2,680
Arkansas	5,350
California	100,450
Colorado	2,440
Connecticut	18,090
Delaware	1,500
District of Columbia	2,680
Florida	7,730
Georgia	4,760
Hawaii	1,670
Idaho	2,440
Illinois	17,910
Indiana	15,230
Iowa	4,220
Kansas	6,840
Kentucky	8,750
Louisiana	11,010
Maine	4,580
Maryland	4,700
Massachusetts	24,520
Michigan	44,690
Minnesota	11,070
Mississippi	4,160
Missouri	13,510
Montana	3,990
Nebraska	2,200
Nevada	1,840
New Hampshire	1,610
New Jersey	30,230
New Mexico	3,450
New York	46,950
North Carolina	6,130
North Dakota	1,900
Ohio	19,820
Oklahoma	4,050
Oregon	9,940
Pennsylvania	24,160
Rhode Island	4,220
South Carolina	4,520
South Dakota	1,500
Tennessee	7,440
Texas	11,780
Utah	3,990
Vermont	1,780
Virginia	4,460
Washington	$29,870
West Virginia	7,020
Wisconsin	13,030
Wyoming	1,500
Puerto Rico	18,570
Indian Tribes on Federal or State reservations	3,420
Virgin Islands, Guam, American Samoa, Trust Territory of the Pacific Islands	1,500

Mr. JAVITS. Finally, Mr. President, I think it is important that I comment briefly upon two aspects of the plans already announced by the Department of Labor in respect to the distribution of a substantial portion of these funds—specifically $600 million of the $750 million to be made available under section 5 of the act; it is my understanding that guidelines regarding the $250 million under section 6 will be available shortly.

First, the Department of Labor has indicated that units of general local government of a population of 75,000 or more will act as agents for their areas; while State governments will cover other areas. Under the act, the Governor, in addition to serving as agent for these areas, is to be given the opportunity to submit comments with respect to the applications of units of local government.

The relationship between State government on the one hand and local general government on the other has been carefully worked out in this legislation so as to grant maximum autonomy to the local areas to determine what is in their own interest, while recognizing the need for coordination; accordingly, I take this occasion to urge State and local units of government to work together well in this framework.

Second, the act limits eligibility to sponsors to State, county, and municipal governments; the Senate bill had included also nonprofit organizations such as community action agencies, community development corporations, opportunities industrialization centers, and other indiginous groups to serve a prime sponsorship role.

As I stated when the conference report was acted upon by the Senate, my support for this limitation was based solely on the necessity of reaching an agreement on the emergency legislation.

As I noted, the administration, in accordance with the act, has indicated its intention to administer this act through governmental units as "agents."

But I urge those governmental agents, and the administration in reviewing plans, to insure that nonprofit organizations—which are so often closest to the unemployed and most aware of their needs—are fully considered as subcontractors for these programs.

We will soon be considering the administration's proposed Manpower Revenue Sharing, which also seeks to insure local autonomy and would rely heavily upon State and local governmental units; the experience under the Emergency Employment Act of 1971 will provide an indication as to whether those units are willing to share their responsibilities with each other and with nonprofit organizations that have to date contributed so much in the manpower training area, and this will be very crucial in our consideration of comprehensive legislation.

Mr. PASTORE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. PASTORE. Could it mean the hiring of veterans returning from Vietnam for the police departments better to protect our streets?

Mr. JAVITS. Of course. There is no question about that. That is exactly what the Senator from Washington (Mr. MAGNUSON) meant when he spoke about professional jobs.

Then we have periodic maximum efforts to put the people in permanent slots. Let me clarify that "permanent slot" business. It is proper that if a man wants a transitional program and can get into a permanent slot, why not? That is what we want. That is as permanent as private employment. We are not objecting to that. The point is, the bill does not create that permanent slot. It carries the fellow over to the time when the local economy or the local taxpayers' ability are good enough so that they can finance that permanent slot. More power to them. That is why we should pass this bill.

Mr. President, I do not want to detain the Senate any longer, but I wish to emphasize that this bill is extremely well articulated, that President Nixon would never have signed it if he did not feel its 2-year term plus a host of precautions which I cranked in, as the Senator from Wisconsin (Mr. NELSON) will attest, with lots of work, blood, and tears to get it that way so that the President would sign it. He has signed it. The country needs it. I hope that we will pass the bill in a short time.

Mr. BYRD of Virginia. Mr. President, this appropriation, if approved, is bound to be a permanent proposition, I do not care what might be said here on the floor today about it. It will be permanent. It is a new program. It will cost $1 billion.

I am sympathetic with the problem that is faced in many areas of the Nation, but Congress has gotten to the point where it thinks it can solve all the problems, everywhere, every time, just by spending more of the taxpayers' money.

As I say, this is a new program. It is one that, once initiated, is bound to become permanent, is bound to be expensive, and a heavy drain on the Government's revenues.

It will further centralize power. The distinguished Senator from Colorado made an excellent case in opposition to it.

I note in the press today that Secretary of the Treasury Connally is astonished that interest rates are increasing.

Well, the only thing surprising to me about that is the able Secretary of the Treasury should be astonished that interest rates are increasing. They are bound to increase as long as the Government continues its reckless spending programs. By the Government, I mean the Congress and the President together.

The interest rates the Government must pay now on its bonds and in its short-term notes are 7 percent. The Government even borrowed money from West Germany at 6.65 percent.

Yet we come along here continually passing new programs, and this particular program that will be very costly

and will be a long, long time on the statute books of the U.S. Government.

Now, Mr. President, I want to pay tribute at this point in my remarks to seven members of the Virginia delegation in the House of Representatives who had the courage to vote against this appropriation.

They are:

Representative W. C. DANIEL of the Fifth Congressional District.

Representative THOMAS N. DOWNING of the First Congressional District.

Representative DAVID E. SATTERFIELD of the Third Congressional District.

All are Democrats.

Representative G. WILLIAM WHITEHURST of the Second Congressional District.

Representative J. KENNETH ROBINSON of the Seventh Congressional District.

Representative RICHARD H. POFF of the Sixth Congressional District.

Representative WILLIAM L. SCOTT of the Eighth Congressional District.

All of these are Republicans.

Mr. President, those seven Members of the House of Representatives, I feel, were voting the convictions of the people of Virginia.

This is a new program and a costly program. We are already in debt, with a $30 billion deficit, and another deficit of $30 billion forecast for this fiscal year. Yet we are piling on new programs. I think it is not justified and very unwise.

Mr. President, I ask unanimous consent to have printed in the RECORD two tables that I have worked up. One is entitled "U.S. Gold Holdings, Total Reserve Assets, and Liquid Liabilities to Foreigners."

The second table is entitled "Deficits in Federal Funds and Interest on the National Debt, 1961–72 Inclusive."

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	15.1
1965	13.7	15.5	29.3
1970	10.7	14.5	43.0
June 1971	10.5	13.5	[1] 48.8

[1] Estimated figure.

Source: U.S. Treasury Department.

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

[In 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. Mr. President, in regard to the interest rates, apropos the astonishment the Secretary of the Treasury seems to evidence as a result of the upward increase of interest rates, I ask unanimous consent to have printed in the RECORD a speech I made in the Senate on February 18, 1971, in which I predicted that under the Government's own policy, interest rates were bound to increase.

That is exactly what interest rates have done since February, and that is what they will continue to do, in my judgment.

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

INTEREST RATES

Mr. BYRD of Virginia. Mr. President one of the most encouraging signs in the economy during recent months has been the decline in interest rates.

Prime rates, which stood at 8½ percent in 1969, have now fallen to the point where many banks are offering 6 percent. The prime rate is generally taken to be the barometer of commercial banking.

It may be, however, that the fiscal policies of the Federal Government are working toward a reversal of the recent downward trend in interest rates.

I note that during the 4-month period from October 15, 1970, to February 15 of this year, the Government has sold $32 billion in short-term bonds and tax anticipation bill offerings.

A comparison of that figure with the figures for the corresponding periods of 1 year ago and 2 years ago makes an interesting pattern.

From October 15, 1968, to February 15, 1969, short-term bond issues by the Treasury totaled $29 billion.

That meant that the Government bid that much money out of the market, and that much less was available to meet private demand.

The interest rate picture during that period was this: from a level of 6½ percent in November 1968, the prime rate went up to 8½ percent by mid-1969.

A year later, the Government took a much smaller amount of money out of the market: from October 15, 1969, to February 15, 1970, the short-term bond issue total was only $15 billion.

And during the months following, interest rates declined, until today they are at 6 percent—lower than before the steep climb of 1968–69 began.

But the October-to-February bond issues of the Government for the current 1970–71 period were even greater than they were 2 years ago, when the drastic interest rate increases started.

The total of $32 billion for the period from October 15, 1970, to February 15, 1971, was $3 billion higher than the issues 2 years earlier—and it was nearly $18 billion greater than the period 1 year earlier.

Does that mean there will be a reversal in the downward trend of interest rates?

I do not know. I do not pretend to be an expert in high finance.

But I do know that economists consider that interest rates are the unmistakable and reliable barometer of inflation. Many economists consider them more reliable than the cost-of-living index.

I know, too, that if the law of supply and demand still is in effect, the withdrawal of $32 billion from the money market by the Federal Government certainly will not help to keep rates down.

Of course the reason for this heavy borrowing is the huge deficit we are incurring in Federal finances this year.

President Nixon has acknowledged that it will exceed $18 billion—and that is under the so-called unified budget, which unjustifiably includes trust fund surpluses in the general fund picture.

The real deficit for the current fiscal year, leaving the trust funds out, will be $25 billion—as great as the deficit incurred by the Johnson administration in fiscal 1968.

It is imperative that the Government put its financial house in order. If we are to make progress against inflation, we must control deficit spending.

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

The PRESIDING OFFICER. (Mr. STEVENSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. YOUNG. Mr. President, I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER (Mr. BEALL). The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, my reason for taking this brief time is to make the point, which is important, if we are going to be fair to the Department that will administer this act, that the other body has restricted the administration expenses to $50 million. The Department feels that this may not be adequate if it is really going to do the job required. However, they are doing their utmost to live within it and they want to put these funds into effect. They do not want to get into a conference now.

The Senator should know there is serious concern on their part about it and they may have to approach us again in a supplemental or otherwise in order to do the job we want them to do. However, the $50 million is acceptable.

Another point is very important. The Senator from North Dakota (Mr. YOUNG), in order to save time, has asked me to point out that the report accompanying the bill says specifically that the committee directs that special consideration be given to Vietnam veterans in filling the public service jobs provided by this appropriation.

That is critically important. It deals with two points; first, that veterans get the jobs; and, second, it gives the priority we wish them to have.

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

Mr. YOUNG. Mr. President, I yield 2 minutes to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I would not have asked for additional time except that the Senator from New York made a very interesting and, I think, important point. He raises it here on the floor before the bill is even passed to warn the Senate that the administrators will probably not adhere to the $50 million limitation on administrative expenses. I think he is right.

Mr. President, I do not think they will adhere to it. The Senator from New York wants to make a record so that he can come in here later on and open up the gates so that there would actually be no ceiling on administrative costs. That the higher the administrative costs the less money there will be for the people that Congress claims it is trying to help.

I think it is a very interesting point that the Senator from New York has made. I am glad he made it. It dramatizes, in my mind, that this program will be far more costly than the public is being led to believe. It is creating another bureaucracy—and a costly one.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Mr. President, I am willing to yield back my time.

Mr. DOMINICK. Mr. President, is there any time that the Senator from North Dakota could yield to me?

The PRESIDING OFFICER. The Senator from North Dakota has 13 minutes remaining.

Mr. YOUNG. Mr. President, the Senator from West Virginia was on his feet first. I yield 2 minutes to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 2 minutes.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Calendar No. 7, under treaties.

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

CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Chair lay before the Senate, Executive A (92d Congress, first session).

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate as in the Committee of the Whole, proceeded to consider Executive A (92d Congress, first session), the Convention for the Suppression of Unlawful Seizure of Aircraft, which was read the second time, as follows:

CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT

PREAMBLE

The States Parties to this Convention

Considering that unlawful acts of seizure or exercise of control of aircraft in flight jeopardize the safety of persons and property, seriously affect the operation of air services, and undermine the confidence of the peoples of the world in the safety of civil aviation;

Considering that the occurrence of such acts is a matter of grave concern;

Considering that, for the purpose of deterring such acts, there is an urgent need to provide appropriate measures for punishment of offenders;

Have agreed as follows:

ARTICLE 1

Any person who on board an aircraft in flight:

(*a*) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act, or

(*b*) is an accomplice of a person who performs or attempts to perform any such act commit an offense (hereinafter referred to as "the offence").

ARTICLE 2

Each Contracting State undertakes to make the offence punishable by severe penalties.

ARTICLE 3

1. For the purposes of this Convention, an aircraft is considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board.

2. This Convention shall not apply to aircraft used in military, customs or police services.

3. This Convention shall apply only if the place of take-off or the place of actual landing of the aircraft on board which the offence is committed is situated outside the territory of the State of registration of that aircraft; it shall be immaterial whether the aircraft is engaged in an international or domestic flight.

4. In the cases mentioned in Article 5, this Convention shall not apply if the place of take-off and the place of actual landing of the aircraft on board which the offence is committed are situated within tht territory of the same State where that State is one of those referred to in that Article.

5. Notwithstanding paragraphs 3 and 4 of his Article, Articles 6, 7, 8 and 10 shall apply whatever the place of take-off or the place of actual landing of the aircraft, if the offender or the alleged offender is found in the territory of a State other than the State of registration of that aircraft.

ARTICLE 4

1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over the offence and any other act of violence against passengers or crew committed by the alleged offender in connection with the offence, in the following cases:

(*a*) when the offence is committed on board an aircraft registered in that State;

(*b*) when the aircraft on board which the offence is committed lands in its territory with the alleged offender still on board;

(*c*) when the offence is committed on board an aircraft leased without crew to a lessee who has his principal place of business or, if the lessee has no such place of business, his permanent residence in that State.

2. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offence in the case where the alleged offender is present in its territory and it does not extradite him pursuant to Article 8 to any of the States mentioned in paragraph 1 of this Article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

ARTICLE 5

The Contracting States which establish joint air transport operating organizations or international operating agencies, which operate aircraft which are subject to joint or international registration shall, by appropriate means, designate for each aircraft the State among them which shall exercise the jurisdiction and have the attributes of the State of registration for the purpose of this Convention and shall give notice thereof to the International Civil Aviation Organization which shall communicate the notice to all States Parties to this Convention.

ARTICLE 6

1. Upon being satisfied that the circumstances so warrant, any Contracting State in the territory of which the offender or the alleged offender is present, shall take him into custody or take other measures to ensure his presence. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary enquiry into the facts.

3. Any person in custody pursuant to paragraph 1 of this Article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national.

4. When a State, pursuant to this Article, has taken a person into custody, it shall immediately notify the State of registration of the aircraft, the State mentioned in Article 4, paragraph 1(*c*), the state of nationality of the detained person and, if it considers it advisable, any other interested States of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 2 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

ARTICLE 7

The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State.

ARTICLE 8

1. The offence shall be deemed to be included as an extraditable offence in any extradition treaty existing between Contracting States. Contracting States undertake to include the offence as an extraditable offence in every extradition treaty to be concluded between them.

2. If a Contracting State which makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offence. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. Contracting States which do not make extradition conditional on the existence of a treaty shall recognize the offense as an extraditable offence between themselves subject to the conditions provided by the law of the requested State.

4. The offence shall be treated, for the purpose of extradition between Contracting States, as if it had been committed not only in the place in which it occurred but also in the territories of the States required to establish their jurisdiction in accordance with Article 4, paragraph 1.

ARTICLE 9

1. When any of the acts mentioned in Article 1(*a*) has occurred or is about to occur, Contracting States shall take all appropriate measures to restore control of the aircraft to its lawful commander or to preserve his control of the aircraft.

2. In the cases contemplated by the preceding paragraph, any Contracting State in which the aircraft or its passengers or crew are present shall facilitate the continuation of the journey of the passengers and crew as soon as practicable, and shall without delay return the aircraft and its cargo to the persons lawfully entitled to possession.

ARTICLE 10

1. Contracting States shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offence and other acts mentioned in Article 4. The law of the State requested shall apply in all cases.

2. The provisions of paragraph 1 of this article shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

ARTICLE 11

Each Contracting State shall in accordance with its national law report to the Council of the International Civil Aviation Organization as promptly as possible any relevant information in its possession concerning:

(*a*) the circumstances of the offence;

(*b*) the action taken pursuant to Article 9;

(*c*) the measures taken in relation to the offender or the alleged offender, and, in particular, the results of any extradition proceedings or other legal proceedings.

ARTICLE 12

1. Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other Contracting States shall not be bound by the preceding paragraph with respect to any Contracting State having made such a reservation.

3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Depositary Governments.

ARTICLE 13

1. This Convention shall be open for signature at The Hague on 16 December 1970, by States participating in the International Conference on Air Law held at The Hague from 1 to 16 December 1970 (hereinafter referred to as The Hague Conference). After 31 December 1970, the Convention shall be open to all States for signature in Moscow, London and Washington. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Convention shall be subject to ratification by the signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, which are hereby designated the Depositary Governments.

3. This Convention shall enter into force thirty days following the date of the deposit of instruments of ratification by ten States signatory to this Convention which participated in The Hague Conference.

4. For other States, this Convention shall enter into force on the date of entry into force of this Convention in accordance with paragraph 3 of this Article, or thirty days following the date of deposit of their instruments of ratification or accession, whichever is later.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of entry into force of this Convention, and other notices.

6. As soon as this Convention comes into force, it shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations and pursuant to Article 83 of the Convention on International Civil Aviation (Chicago, 1944).

ARTICLE 14

1. Any Contracting State may denounce this Convention by written notification to the Depositary Governments.

2. Denunciation shall take effect six months following the date on which notification is received by the Depositary Governments.

IN WITNESS THEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their Governments, have signed this Convention.

DONE at The Hague, this sixteenth day of December, one thousand nine hundred and seventy, in three originals, each being drawn up in four authentic texts in the English, French, Russian and Spanish languages.

Mr. BYRD of West Virginia. Mr. President, the Committee on Foreign Relations recommends that the Senate give its advice and consent to ratification of Executive A, 92d Congress, first session, the so-called Aircraft Hijacking Convention. This convention was negotiated at The Hague in December 1970 and signed by representatives of 50 nations, including the United States. It was submitted to the Senate on April 15, 1971.

I wish to summarize briefly the major provisions at this point:

In effect, article 1 states that in order for hijacking to be an offense covered by the convention, it must take place on board an aircraft "in flight." In this connection, pursuant to the provisions of article 3, an aircraft is considered to be "in flight" from the moment its doors are closed following embarkation until any door is opened for disembarkation. It should be added, however, that the convention applies only if the place of takeoff or the place of landing of the aircraft on board which the offense is committed is situated outside the territory of the country in which the aircraft is registered. Moreover, the convention does not apply to aircraft used in military, customs, or police services.

Article 2 provides that each contracting state undertakes to make hijacking punishable by "severe" penalties. This article is not defined, but it is understood that it is designed to encourage all parties to the convention—who have not already done so—to enact implementing legislation with strong penalty clauses which, hopefully, will have the effect of deterring hijackers.

Article 4 provides that each contracting state shall take "such measures as may be necessary" to establish its jurisdiction over the hijacker when the offense is committed on board an aircraft registered in that state; when the aircraft lands in its territory with the alleged offender still on board; and when the offense is committed on board a leased aircraft—without crew—to a lessee who has his principal place of business or permanent residence in that state. Article 4 also states that the convention "does not exclude any criminal jurisdiction exercised in accordance with national law."

One of the key provisions of the convention is contained in article 7, which provides that if the state where the hijacker is found does not extradite him, it shall be obliged "without exception whatsoever and whether or not the offense was committed in its territory" to submit the case to its authorities for prosecution. The effect of this provision is to insure that the hijacker will not escape prosecution, even though the offense may have been politically motivated—for example, an individual who hijacks an airplane to seek political asylum.

Article 8, another key provision, states that hijacking "shall be deemed to be included as an extraditable offense in any extradition treaty existing between contracting states." In other words, there will be no need for the United States to renegotiate existing extradition treaties we have with parties to this convention in order to cover the crime of hijacking. In cases where the parties to the convention do not have extradition treaties, they are obliged to include hijacking as an extraditable offense in any future treaties concluded between them. In addition, in the absence of an extradition treaty between parties to the convention they may consider the convention itself as the legal basis for extradition in hijacking cases.

Article 9 provides that when a hijacking has occurred the parties to the Convention "shall take all appropriate measures to restore control of the aircraft to its lawful commander." Each Contracting state is also required to facilitate the continuation of the journey of the passengers and crew as soon as practicable and return the aircraft and its cargo to the person lawfully entitled to possession.

Under the provisions of Article 12, any dispute between two or more parties concerning the interpretation or application of the Convention which cannot be settled through negotiation shall—at the request of one of them—be submitted to arbitration. If the parties are unable to agree on the organization of the arbitration within 6 months from the date of the request, any one of the parties may refer the dispute to the International Court of Justice. Any State is permitted to declare that it does not consider itself bound by this provision.

Pursuant to the provisions of Article 13, the Convention is presently open for signature to all States—irrespective of whether they attended The Hague Conference or are members of the United Nations—at London, Moscow, and Washington. The Convention will enter into force 30 days after 10 States which participated in the conference at The Hague have deposited their instruments of ratification. Any State may denounce the Convention by giving 6 months' notice to each of the above depositary governments.

The Committee on Foreign Relations held a public hearing on June 7 at which it heard testimony from representatives of the Department of State, Department of Transportation, and the Federal Avia-

tion Administration, as well as industry representatives. The lack of the Cuban adherence to the convention was further explored in executive session on July 20, 1971, at which time the committee, by voice vote, ordered the convention reported favorably to the Senate.

Mr. President, I ask unanimous consent that Executive A (92d Congress, first session) be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will read the resolution of ratification.

The assistant legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on December 16, 1970 (Ex. A, 92–1).

Mr. BYRD of West Virginia. Mr. President, I do this with the authorization of the distinguished majority leader, the distinguished minority leader, and the distinguished chairman of the Senate Foreign Relations Committee (Mr. FULBRIGHT).

Mr. President, I ask for the yeas and nays on the treaty.

The yeas and nays were ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate now return to the consideration of legislative business.

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

EDUCATION AMENDMENTS OF 1971

The Senate continued with 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.

The PRESIDING OFFICER. Who yields time?

Mr. YOUNG. Mr. President, I yield 1 minute to the Senator from Colorado (Mr. ALLOTT).

The PRESIDING OFFICER. The Senator from Colorado is recognized for 1 minute.

Mr. ALLOTT. Mr. President, just so that the Senate will be informed, there is a procedural matter with respect to title IV of the education bill pending before the Senate, S. 659. Since here are many Senators who are interested in this matter, I would just like to put the Senate on notice that it is my intention, if I can get time—and I think I can—immediately after the disposition of this matter, to raise this question so that the Senators can be informed on it and vote on it.

EMERGENCY EMPLOYMENT ASSISTANCE APPROPRIATION, 1972

The Senate resumed the consideration of the joint resolution (H.J. Res. 833) making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, would the Senator from North Dakota yield me 4 minutes?

Mr. YOUNG. Mr. President, I yield 4 minutes to the Senator from North Dakota.

Mr. DOMINICK. Mr. President, I think that some of the comments made by the distinguished Senator from Virginia (Mr. BYRD) are particularly appropriate. There is not any doubt in my mind that the $50 million will just be a nothing from the point of view of how much it will cost to administer this.

Let us keep in mind that there will be applications from all over the country from every person who thinks he has a friend that wants to be on the public payroll. I do not think there is any doubt about it. We might as well face up to it.

Second, we will have an enormous number of problems in trying to show each locality that is asking for technical assistance how it should go ahead in preparing the applications and figure out how it can put relatives on the payroll.

Third, there is nothing in the bill that I can see that would prevent the Federal Government from paying salaries for positions at the State or local level, and the people who hold those positions can then decide to run for office.

I may be wrong on this. I will ask the senior Senator from New York if he has any recollection concerning a prohibition against this kind of activity.

Let us say that we take someone who is unemployed and put him on the payroll as a policeman and he decides to run for mayor. Do we pay his salary while he is doing that? Suppose he decides to run for Congress. Suppose that he is a State meat inspector and decides to run for Governor or Lieutenant Governor. Do we pay his salary so that he can do that?

Is there any prohibition in the bill against that? I do not think there is.

Mr. JAVITS. Mr. President, if I might say to my friend, the Senator from Colorado, they have put us on an even bigger salary and we run for reelection. I know of no prohibition in the bill. If there was, I would probably be against it. I do not think that one of the qualifications for running for office is that one has to be unemployed.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. DOMINICK. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. DOMINICK) proposes an amendment as follows:

On page 2, line 9, insert the following:

After the period, insert the following: "None of the funds appropriated herein may be paid to any political office holder or candidate for political office."

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. Mr. President, how much time do we have under the time limitation on each amendment?

The PRESIDING OFFICER. Thirty minutes to the amendment, 15 minutes to the side, and 20 minutes on an amendment to an amendment.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I bring this up because I think there are a great number of problems connected with this bill which have really not been considered in the heat of emotion, in the heat of all kinds of allegations that there is tremendous unemployment, in the heat of trying to figure out available jobs for veterans. There is not anyone who wants to do that more than I do. However, we are referring to a program that will come down like a blanket all over the country.

I have said over and over again, as the Senator from Virginia and the Senator from New York have said, that this is not a temporary program. There is not any way to keep this program as a temporary program and hold it at the 2-year structure contained in the original bill.

Furthermore, we have given everyone a chance in the local community if they want to ask for five times the number of policemen, five times the number of school teachers in the schoo' district, to do so. They have not been permitted to vote on it. The Senate passes it. We say it is temporary. They can put on their relatives and everyone else that is sponging on us and put them on the public payroll. And if a Senator thinks it will not be done, I tell him that it will be done all over this country.

Mr. President, it is going to be done all over this country. Having said that, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MAGNUSON. I ask unanimous consent to place in the RECORD a factual statement regarding the economic condition of Washington State and the need for public service jobs.

This bill will provide money for jobs and, believe me, my State needs them.

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

STATEMENT REGARDING ECONOMIC CONDITIONS

Mr. President, I would like to review certain economic facts that lead any observer to the conclusion that Washington State needs the jobs provided in this bill.

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; 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.

20 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% 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 7000 delinquencies of F.H.A. single family housing units of which about 3500 will be repossessed by the end of 1971.

Aerospace employment in Washington since January 1969 has fallen by 59,000, a drop of 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 five 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 than $6 million in failures during the first five 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.

This bill provides jobs—the key ingredient to recovery.

Mr. MAGNUSON. Mr. President, if the Senator from North Dakota is ready to yield back his time, I am ready to yield back my time.

The PRESIDING OFFICER. All time is yielded back.

If there be no further amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution (H.J. Res. 833) was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. Do the Senators yield back their time on the bill?

Mr. MAGNUSON. Mr. President, I yield back the balance of my time, and I am sure the Senator from North Dakota yields back his time.

The PRESIDING OFFICER. All time having been yielded back, 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 New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Hawaii (Mr. INOUYE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Alabama (Mr. SPARKMAN), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Illinois (Mr. STEVENSON), the Senator from California (Mr. TUNNEY) the Senator from New Mexico (Mr. MONTOYA), the Senator from Indiana (Mr. BAYH), and the Senator from Alabama (Mr. SPARKMAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Connecticut (Mr. WEIKER), the Senator from Arizona (Mr. GOLDWATER), the Senator from Kansas (Mr. PEARSON), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON), 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 Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 68, nays 10, as follows:

[No. 209 Leg.]

YEAS—68

Aiken	Gravel	Mondale
Allott	Griffin	Muskie
Beall	Gurney	Nelson
Bellmon	Hansen	Packwood
Bentsen	Harris	Pastore
Bible	Hart	Pell
Boggs	Hatfield	Proxmire
Brooke	Hughes	Randolph
Burdick	Humphrey	Ribicoff
Byrd, W. Va.	Jackson	Roth
Cannon	Javits	Saxbe
Case	Jordan, N.C.	Schweiker
Chiles	Jordan, Idaho	Scott
Church	Kennedy	Smith
Cook	Long	Spong
Cooper	Magnuson	Stevens
Dole	Mansfield	Symington
Eagleton	Mathias	Taft
Ellender	McClellan	Talmadge
Ervin	McGee	Tower
Fong	McGovern	Williams
Fulbright	Metcalf	Young
Gambrell	Miller	

NAYS—10

Allen	Curtis	Stennis
Brock	Dominick	Thurmond
Buckley	Fannin	
Byrd, Va.	Hollings	

NOT VOTING—22

Anderson	Hartke	Percy
Baker	Hruska	Prouty
Bayh	Inouye	Sparkman
Bennett	McIntyre	Stevenson
Cotton	Montoya	Tunney
Cranston	Moss	Weicker
Eastland	Mundt	
Goldwater	Pearson	

So the joint resolution (H.J. Res. 833) was passed.

Mr. BYRD of West Virginia. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

H.R. 135. An act 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;

H.R. 2587. An act to establish the National Advisory Committee on the Oceans and Atmosphere;

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. 5208. An act 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;

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

H.R. 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;

H.R. 10061. An act 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;

H.J. Res. 829. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes; and

H.J. Res. 833. Joint resolution making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore.

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 5, 1971, the President had approved and signed the act (S. 2317) to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

REPORT OF THE COUNCIL ON ENVIRONMENTAL QUALITY — MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. BEALL) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred jointly to the Committees on Agriculture and Forestry, Commerce, Interior, and Insular Affairs, and Public Works:

To the Congress of the United States:

The First Annual Report of the Council on Environmental Quality, which I submitted to the Congress one year ago, described our principal environmental problems and set out in broad outline the directions in which I felt we should be moving. Now, as I submit to the Congress this second annual report, I am pleased to be able to say that we have made considerable progress towards achieving our environmental objectives during the past 12 months.

During the past year we have launched many initiatives to implement the broad recommendations contained in the first annual report. At the Federal level we have proposed sweeping legislative programs to the Congress, we have taken vigorous actions within the executive branch, and we have achieved increasingly effective cooperation with other nations. The States have likewise moved to meet environmental challenges with wide-ranging institutional changes and more effective laws.

While we still have a long way to go before we meet our ultimate objectives, it is important to emphasize that we are making substantial progress. For example, there is evidence that the air in many of our cities is becoming less polluted, although the data is still incomplete. Total emissions from automobiles and the use of persistent pesticides are going down. On the other hand, there is no basis for complacency, as the level of total pollutants in our environment is still rising.

We will continue to face difficult obstacles as we work to make our surrounding more liveable and more enriching. But even now we are demonstrating that our institutions can be made responsive to the need for environmental reform and that the quality of our environment can be substantially improved, if only we go about that task with sufficient will and sufficient energy.

1. REFORMING INSTITUTIONS—THE FIRST STEP

The barriers to long-range progress in the field of environmental improvement are serious and complex and varied. Some are technological, some are economic, some are social, some are political. But among the most substantial barriers to progress in this area are those which are institutional in nature.

In my environmental messages of 1970 and 1971 and in my message accompanying the Council's first annual report, I emphasized the pressing need to reform the machinery through which government carries out its environmental programs. These reforms have been progressing rapidly at the Federal level. In the Executive Office of the President, environmental policy is now being developed by the Council on Environmental Quality, a group which has been working effectively to broaden our perspectives and sharpen our insights concerning the underlying causes of environmental problems and the best methods of solving them. The Council is also responsible for coordinating all Federal environmental programs and for seeing that environmental values are given full consideration by all Federal agencies as they make their own policy decisions.

To administer and enforce our pollution control laws, we have established a new Environmental Protection Agency, giving new muscle—on a day-by-day basis—to our commitment to a cleaner environment. EPA brings together under unified direction our air and water pollution programs and our efforts in the fields of solid waste management, noise abatement, pesticide regulation, and radiation standard-setting. Already, during the first half-year of its existence, EPA has provided vigorous new leadership in all these areas. Together, the Environmental Quality Council and the Environmental Protection Agency provide a forceful institutional team for Federal environmental actions.

Finally, I have recommended to the Congress a new department of natural resources with unified responsibility for energy, water and natural resource programs. Pollution control is not the only solution to the difficulties of our environment. We must also provide wide and coordinated management of all our natural resources so that man can live and work in greater harmony with the natural systems of which he is a part. I consider the department of natural resources an integral element in our reform program and I again urge the Congress to approve this high priority proposal.

State governments are likewise moving boldly. From New York to Illinois to the State of Washington, the machinery for policymaking and for administration of environmental programs has been reformed and strengthened. As expected, the diversity of our country has been reflected in the many unique and innovative approaches that various States have taken to meet environmental challenges. Vermont, for example, has already adopted a program of Statewide land use authorities and it plans to supplement its water pollution controls with effluent charges. New York, Washington and Illinois have created new agencies and combined old ones in an effort to relate more effectively the functions of government to the problems of the environment. Other States are also moving to approach environmental issues in a new way.

2. FEDERAL DECISIONMAKING—THE NEW GROUND RULES

The National Environmental Policy Act requires that Federal agencies take environmental factors into full account in all their planning and decisionmaking. It requires agencies to describe in writing the environmental impact of their major decisions—along with alternatives to these decisions—and to make these assessments public. This process has fostered a wide range of basic reforms in the way Federal agencies make their decisions. And while some agencies still have considerable room for improvement in the environmental field, many are doing an excellent job of responding to environmental concerns.

It is critically important that these new environmental requirements not simply produce more red tape, more paperwork and more delay. Nor is there any reason why this should happen. In fact, the efficiency and responsiveness of Government is enhanced when environmental considerations are an integral part of decisionmaking from the time when a project is first considered and not merely added as after-thoughts when most matters have already been decided.

In some cases, of course, environmental considerations will require the modification or termination of a project. This is why, for example, I ordered a halt to further construction on the Cross Florida Barge Canal, despite the fact that some $50 million had already been spent on this project. I concluded, after receiving the advice of the Council on Environmental Quality, that the environmental damage which would result from its completion would outweigh its potential economic benefits.

In the final analysis, the foundation on which environmental progress rests in our society is a responsible and informed citizenry. My confidence that our Nation will meet its environmental problems in the years ahead is based in large measure on my faith in the continued vigilance of American public opinion and in the continued vitality of citizen efforts to protect and improve the environment.

The National Environmental Policy Act has given a new dimension to citizen participation and citizen rights—as is evidenced by the numerous court actions through which individuals and groups have made their voices heard. Although these court actions demonstrate citizen interest and concern, they do not in themselves represent a complete strategy for assuring compliance with the Act. We must also work to make Government more responsive to public views at every stage of the decisionmaking process. Full and timely public disclosure of environmental impact statements is an essential part of this important effort.

3. THE WORLD COMMUNITY—NEW COOPERATION

In transmitting my second annual "Foreign Policy for the 1970's" message to the Congress, I said: "We know that we must act as one world in restoring the world's environment, before pollution of the seas and skies overwhelms every nation." I continue to believe that this challenge presents a great opportunity for United States leadership in international affairs.

The environmental concern that has been growing in this country has its counterpart in other nations. We have been encouraged to find that other governments are now acting to improve and

expand their environmental activities and we have moved to cooperate with such activities whenever possible.

With Canada, for example, we are working to clean up the Great Lakes—and our joint efforts there may well become a model for regional cooperation in other areas of the world. With other nations, such as Japan and Mexico, we have also developed bilateral environmental initiatives. Within NATO's Committee on the Challenges of Modern Society we have reached agreement on the control of oil discharged by ships on the high seas. And in other international bodies—including the Organization for Economic Cooperation and Development, the Intergovernmental Maritime Consultative Organization and the Economic Commission for Europe—we are actively engaged in similar efforts.

The United States is playing an active role in the preparation for the 1972 United Nations Conference on the Human Environment. This conference will bring the nations of the world together for the first time to develop global programs for environmental protection. It is our hope that this gathering will produce an important agreement on marine pollution, as well as the beginning of an effective international environmental monitoring effort. The conference will provide an important opportunity for bringing all nations into the attack on the environmental problems of modern society and it will offer an especially important opportunity for helping developing nations cope with the environmental problems associated with industrialization and urban growth.

4. THE CONGRESS AND THE EXECUTIVE—A PARTNERSHIP FOR THE ENVIRONMENT

It is vitally important that the Congress and the administration work together to develop better environmental legislation, repairing old laws and creating new ones. I am pleased and gratified that many of the environmental programs which I have proposed to the Congress have been approved and are now being implemented.

The Congress presently has before it a number of separate bills and treaty actions which I discussed in my environmental message of February 8, 1971. In my judgment, these proposals represent the most wide-ranging and comprehensive legislative program for the environment in our entire history.

They include:

MEASURES TO STRENGTHEN POLLUTION CONTROL PROGRAMS

—Charges on sulfur oxides and a tax on lead in gasoline to supplement regulatory controls on air pollution.
—More effective control of water pollution through a $12 billion national program and strengthened standard-setting and enforcement authorities.
—Comprehensive improvement in pesticide control authority.

MEASURES TO CONTROL EMERGING PROBLEMS

—Regulation of toxic substances.
—Regulation of noise pollution.
—Controls on ocean dumping

MEASURES TO PROMOTE ENVIRONMENTAL QUALITY IN LAND

—A national land use policy.
—A new and greatly expanded open space and recreation program, bringing parks to the people in urban areas.
—Preservation of historic buildings through tax policy and other incentives.
—Substantial expansion of the wilderness areas preservation system.
—Advance public agency approval of power plant sites and transmission line routes.
—Regulation of environmental effects of surface and underground mining.

FURTHER INSTITUTIONAL IMPROVEMENT

—Establishment of an environmental institute to conduct special studies and recommend policy alternatives.

TOWARD A BETTER WORLD ENVIRONMENT

—Expanded international cooperation.
—A world heritage trust to preserve parks and areas of unique cultural value throughout the world.

This program is designed both to reinforce existing efforts and to attack newly emerging problems such as noise pollution and the dispersion of toxic substances. One particularly important feature of this package of proposals is that it is geared to meet problems, such as ocean dumping, before they reach crisis proportions. It also seeks to supplement our present regulatory approaches by creating new economic incentives for the reduction of pollution. In addition, it emphasized strengthened efforts by State government.

Some of these initiatives already have been the subject of congressional hearings, but none have yet been approved by the Congress. I again urge the Congress to act expeditiously and favorably on these important measures. The problems will not wait and we dare not drag our feet as we move to meet them.

Even while this administration has been asking the Congress for strengthened enforcement authority, we have also been taking a number of other actions to crack down on pollution by using existing authority. In the course of this effort, we have moved against a wide range of polluters, including cities and towns, companies and individuals.

Operating under authority granted by the Refuse Act, for example, I have instituted a program requiring a permit for all industrial discharges into the Nation's waters. The issuance of such a permit is conditioned upon assurance that water quality standards will be achieved. I believe this mechanism represents an important new tool for achieving our national water quality objectives.

We are also requiring that Federal agencies spend the necessary funds to avoid pollution as a result of their own activities and, where necessary, to provide abatement facilities. Some 250 million dollars is included in my 1972 budget request for this purpose.

I have also consistently urged a stronger effort to encourage the better conservation and management of our natural resources. As one step in this effort, we have redirected Government procurement policies to encourage the increased use of recycled paper. And we are actively considering other, similar changes in procurement policy. Meanwhile, to help keep the evidence of our history intact for future generations, I have issued an Executive order requiring the protection of historic properties by Federal agencies.

5. A SENSE OF REALISM

All of these actions will help make our country a better place to live. But we should not expect environmental miracles. Our efforts will be more effective if we approach the challenge of the environment with a strong sense of realism. We should not be surprised or disheartened, for example, if some problems grow even more acute in the immediate future.

We must recognize that the goal of a cleaner environment will not be achieved by rhetoric or moral dedication alone. It will not be cheap or easy and the costs will have to be borne by each citizen, consumer and taxpayer. How clean is *clean enough* can only be answered in terms of how much we are willing to pay and how soon we seek success. The effects of such decisions on our domestic economic concerns—jobs, prices, foreign competition—require explicit and rigorous analyses to permit us to maintain a healthy economy while we seek a healthy environment. It is essential that we have both. It is simplistic to seek ecological perfection at the cost of bankrupting the very tax-paying enterprises which must pay for the social advances the nation seeks.

We must develop a realistic sense of what it will cost to achieve our national environmental goals and choose a specific level of goal with an understanding of its costs and benefits. One of the strengths of the accompanying report, in my view, is that it sets out—clearly and candidly—both the costs and the benefits of environmental protection as they are now understood.

The work of environmental improvement is a task for all our people. It should unite all elements of our society—of all political persuasions and all economic levels—in a great common commitment to a great common goal. The achievement of that goal will challenge the creativity of our science and technology, the enterprise and adaptability of our industry, the responsiveness and sense of balance of our political and legal institutions, and the resourcefulness and the capacity of this country to honor those human values upon which the quality of our national life must ultimately depend.

RICHARD NIXON.

THE WHITE HOUSE, *August 6, 1971.*

EDUCATION AMENDMENTS, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of S. 659.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

Calendar No. 342, a bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate resumed the consideration of the bill.

AMENDMENT NO. 385

Mr. RIBICOFF. Mr. President, I call up my amendment No. 385.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. RIBICOFF. I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. RIBICOFF's amendment (No. 385) is as follows:

TITLE VI—YOUTH CAMP SAFETY

SEC. 601. This title shall be cited as the "Youth Camp Safety Act".

STATEMENT OF PURPOSE

SEC. 602. It is the purpose of this title to protect and safeguard the health and well-being of the youth of the Nation attending day camps, resident camps, and travel camps, by providing for the establishment of Federal standards for safe operation of youth camps, and to provide Federal assistance and leadership to the States in developing programs for implementing safety standards for youth camps, thereby providing assurance to parents and interested citizens that youth camps meet minimum safety standards.

DEFINITIONS

SEC. 603. As used in this title—

(a) The term "youth camp" means:

(1) any parcel or parcels of land having the general characteristics and features of a camp as the term is generally understood, used wholly or in part for recreational or educational purposes and accommodating for profit or under philanthropic or charitable auspices five or more children under eighteen years of age, living apart from their relatives, parents, or legal guardians for a period of, or portions of, five days or more, and includes a site that is operated as a day camp or as a resident camp; and

(2) any travel camp which for profit or under philanthropic or charitable auspices, sponsors or conducts group tours within the United States, or foreign group tours originating or terminating within the United States, for educational or recreational purposes, accommodating within the group five or more children under eighteen years of age living apart from their relatives, parents, or legal guardians for a period of five days or more.

(b) The term "person" means any individual, partnership, corporation, association, or other form of business enterprises.

(c) The term "safety standards" means criteria directed toward safe operation of youth camps, in such areas as—but not limited to—personnel qualifications for director and staff; ratio of staff to campers; sanitation and public health; personal health, first aid, and medical services; food handling, mass feeding, and cleanliness; water supply and waste disposal; water safety including use of lakes and rivers, swimming and boating equipment and practices; vehicle condition and operation; building and site design; equipment; and condition and density of use.

(d) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(e) The term "State" includes each of the several States and the District of Columbia.

GRANTS TO STATES FOR YOUTH CAMP SAFETY STANDARDS

SEC. 604. From sums appropriated pursuant to section 610 of this Act, but not to exceed $2,500,000 of such appropriation for any fiscal year, the Secretary is authorized to make grants to States which have State plans approved by him under section 606 to pay up to 50 per centum of the cost of developing and administering State programs for youth camp safety standards.

SEC. 605. In developing Federal standards for youth camps, the Secretary shall—

(a) undertake a study of existing State and local regulations and standards, and standards developed by private organizations, applicable to youth camp safety, including the enforcement of such State, local, and private regulations and standards;

(b) establish and publish youth camp safety standards within one year after enactment of the title, after consultation with State officials and with representatives of appropriate private and public organizations after opportunity for hearings and notification published in the Federal Register; and

(c) authorize and encourage camps certified by the States as complying with the published Federal youth camp standards to advertise their compliance with minimum safety standards.

STATE PLANS

SEC. 606. (a) Any State desiring to participate in the grant program under this title shall designate or create an appropriate State agency for the purpose of this section, and submit, through such State agency, a State plan which shall—

(1) set forth a program for State supervised annual inspection of, and certification of compliance with, minimum safety standards developed under the provisions of sections 605 and 609(a) of this title, at youth camps located in such State;

(2) provide assurances that the State will accept and apply such minimum youth camp safety standards as the Secretary shall by regulations prescribe;

(3) provide for the administration of such plan by such State agency;

(4) provide for an advisory committee, to advise the State agency on the general policy involved in inspection and certification procedures under the State plan, which committee shall include among its members representatives of other State agencies concerned with camping or programs related thereto and persons representative of professional or civil or other public or nonprofit private agencies, organizations, or groups concerned with organized camping;

(5) provide that such State agency will make such reports in such form and containing such information as the Secretary may reasonably require;

(6) provide assurance that the State will pay from non-Federal sources the remaining cost of such program; and

(7) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this title.

(b) Any State desiring to enable youth camps in the State to advertise compliance with Federal youth camp standards, but which does not wish to participate in the grant programs under this title, shall designate or create an appropriate State agency for the purpose of this section, and submit, through such State agency a State plan which shall accomplish the steps specified in (a) (1) through (3) of this section, and which provides for availability of information so that the Secretary may be assured of compliance with the standards.

(c) The Secretary shall not finally disapprove any State plan submitted under this title or any modification thereof, without first affording such State agency reasonable notice and opportunity for a hearing.

DETERMINATION OF FEDERAL SHARE; PAYMENTS

SEC. 607. (a) The Secretary shall determine the amount of the Federal share of the cost of programs approved by him under section 606 based upon the funds appropriated therefor pursuant to section 610 for that fiscal year and upon the number of participating States; except that no State may receive a grant under this title for any fiscal year in excess of $50,000.

(b) Payments to a State under this title may be made in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments.

OPERATION OF STATE PLANS; HEARINGS AND JUDICIAL REVIEW

SEC. 608. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering a State plan approved under this title, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of section 606, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision,

the Secretary shall notify such State agency that no further payments will be made to the State under this title (or in his discretion, that further payments to the State will be limited to programs or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments may be made to such State under this title (or payment shall be limited to programs or portions of the State plan not affected by such failure).

(b) A State agency dissatisfied with a final action of the Secretary under section 606 or subsection (a) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but, until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary 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, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

ADVISORY COUNCIL ON YOUTH CAMP SAFETY

SEC. 609. (a) The Secretary shall establish in the Department of Health, Education, and Welfare an Advisory Council on Youth Camp Safety to advise and consult on policy matters relating to youth camp safety, particularly the promulgation of youth camp

safety standards. The Council shall consist of the Secretary, who shall be Chairman, and eighteen members appointed by him, without regard to the civil service laws, from persons who are specially qualified by experience and competence to render such service. Prior to making such appointments, the Secretary shall consult with appropriate associations representing organized camping.

(b) The Secretary may appoint such special advisory and technical experts and consultants as may be necessary in carrying out the functions of the Council.

(c) Members of the Advisory Council, while serving on business of the Advisory Council, shall receive compensation at a rate to be fixed by the Secretary, but not exceeding $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 5706 of title 5, United States Code, for persons in the Government service employed intermittently.

ADMINISTRATION

SEC. 610. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress at least once in each fiscal year a comprehensive and detailed report on the administration of this title.

(b) The Secretary is authorized to request directly from any department or agency of the Federal Government information, suggestions, estimates, and statistics needed to carry out his functions under this title; and such department or agency is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary.

(c) Nothing in this title or regulations issued hereunder shall authorize the Secretary, a State agency, or any official acting under this law to restrict, determine, or influence the curriculum, program, or ministry of any youth camp.

AUTHORIZATION

SEC. 611. There are authorized to be appropriated to carry out the provisions of this Act the sum of $3,000,000 for the fiscal year ending June 30, 1972, and for each of the five succeeding fiscal years.

Mr. RIBICOFF. Mr. President, by the time school starts again this fall, nearly 7½ million boys and girls will have spent part or all of their summer vacation at camp. For the vast majority of these youngsters, it will have been an experience they will long remember. For a few, however, it has meant injury or death—a nightmare neither child nor parent can ever forget.

The basic reason for these tragedies is the almost complete lack of safety standards for our Nation's 10,000 camps. Undoubtedly thousands of camps are safe and we would not hesitate sending our children or grandchildren to them. The problem is how to find the safe camps.

Most States provide little or no supervision to protect children from the kind of accidents that can cripple or kill. Based on the best information available, the leading cause of camp fatalities is drowning, which kills an estimated 40 youngsters each summer. Yet 40 States have no requirements for counselors who oversee water activities.

Twenty-four States require no license or set no standards for camps. Only 15 States have any camp safety legislation. Only 26 regulate sanitation and 46 have no laws concerning personnel.

This almost complete absence of State regulations has meant that private camping organizations have had to establish and police their own standards. The American Camping Association, the scouting organizations, the Association of Private Camps and church-orientated groups have all made a substantial contribution to better camping. These organizations are to be commended for taking the initiative where the Government has failed.

Too many camps across the Nation, however, do not belong to any of these organizations and do not follow their advice. Even if a camp does belong to one of the organizations, the organization can do little to enforce its standards.

The failure to establish adequate standards for many of our camps has had tragic consequences across the Nation. Ever since I became active in this field, I have heard enough horror stories to convince me that governmental protection for our youngsters is an absolute necessity.

Three years ago in California, four children were killed and 58 others injured when the flatbed truck they were riding on overturned on an expressway.

One warm day in July a few years ago a group of touring youngsters from an American camp paused on their way up an 11,000-foot mountain in Canada's snowcapped Rockies. At 8,600 feet their adult leader dropped out of the climb, but he gave the boys permission to scale the peak that is shunned even by skilled alpinists in warm weather.

Clad lightly, 11 of the 16 youths had struggled to 9,500 feet when sun-softened snow rumbled above them for an instant and then swept seven boys to their deaths 1,000 feet down the mountain.

Just last summer a schoolbus carrying day campers from Long Island overturned in western Pennsylvania killing seven and seriously injuring 51 others. The truck was driven by a man who did not even have a driver's license.

Accidents such as these get headlines in the press, but are soon forgotten. We are never told of the thousands of individual injuries, some fatal, which occur each summer. In fact, no one really knows how many youngsters are injured.

The only real camp safety survey took place 42 years ago when a group of distinguished youth leaders and camping enthusiasts met in New York City to discuss camping in general. It was the consensus of this group that the time had come to establish minimum standards for camp health and safety.

The group commissioned a nationwide camp safety study which remains today the only full study of the situation. The report concluded that 65 percent of all accidents at camp could have been prevented by better supervision or higher standards of camp maintenance and administration. Only a quarter of the accidents were attributable to the camper's negligence, and half of these could have been prevented with more adequate supervision.

A high percentage of the injuries covered by this report were due to faulty structures, dangerous pathways, and the very location of the camp itself. Despite this report, however, the call for action issued in 1929 has never been answered.

This deplorable situation was brought to my attention by Mitch Kurman, a constituent of mine from Westport, Conn. In 1965, Mr. Kurman chose an upstate New York camp which offered canoe trips for his 15-year-old son. Like every other parent, he simply assumed the camp was safe and that his boy would have a wonderful summer.

One night he received word that his son had drowned in a canoeing accident on a branch of the Penobscot River in Maine. On checking into what was first considered to be an unfortunate accident, he learned from other campers on the trip and from Ontario and Maine police that his son's young counselor had previously had a narrow escape on a river he had been warned against and that a forest ranger had specifically warned the same counselor not to challenge the Penobscot. The counselor ignored all these warnings and led his charges down a stretch of river which has been described as "wilder than the Niagara gorge" in canoes that lacked fast water safety equipment such as life presevers or ropes.

Since that time Mr. Kurman has become a crusader for greater camp safety. He has been a vigorous supporter of the amendment I introduce today as part of his unceasing efforts to insure that no more parents have to face the agony he experienced.

It has been 6 years since Mr. Kurman's son died. The question which must be asked is how many other youngsters have also perished in camping accidents in those 6 years and how many more will die before we take action.

We can no longer play Russian roulette with the health and safety of our children and grandchildren. The camping industry has done its utmost to police itself, but has found it to be an impossible task. The industry supports the amendment, concerned parents support the amendment, and I would hope that the U.S. Senate will support the amendment.

Under my proposal, the Secretary of Health, Education, and Welfare, in consultation with camping and safety experts, would establish camp safety standards after surveying existing safety standards published by State and private organizations and the effects of these standards.

The Federal Government will not itself certify camps. This will be done by the States.

After publication of the standards, each State will be encouraged to establish its own camp safety program.

If the State's plan meets Federal standards, the Secretary is authorized to pay up to 50 percent of the cost—but not exceeding $50,000 per fiscal year—of developing and administering the program.

A camp certified by the States as complying with the Federal standards will be authorized to advertise such compliance. This will allow parents to choose with certainty a safe camp for their children.

If, after appropriate notice and hear-

ings, the Secretary disapproves a State's plan or withdraws his approval of a plan, the State has the right to appeal to the U.S. Court of Appeals.

The cost of this program will be minimal—especially when compared to the cost in unfulfilled lives which will otherwise result.

I hope that the Senate will accept this important amendment which was cosponsored as S. 922 by the distinguished chairman of the Labor and Public Welfare Committee (Mr. WILLIAMS) and the distinguished chairman of the Subcommittee on Education (Mr. PELL) and by Senators BAYH, CASE, INOUYE, JAVITS, MCINTYRE, MAGNUSON, MUSKIE, and WEICKER.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, speaking as the manager of the bill, we have discussed this amendment with the Senator from Connecticut and also within the committee, and while it does not deal with the field of higher education, it would seem most acceptable to us. In fact, the chairman of our full committee Senator WILLIAMS, the ranking minority member Mr. JAVITS, and I are cosponsors of the bill. Accordingly, depending on the wishes of the ranking members of the minority, I would be inclined to accept the amendment.

Mr. JAVITS. Mr. President, I agree with the Senator from Rhode Island on the acceptance of the amendment. Although it is not precisely and exactly related to higher education, it does relate to the client population, if you will, and in view of the fact that it seems not to be arousing any opposition or objections in the Senate, I hope we may take it to conference.

The PRESIDING OFFICER. Who yields time?

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

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

The PRESIDING OFFICER (Mr. BEALL) All remaining time having been yielded back, the question is on agreeing to the amendment (No. 385) of the Senator from Connecticut.

The amendment was agreed to.

AMENDMENT NO. 384

Mr. DOMINICK. Mr. President, I call up my amendment No. 384, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

AMENDMENT NO. 384

TITLE VI—FOREIGN SERVICE SCHOLARSHIP PROGRAM

SEC. 601. (a) This title may be cited as the "United States Foreign Service Scholarship Program Act."

(b) The Higher Education Act of 1965 is amended (1) by redesignating title XII and sections 1201, 1202, 1204, and 1205, and all references thereto, as title XIII and sections 1301, 1302, 1303, and 1304, respectively, and (2) by inserting after title XI a new title as follows:

"TITLE XII—UNITED STATES FOREIGN SERVICE SCHOLARSHIP PROGRAM

"ESTABLISHMENT OF SCHOLARSHIP PROGRAM

"SEC. 1201. The Congress recognizes that the world and the universe are growing smaller in terms of time and space which necessitates now, and will demand in the future, constant informed contact, knowledge, and understanding among all the peoples of the world in diplomatic, cultural, and commercial exchanges. The success of these exchanges and the survival of the world may depend upon the ability, education, training, and intelligence of the men and women charged with responsibilities relating to the foreign affairs of the United States. To assure that there is adequate opportunity for the young men and women of the United States to enter this vast field with the best possible training of their natural abilities and to advance the professional education and training of the officers and employees of the Government currently engaged in the field of foreign affairs, there is hereby established, as provided in the succeeding provisions of this title, a United States Foreign Services Scholarship Program (hereinafter refered to as the 'Program'). The members of the Program shall be all students admitted to the Program under section 1205, and all officers and employees of the Government admitted to the Program under section 1207, who are enrolled in a program of education, training, or research, or a course of study, approved by the Board under section 1204.

"DEFINITIONS

"SEC. 1202. As used in this title—

"(a) 'Government' means the Government of the United States;

"(b) 'non-Federal institution of higher education' means an institution of higher education which is not owned or substantially controlled by the Government of the United States;

"(c) 'Board' means the Board of Trustees of the Program;

"(d) 'department or agency' means an executive department, a military department, an independent establishment, or a Government corporation as specified in chapter 1 of title 5, United States Code;

"(e) 'training month' means any month during which a member of the Program admitted under section 1205 is taking at least the minimum level of credit hours in a full-time course of study prescribed by the Board, or is taking field training as assigned by the Board; and

"(f) 'dependent', when used in relation to a dependent of a member of the Program admitted under section 1205, means an individual who qualifies as a dependent of such member under section 152 of the Internal Revenue Code of 1954, as amended.

"BOARD OF TRUSTEES

"SEC. 1203. (a) The management and supervision of the Program shall be vested in a Board of Trustees. The Board shall develop and support, as provided hereinafter, programs of education, training, and research in the field of foreign affairs, designed to prepare, or advance the qualifications of, members of the Program for service with the United States in positions or programs related to such field.

"(b) The Board shall consist of the Secretary of State, four persons experienced in higher education or training and education in foreign affairs, to be appointed by the President, two members of the United States Senate to be appointed by the Vice President, and two members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Not more than one of the trustees appointed from the Senate nor one of the trustees appointed from the House of Representatives shall be of the same political party.

"(c) (1) The term of each member of the Board appointed from the Senate and the House of Representatives shall be two years.

"(2) The term of each member of the Board appointed by the President shall be four years; except that of the first four persons appointed by the President two shall be designated to serve for two years and two shall be designated to serve for four years.

"(3) Members of the Board shall be eligible for reappointment.

"(d) Vacancies created by death or resignation shall be filled in the same manner in which the original appointment was made, except that the person appointed to fill the vacancy shall be appointed only for the unexpired term of the trustee whom he shall succeed.

"(e) Members of the Board shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

"ESTABLISHMENT OF SCHOLARSHIP PROGRAMS

"SEC. 1204. (a) In order to carry out the purposes of this title, the Board is authorized and directed to make arrangements with qualified non-Federal institutions of higher education providing for the admission of qualified members of the Program to such institutions for their enrollment in programs operated by and at such institutions which are designed to—

"(1) enable qualified students who are admitted to the Program pursuant to section 1205 to pursue full-time courses of study relating to the field of foreign affairs and leading to the granting of an undergraduate or graduate degree;

"(2) enable qualified officers and employees of the Government having duties or responsibilities in the field of foreign affairs who are admitted to the Program pursuant to section 1207 to pursue, on a voluntary basis and on such terms and conditions as the Board may prescribe, professional education, training, and research activities relating to the field of foreign affairs, including selected subjects from a general curriculum, or to pursue full-time courses of study relating to the field of foreign affairs and leading to an undergraduate or graduate degree; and

"(3) enable selected members of the Program to engage in research activities approved by the Board relating to the field of foreign affairs.

In addition, such arrangements shall provide for a program of appropriate orientation and language training by and at such institutions for members of the families of persons admitted to the Program or of officers and employees of the Government who are not members of the Program, but have duties or responsibilities in the field of foreign affairs, in anticipation of, or on account of, the assignment of such members of the Program or officers or employees of the Government to a foreign country or area.

"(b) In carrying out its functions under subsection (a), the Board shall not enter into any arrangement with a non-Federal institution of higher education unless such arrangement provides that such institution will offer to members of the Program, as a part of its curriculum, courses of study or activities of education, training, or research in the field of foreign affairs approved by the Board as satisfactory of, in order to prepare, or advance the qualifications of, members of the Program for service with the United States in positions or programs related to the field of foreign affairs.

"(c) The Board shall, pursuant to guidelines established after consultation with departments and agencies of the Government concerned with future personnel needs in the field of foreign affairs, determine the number of persons who may receive instructions and training under the Program. Not more than three thousand five hundred students may be admitted under section 1205 as new members of the Program in any academic year for the purpose of pursuing courses of study leading to an undergraduate degree, and not more than fifteen hundred students may be admitted under section

1205 as new members of the Program in any academic year for the purpose of pursuing courses of study leading to a graduate degree.

"NOMINATION AND ADMISSION OF STUDENTS INTO PROGRAM

"SEC. 1205. (a) The Board shall provide for the holding of annual competitive undergraduate and graduate examinations to determine the admission of applicants into the Program from among students who are nominated pursuant to subsection (c). Such examinations shall test the intellectual capacities and training of the applicant and his aptitude for service in the field of foreign affairs. The Board shall develop such examinations in consultation with non-Federal institutions of higher education with which it has made arrangements under section 1204.

"(b) Applicants for the annual undergraduate examination held by the Board shall be citizens of the United States who are graduate of, or attending, a public secondary school in, or any private secondary school accredited by, a State, or a public or private secondary school in a foreign country which in the judgment of the Board provides an educational program for which it awards a certificate of graduation generally accepted as constituting the equivalent of that awarded by secondary schools accredited by a State. Applicants for the annual graduate examination held by the Board shall be citizens of the United States who are graduates of, or attending, an institution of higher education in the United States or of an institution of higher education in a foreign country which provides an educational program for which it awards a degree which in the judgment of the Board is generally accepted as constituting the equivalent of a bachelor's degree awarded by similar institutions in the United States. No applicant shall be eligible to take any such examination unless he has first been nominated pursuant to subsection (c).

"(c)(1) A total of eight thousand four hundred and twenty-four applicants shall be nominated each year to take the annual competitive examinations held by the Board as follows:

"(A) two hundred and twenty from the United States at large as follows:

"(i) one hundred nominated by the President,

"(ii) sixty-six nominated by the Vice President, and

"(iii) fifty-four nominated by the Secretary of State;

"(B) thirty from each State, fifteen nominated by each Senator from the State;

"(C) fifteen from each congressional district, nominated by the Representative from the district;

"(D) three from each State nominated by the Governor of the State;

"(E) seven from the Commonwealth of Puerto Rico, nominated by the Resident Commissioner from Puerto Rico;

"(F) ten from the District of Columbia, nominated by the Commissioner of the District of Columbia;

"(G) three from the Virgin Islands, nominated by the Governor of the Virgin Islands;

"(H) three from American Samoa, nominated by the Governor of American Samoa;

"(I) three from Guam, nominated by the Governor of Guam; and

"(J) three from the Canal Zone, nominated by the Governor of the Canal Zone.

"(2) No person may be nominated under clauses (B) through (I), inclusive, of paragraph (1) unless such person is domiciled in the State, or in the congressional district, from which such person is nominated, or in the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, or Guam if nominated from one of those places. To be eligible for nomination by the Governor of the Canal Zone, a person must be a resident of the Canal Zone, or a member of the family of a resident of the Canal Zone, or a member of the family of a civilian officer or employee of the United States or the Panama Canal Company residing in the Republic of Panama.

"(3) After the initial three years of operation of the Program, if the Board determines that the total number of applicants who will be qualified and admitted as new members in the Program prior to the beginning of any academic year under this section for the purpose of pursing courses of study during such academic year leading to undergraduate or graduate degrees, respectively, will be below the total number of applicants who may be so admitted to the Program in accordance with section 1204(c), the Board may nominate to take a competitive examination held prior to such academic year, and select for admission to the Program, in the order of merit established by such examination, such additional number of eligible applicants as the Board finds will be necessary to meet the needs of the Program in such academic year and will not exceed the limitations set forth in section 1204(c).

"(d) Applicants under this section shall be selected for membership in the Program in the order of merit established by the annual examinations held by the Board pursuant to this section, but no person shall be eligible for admission as a member of the Program unless he is a graduate of a public or private secondary school described in subsection (b) in the case of a student intending to pursue a course of study leading to an undergraduate degree or a graduate of an institution of higher education described in subsection (b) in the case of a student intending to pursue a course of study leading to a graduate degree.

"(e) Except as provided in this section, no competitive or other similar examination shall be required for admission of any person as a member of the Program under this section.

"COMPENSATION AND REPAYMENT OF EXPENSES AND SUBSISTENCE FOR STUDENT MEMBERS

"SEC. 1206. (a) Members of the Program who are admitted under section 1205 and are maintaining satisfactory progress in, and taking at least the minimum level of credit hours in, full-time courses of study as prescribed by the Board shall be compensated for tuition, texts, laboratory fees and associated course materials, and shall receive subsistence payments as provided in this section. No compensation or payments shall be made except in accordance with procedures established by the Board to assure their accuracy and appropriateness.

"(b) The subsistence payments which shall be payable under this section are as follows:

"(1) A single student member shall receive $200 subsistence pay per training month.

"(2) A married student member having a dependent spouse shall receive $250 subsistence pay per training month, and if they have a dependent child or children and additional allowance of $30 for each dependent child shall be paid per training month.

"(3) Where both a husband and wife member are students under the Program and are cohabiting, their joint subsistence pay shall be $300 per training month, and if they have a dependent child or children an additional allowance of $30 for each dependent child shall be paid per training month.

"(4) Where both a husband and a wife member are students under the Program and are legally separated they each shall receive the same subsistence pay per training month as would a single student, but if either spouse has a dependent child or children an additional allowance of $30 per training month shall be paid to the entitled spouse for each dependent child.

"(5) Student members shall be granted an additional allowance of $30 per training month for each dependent not a spouse or a child of such student member.

"ADMISSION OF GOVERNMENT OFFICERS AND EMPLOYEES INTO THE PROGRAM; EXPENSES AND COMPENSATION

"SEC. 1207. (a) The head of each Government department or agency is authorized (1) to select officers and employees of such department or agency who may volunteer to be admitted to the Program to pursue education, training, or research or a course of study within the Program, (2) to pay all or any part of the pay (except overtime, holiday, or night differential pay) of any such officer or employee so selected for the period of such education, training or research, or course of study, as a member of the Program, and (3) to pay or reimburse such officer or employee for all or part of the necessary expenses of such education, training, or research, or course of study, without regard to section 529 of title 31, United States Code, including the necessary costs of (A) the travel expenses of such officer or employee and the transportation expenses of his immediate family, (B) the expenses of packing, crating, transporting, and temporarily storing, draying, and unpacking his household goods and personal effects to the extent authorized by section 5724 of title 5, United States Code, (C) purchase or rental of books, materials, and supplies, and (D) all other services or facilities directly related to the education, training, or research, or course of study of such officer or employee within the Program. The head of each Government department or agency shall prescribe, with the approval of the Board, limitations concerning the number of officers and employees of such department or agency who may be selected for admission to the Program at the same time and the period of time which may be spent by such officers and employees in study, training, or research, or a course of study within the Program. The provisions of section 1206 shall not apply to any Government officers or employees admitted to the Program under this section.

"(b) Appropriations made available to any Government department or agency or the payment of salaries and expenses of officers and employees of such department or agency shall be available for making payments under this section to members of the Program selected from such department or agency.

"(c) During any period for which any Government officer or employee who is admitted to the Program under this section is separated from his usual duties of employment with any Government department or agency for the purpose of education, training, or research or a course of study within the Program, such officer or employee shall be considered to have performed service, as an officer or employee of such department or agency at the rate of compensation received immediately prior to commencing such education, training, or research or course of study (including any increase in compensation provided by law during the period of such activity) for the purposes of (1) retirement pensions including when applicable civil service retirement pensions as provided in subchapter III of chapter 83 of title 5, United States Code, (2) life insurance including when applicable Federal employees group life insurance as provided in chapter 87 of title 5, United States Code, and (3) health insurance including when applicable Federal employees group health insurance as provided in chapter 89 of title 5, United States Code.

"(d) Each Government officer or employee who is admitted to the Program under this section shall, on completion of the period of education, training, or research or a course of study within the Program, be entitled to continue service in his former position or a position of at least like seniority and status

in the department or agency from which he was selected for such education, training, or research or course of study and shall be entitled to at least the rate of basic pay to which he would have been entitled had he continued in his usual service with such department or agency. On resumption of his usual duties with such department or agency, the department or agency shall restore such officer's or employee's sick leave account, by credit or charge, to its status at the time he commenced education, training, or research or a course of study within the Program.

"AGREEMENT TO ENTER INTO OR CONTINUE GOVERNMENT SERVICE AFTER COMPLETING THE SCHOLARSHIP PROGRAM

"SEC. 1208. The Board shall obtain from each person admitted to the Program, other than members of a family receiving orientation or language training under section 1204(a), such agreement as the Board may deem necessary to assure that such person will accept employment with the United States, unless already so employed, and will remain in the employ of the United States, wherever assigned by the employing department or agency, for such period after completion of their education, training, research, or course of study within the Program as is prescribed by (1) the Board in the case of students admitted to the Program under section 1205, or (2) the head of the employing department or agency in the case of Government officers and employees selected for admission to the Program from such department or agency under section 1207.

"ASSIGNMENT OF STUDENT MEMBERS FOR FIELD TRAINING AND GOVERNMENT SERVICE

"SEC. 1209. (a) During the course of study leading to an undergraduate or graduate degree, each student admitted to the Program under section 1205 may be assigned at the discretion of the Board for field training with any program of the Government relating to the field of foreign relations conducted by any department or agency of the Government. The period of field training assignment for a member of the Program under this subsection may not exceed two consecutive months in any calendar year during the first three years of undergraduate study, nor more than six consecutive months during the fourth year of undergraduate study or any academic year of graduate study.

"(b) Except as otherwise provided by any law of the United States or regulation prescribed by the Board, each student admitted to the Program under section 1205 shall, upon satisfactory completion of his course of study leading to an undergraduate or graduate degree, or within such period of time thereafter as the Board finds to be reasonable to prepare and submit any thesis or dissertation related to his course of study, be available for assignment in the discretion of and by the Board (1) for hiring or appointment by the United States in connection with any program of the Government relating to the field of foreign affairs conducted by any department or agency of the Government, or (2) if such member has completed a course of study leading to a graduate degree, for one year of specialized study in a particular foreign country or area in which he may later be assigned for Government service.

(c) Prior to making any assignments under this section, the Board shall consult with interested departments and agencies of the Government to determine the personnel requirements of their programs relating to the field of foreign affairs. To the extent practicable, members of the Program shall be assigned in accordance with their preferences for a particular Government program.

"ROTATION FOR SERVICE IN THE UNITED STATES

"SEC. 1210. All members of the Program who have satisfactorily completed their education, training, or research, or course of study within the Program and are employed by, or remain in the employment of, the United States under this title shall be assigned to Government duties within the United States for a minimum of one year during every five that they are employed in any Government program in the field of foreign affairs; except that the provisions of this subsection may be waived when the United States is at war as declared by Congress.

"STAFF OF BOARD

"SEC. 1211. (a) The Board may appoint and fix the compensation of a staff consisting of not more than five professional staff members and such clerical staff members as may be necessary. Such appointments shall be made and such compensation shall be fixed in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(b) The Board may designate one member from the professional staff who shall serve as the chief staff officer of the Board and shall exercise, under the supervision and in accordance with the policies of the Board, such of the powers and duties granted to the Board as it deems appropriate.

"(c) The Board may procure such temporary and intermittent services as are authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

"ACQUISITION OF REAL OR PERSONAL PROPERTY BY BOARD

"SEC. 1212. The Board shall have the power to acquire and hold property, real or personal, and to receive and accept money or other property, real or personal, bequeathed, devised, or donated, and to use, sell, or otherwise dispose of such property for the purpose of carrying out this title.

"PROHIBITION AGAINST ESTABLISHMENT OF ACADEMY

"SEC. 1213. Nothing in this title shall be construed to authorize the Board to establish any educational institution, or to appoint or hire any person to serve on the faculty or staff of any educational institution.

"AUTHORIZATION

"SEC. 1214. There are hereby authorized to be appropriated to the Board to carry out the purposes of this title (other than section 1207), $15,000,000 for the fiscal year ending June 30, 1972; $30,000,000 for the fiscal year ending June 30, 1973; $45,000,000 for the fiscal year ending June 30, 1974; and $60,000,000 for the fiscal year ending June 30, 1975."

The PRESIDING OFFICER. Is this the Senator's 3-hour amendment?

Mr. DOMINICK. Yes, it is, and I want to say to my colleagues that I hope to be taking no more than 10 minutes of the total time, and perhaps not that much.

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

Mr. DOMINICK. In just a moment. First of all, I ask that the amendment be modified with respect to the title, to make it title VII, in order not to overrule the Ribicoff amendment which has just been agreed to as title VI.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. DOMINICK. I am happy to yield to the Senator from New York.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may have, to assist me on the floor, Mr. Charles Warren, for the remainder of the day. He is on all the bills I am involved in. I also ask unanimous consent to have present in the Chamber on this particular bill Roy H. Millenson of the committee staff.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, what was the Senator's request?

Mr. JAVITS. Not for rollcalls. Just the same people I had this morning.

Mr. BYRD of West Virginia. Not for rollcall calls? I have no objection.

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

Mr. DOMINICK. Mr. President, this amendment is entitled the "U.S. Foreign Service Scholarship Program," and it represents bills which have been reported favorably out of the Committee on Labor and Public Welfare three times, but have not yet been acted on by the Senate as a whole.

During the course of hearings on the bill, it was endorsed by approximately 40 prominent educators and experts in the field of national affairs and foreign policy. The U.S. Foreign Service program, hereinafter referred to as the program, received such comments as:

Dr. Philip Mosley, associate dean, faculty of international affairs, Columbia University:

It is excellent in both its broad purposes and its realistic provisions for execution of the program. Because of the strenuous efforts made since 1945 by universities and colleges, and by several foundations, the institutions of the country offer a wide range of intensive programs on international affairs generally and on the intensive study of most of the areas of the world. Your bill provides a flexible and efficient way of tapping these large resources of training and research. . . . It could make a tremendous difference in the awareness of our people about our responsibilities in world affairs and in the effectiveness of both the study and the conduct of our foreign policy in its very wide ramifications.

William Langer, professor of history, Harvard University, and former member of the Advisory Board of the Foreign Service Institute:

I am well acquainted with the problems of training for service abroad. I have therefore read your bill with great interest. I think it is an excellent bill that will do much to strengthen our staffs abroad. I trust that it will soon be enacted into law.

Dr. Gerard J. Mangone, Woodrow Wilson International Center for Scholars, Washington, D.C.:

Having trained young American men and women for the Peace Corps, having interviewed them in India, Tanzania, Afghanistan, Nigeria, and Peru, I would maintain that Congress had wisely approved Peace Corps legislation that enormously enriched the United States; not in narrow monetary or vocational terms, but in strengthening the imagination, logic, and compassion of tens of thousands of young people who now bear the responsibility for the future of the United States. Yet when I traveled around the world in 1961, the professionals in the American missions were appalled at the idea of hundreds of young people arriving in the developing countries to assist in teaching, health, agriculture, and marginal economic productivity tasks.

Similarly fellowships for foreign service education will benefit the United States not only by preparation for a professional career, but by endowing tens of thousands of bright Americans with the liberal ideas that underlie this republic.

Dr. Mangone continues:

Surely there can be no doubt of the need for public support in this area. The United States has already veered its national policy and educational system inward. Private support for foreign study and international relations has been dropping. And the high costs of college education cruelly discriminate against the poor. Eighty per cent of those children whose parents earn above $15,000 a year go to college; only 50 per cent of those children whose parents earn from $7,500 to $10,000 a year go to college; and at $4,000 the figure drops to 30 per cent. Education for foreign service is an excellent medium to enhance the selection of future leadership in a republic and to replenish the reservoir of liberally-educated persons in a democratic society. I respectfully urge favorable consideration of Senate bill 390.

Samson B. Knoll, dean of the faculty, the Monterey Institute of Foreign Studies, Monterey, Calif.:

I shall like to speak not as one professionally engaged in training students for foreign service, but as a teacher and educator concerned with the welfare and the future of this nation. To me, one of the most vital aspects of the proposed bill is the provision that the program be supported in educational institutions throughout our country. This will prevent rigidity and formality which always threaten training for a specific purpose. Enabling the recipients of Foreign Service Scholarships to take their training at institutions of their choice (which, of course, must qualify), will ever bring fresh ideas and fresh approaches to the study, and thereby to the conduct of foreign affairs.

Peter F. Krogh, dean, Georgetown University, School of Foreign Service, Washington, D.C.:

There is a great and urgent need for a scholarship program which would assist a representative and highly motivated group of United States citizens to gain a higher education in international relations. The need is great for the reasons set forth in the first section of the bill (1201) to which could be added the statement of Dr. Robert Hutchins that all problems are now world problems and what the world needs is citizens to solve them. The need is urgent because we are in danger, in this country at this time, of precipitously turning our backs on foreign affairs in favor of exclusive concentration on domestic problems. The provision of scholarship assistance to students of international relations could help to keep us looking outward. It could prevent the country from putting on international blinders at a time when it needs all the lateral vision it can command.

Essentially what my amendment would do is provide education and training of our most valuable international commodity—our international representatives—through undergraduate and graduate scholarships, and inservice training, education and research programs. It would complement the institutional grants of section 182 of S. 659 by providing qualified students to study at the federally supported international centers. More importantly, the amendment would represent a step toward and a national commitment to bettering our international knowledge and understanding.

The scope of our increasing involvement in international relations is best illustrated by U.S. Civil Service Commission figures of January 1971, which indicate that a total of 59,832 Federal civilian employees represented our Government overseas, 35,831 serving in foreign countries and 24,001 serving in U.S. territories. Additionally, recent information obtained from the major agencies indicate that approximately 6,000 Federal employees working stateside hold positions requiring continuous contact with foreign countries and foreign nationals. Thus, approximately 66,000 Federal employees hold positions demanding varying degrees of foreign affairs-related training.

My amendment would furnish qualified persons for replacement and expansion of this Federal diplomatic work pool by utilizing the existing facilities and expertise of U.S. educational institutions, public and private. There are presently 77 institutions located in 31 States, the District of Columbia, and Puerto Rico offering curriculums in international relations and 41 institutions in 21 States and the District of Columbia having Foreign Service and diplomacy curriculums. Once these institutions receive Board approval, they would be able to enroll eligible students under the undergraduate and graduate scholarships of the program.

If the resources of these institutions are properly tapped by the program, the Federal Government will be the recipient of educations and philosophies shaped by a variety of educational backgrounds from diverse sectors of American life which will expand our whole concept of foreign affairs education and practice.

The major strength of the Foreign Service scholarship program is that it is just that—a scholarship program. As such, it is not an academy program requiring large capital outlays for buildings, grounds, and equipment rather than availing the money for investment in students at existing institutions. In fiscal year 1967, the cost of commissioning an officer from a service academy varied from $40,200 at the Naval Academy to $50,993 at the Air Force Academy. During the same year, a scholarship program similar to S. 390, the ROTC program, graduated Regular officers at a cost of $6,000 per officer for the Air Force and $11,201 for the Navy. Additionally, academy training would provide excellent specialists in limited fields but would be unable to provide the breadth of curriculum necessary to train persons for our own divergent foreign affairs needs.

Equally important is the program's statement of national commitment to a program of bettering the Nation's foreign affairs personnel. The amendment would place international diplomacy on an educational scale of importance equal to that of training doctors, teachers, military officers, and football players. This recognition is particularly important because governmental positions in foreign affairs have traditionally required a level of education or training comparable to at least that of a college graduate. In the past, there has been no federally supported undergraduate scholarship programs for foreign affairs students. This has severely limited Government recruitment in this area, because today many of the Nation's most able young people begin to acquire a sense of direction and purpose and commitment toward lifetime careers while they are still in high school. Most professional and vocational fields are competing for these students through undergraduate scholarship programs leading to careers in those fields. But the young man or woman at this 18- to 20-year-age level, who aspires for a career in foreign affairs, has never heretofore been able to see any educational programs which would lead in this direction, or any forms of scholarship assistance, indicating that the Nation attaches a high priority to careers of this kind. The Government should not be limited to competing for a graduate-level talent pool depleted by those students who committed themselves earlier in their educational process.

The Foreign Service scholarships would also provide access to those talented, economically disadvantaged, high school students who, in the past, have never had the opportunity to either enter or complete college.

The net effect of the student scholarship programs of the amendment is to make a foreign affairs career in some governmental department or agency a reality to not just a selected few, but to all qualified students. The beneficiary of such an expanded talent pool will be the United States and those countries that deal with her.

In addition to being favorably reported out of the Committee on Labor and Public Welfare on three occasions, the predecessor of this amendment, S. 390, was unfavorably reported out of the Committee on Foreign Relations on June 24, 1971. The primary reason for the committee's unfavorable report was the State Department's strong opposition to the bill. The State Department opposed the bill, despite great enthusiasm for the program by two of the State Department's eminent former directors of the Foreign Service Institute.

Last January, Ambassador Parker Hart, president of the Middle East Institute, testified that—

I support the bill, particularly because the Foreign Service does not have, at the present time, a real constituency in the United States.

Ambassador Hart submitted a general statement of support for the hearing record of June 18, 1971, also. Ambassador George Allen, prior to his untimely death, testified on behalf of the 91st session bill, S. 939, and was an active supporter of it. He was particularly attracted to the wide participation of American colleges and universities available under the bill and thought that it offered a viable remedy to the defect that "the Foreign Service is already rather inclined to be cliquish." Also, Ambassador Allen thought that a 4-year academic testing period offered a better procedure of Foreign Service officer selection than through a 1-hour examination.

The State Department's opposition to the program is somewhat suspect in view of what Deputy Director General of the Foreign Service, Howard Mace, told the Education Subcommittee last January. Mr. Hace testified that—

First of all, we don't believe that it is necessary to have an additional authority to obtain qualified younger officers for the Foreign Affairs community in that we find that

there are ample applicants among the university graduates, including graduate students, to compete for the present competitive examinations for appointment.

This is particularly confusing in view of the State Department's traditionally defective recruitment of minorities. As of November 1967, only 19 Negroes, 16 Spanish Americans, nine orientals, and no American Indians were in the Foreign Service Officer Corps of 3,453 officers.

The State Department Task Force report completed last year, "Diplomacy for the 70's: A Program of Management Reform for the Department of State," found that—

Conventional recuritment methods are not successful in attracting minorities to the Foreign Service. For example, college recruiters were sent to 19 predominantly black colleges in the fall of 1969 to encourage black students to take the FSO written examination. Only 13 students from these schools took the written examination. Six passed.

Highly capable minority candidates are difficult to recruit because few have had any exposure to the Foreign Service as a career possibility and because the best of such candidates receive job offers from other employers who have aggressive minority programs and who offer better salaries and at least comparable responsibility. Also, other able minority candidates who for cultural or educational reasons are unable to pass the written or oral examinations must be identified, encouraged, trained and their skills developed.

To improve minority recruitment practices, the task force recommends, among other things:

For those minority candidates who exhibit high potential but who might need a training program to make them competitive with other candidates, a combined work and study program be instituted. It would emphasize improving communications skills, and include courses in international affairs, American history, government and culture, all aimed at correcting gaps in the candidate's academic preparation.

Perhaps sufficient qualified applicants are available for State Department positions, but quite obviously there are not enough qualified applicants representative of our whole varied society to compete for the positions. It is incomprehensible to me how the State Department can oppose a bill which would provide exactly the academic preparation for qualified, representative applicants that the task force recommends.

I singled out the State Department only because of what I considered to be unwarranted criticism of the program. I am certain that the same need for educationally qualified, representative applicants exists in all other agencies also. My amendment is directed toward training and educating all present and potential foreign affairs-related Federal personnel and not just those 3,400 active Foreign Service officers, or just those 9,946 State Department employees involved in international relations.

The mechanics of the program are quite simple. Management and supervision of the program would be vested in a nine-member Board of Trustees composed of the Secretary of State, four persons with education and foreign relations backgrounds appointed by the President, and two members each from the Senate and the House. The Board would make arrangements with qualified non-Federal institutions of higher learning to provide for the admission of qualified members of the program to such institutions to pursue approved courses of study or research activities in the field of foreign affairs. The undergraduate and graduate scholarship programs would provide compensation for tuition, texts, laboratory fees, and subsistence payments for qualified students pursuing full-time courses of study relating to foreign affairs and leading to a degree at a Board-approved institution. Students would be selected for admission to the program through an annual nomination and competitive examination process. As many as 3,500 undergraduate and 1,500 graduate students could be admitted to the program each academic year from 8,424 applicants nominated. The maximum admission figures of 3,500 undergraduate students and 1,500 graduate students per year represent absolute ceilings. I would anticipate a smaller actual admission rate determined by personnel needs reflected by Board-set guidelines under section 1204(c) authority.

The nomination formula provides for 8,424 nominees to be chosen, most geographically, by various governmental officials. Some nominees would be selected from the United States at large. Others would be nominated by the Governors of each State, the Virgin Islands, Guam, American Samoa, the Canal Zone, and by the Commissioners of the District of Columbia and Puerto Rico. The greater number of nominations would come from each State where each Senator and Representative would nominate 15 students.

Once nominated, applicants would be selected for membership in the program in the order of merit established by the competitive examination. Once admitted, the students would be required to maintain satisfactory progress in at least a minimum level of full-time credit courses.

Government officers and employees having duties or responsibilities in the field of foreign affairs and selected by their department or agency heads would be admitted to approved institutions on a part-time basis to pursue education, training, and research activities relating to the field of foreign affairs, or to pursue a full-time course of study leading to an undergraduate or graduate degree. The Government department or agency enrolling officers and employees in the program would be authorized to continue paying such officers and employees their regular salaries as well as reimbursing them for necessary education, transportation, packing, storing, and other expenses incurred.

Each person admitted to the program would be required to make such agreement as the Board deemed necessary to insure that after completion of education, training or research within the program, such person would accept Federal employment or remain in Federal employment for a period of time as determined by the Board, in the case of the students, and the head of the employing department or agency in the case of Government officers and employees.

I believe that I should clarify a misconception, Mr. President, which might arise concerning the application of the program. The inservice training, education, and research programs contained in section 1207 are not intended to nor should they conflict with or supersede present inservice training provided by the Foreign Service Institute. State Department charts of Foreign Service enrollments for fiscal year 1970 substantiate what has been the traditional function of FSI, that of training State Department personnel—59.2 percent of total enrollment—and providing concentrated language courses—3,581 of the 6,023 non-State Department students took a language studies course. It is also interesting to note that 5,641 of the 14,748 FSI enrollments in fiscal year 1970 were for overseas classes. The chief function of section 1207 is not to provide either a concentrated language course or to train State Department personnel generally and Foreign Service officers specifically; rather, it is to utilize the diverse facilities available at our potentially eligible 118 institutions for the benefit of all 66,000 foreign affairs-related Federal civilian employees.

Mr. President, it is time that the United States adopt a national commitment to wage international understanding and cooperation rather than war. My amendment would effectively meld our greatest resources—our students, our educators and our educational institutions—toward this end. I urge its adoption.

Mr. PELL. I yield 5 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I may say that I am reasonably familiar with this matter. I know that the Senator from Colorado has been interested in it for a long time.

The bill was referred to the Committee on Foreign Relations after its consideration by the Committee on Labor and Public Welfare.

The chairman of the Foreign Relation Committee is not in the Chamber at this time, and other than the Senator from New York and the Senator from Rhode Island, I do not see any members of the Committee on Foreign Relations, so I would like to report what was done in the committee.

I realize that the Senator from Colorado is trying, among other things, to secure larger educational opportunities in the field of foreign affairs. He has suggested there is a kind of elite from which Foreign Service officers are selected. His purpose must be to try to spread scholarships across the country, to many schools, and to give opportunity to a larger number of persons, and perhaps from a broader base in our society.

I would point out that the committee, with the exception, I believe, of three members, recommended that the bill, now in the form of an amendment not be approved in its present form. The amendment provides that more than 8,000 students would be nominated each year to attend schools for study in the

field of foreign relations, and that all expenses and subsistence shall be paid. In addition to tuition, and other fees, as I recall, a subsistence allotment of $200 a month for a single student, and if married and there are children, additional subsistence sums would be provided. It would be a very expensive program to begin, for 8,000 students each year.

I might say there are not enough positions in the State Department. Foreign Service officers have been retired at the age of 45, and as I understand, and they cannot secure their retirement benefits until they are 60. So it is a problem now. The field is overcrowded.

I realize that the training that many would secure may be valuable in other fields—in the fields of teaching and business. It has some advantage in that respect.

But, because of the opposition in our committee and because there is such a small number here to consider the proposal of establishing 8,000 scholarships in the field of foreign relations, I oppose the amendment in its present form.

I do want to let the Senate know that we are voting for 8,000 scholarships a year when, at least in the Government, only a few positions would be available. This program calls for $30 million, $40 million, and $50 million a year. It deserves fuller consideration. I shall have to vote against it.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I am very familiar with this bill, being both a member of the Committee on Foreign Relations and of the Committee on Labor and Public Welfare. Hearings were held in the Committee on Labor and Public Welfare, and the Senator from Colorado made a very good case for his bill. He brought in many knowledgeable and prestigious witnesses. We in the committee respected his sincerety and interest in this matter, and the bill was reported with no adverse votes. Then we sent it to the Committee on Foreign Relations, with a time certain for reporting.

As the manager of the bill and as chairman of the subcommittee that reported Senator DOMINICK's bill favorably before, I would be inclined to recommend to my colleagues that we accept the amendment of the Senator from Colorado.

Mr. JAVITS. Mr. President, as is the Senator from Rhode Island, I am a member of the Committee on Foreign Relations; and I have listened with great sympathy—as I always do—to the views of the Senator from Kentucky (Mr. COOPER).

It is a fact that there is very deep disquiet about this program and this plan on the ground that it may be some recreation of a measure which was here and was the great favorite of and represented a great deal of attention by the Senator from South Dakota (Mr. MUNDT). Hence, the feelings on both sides sort of carried over to Senator DOMINICK's program.

But, Mr. President, I believe that now having cast this program in terms of scholarships in existing institutions, so that, unlike the so-called Freedom Academy, we no longer have the concern about some institutional ideological character to the program, for myself, I believe that Senator DOMINICK has surmounted the most potent argument of the opposition to the Freedom Academy.

I should also like to point out that, as is the case with other members of the Appropriations Committee—when I was a member of it—I have gone through a terrible trial in trying to get appropriations for the international education program of the United States, which for years has gone unfunded, as the International Education Act of 1966. Every once in a whole we try to take a poke at it with a small amount of money, but we really have not done anything about it. With the United States' role in the world what it is, I believe we have to be more creative than we are now about the few institutions, such as the Woodrow Wilson School and others at the various universities, which deal with this problem.

More in the nature of presenting the problem to us—House and Senate—so that we may creatively act on it, because I think Senator DOMINICK has presented to us a concrete proposal in an area in which action is needed, I would join Senator PELL in his willingness to take this title to conference.

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

Mr. DOMINICK. I yield.

Mr. BROOKE. This is certainly an excellent proposal by the distinguished Senator from Colorado. I do not have the amendment before me, but I do have his summary of the amendment.

As I understand it, under this program scholarship money would be available, as well as subsistence and book money, for a full-time course of study leading to an undergraduate or graduate degree.

Mr. DOMINICK. The Senator is correct.

Mr. BROOKE. Is it the intention of the Senator from Colorado that, after obtaining a graduate or undergraduate degree, the student would have to come back and work in the Foreign Service?

Mr. DOMINICK. Yes. In view of the money that would have been advanced by the Government, he would be making at least a moral commitment to come ahead and take a job if one is available. Obviously, if there are no provisions such as this, he could go into what other field he wanted. The board would determine, in each year, how many scholarships they would give out.

Mr. BROOKE. This differs from, say, a medical scholarship, where the medical student, after graduation, would have to spend x number of years in the military service. In this case, a pool of Foreign Service people would be created; and they may or may not, depending upon the availability of jobs, come into the Foreign Service even after they have received education totally at the expense of the Federal Government.

Mr. DOMINICK. That would be correct, except that the option is the Government's, not the individual's. In other words, if there are provisions to call them in and say, "You have this obligation—"

Mr. BROOKE. There would be a moral obligation, then, to accept if the job were offered. But if, after a student received his academic degree, he decided he did not want to stay in the field of foreign service but might want to go on into law school and practice law, he would then have received training by the Federal Government and yet have no legal obligation to come into the Foreign Service.

Mr. DOMINICK. I would say to my very good friend that he has raised a very good point. The difficulty in answering his question is that I do not think we can force anyone to take on any kind of job. Under the law of contracts, as the Senator knows better than I do, there is no contractual business arrangement by which we can force a person to perform, or even to get damages from them in the event they do not. That is why I refer to the moral obligation. They do have to serve if there are jobs available, but the question is, If they do not, what can we do about it? That is what I was saying, in the process of my colloquy with the Senator, of its being a moral obligation as opposed to a legal obligation. We can throw them into the draft or do something like that, but they do not get draft deferments at this point, under the present selective service, or the proposed one, if that passes. We could decide to have them perform an alternate service, but does that accomplish what we are trying to do? What we are trying to say is that the money we have spent on them shall be worth while. I would say it probably will be worth while, regardless of whether they go into the service or not, because we are talking about fields in agriculture, commerce, Federal aviation, and all the branches of Government that move in this field, not just international relations.

Mr. BROOKE. I thank the Senator. I said initially that I thought it was an excellent proposal. I know that we need persons with special training in the Foreign Service. I hope that the colloquy in which we are engaging will serve the purpose of indicating clearly that this legislation is designed to produce actual benefits to the Federal Government in the form of a foreign service commitment. I am concerned, with the question of why we should train students to go into the foreign service field when we are not training students to go into other fields needed in the Nation as well, which are comparable to Foreign Service.

We talked, for example, about draft deferments for lawyers who, after they had been given the deferment to study law would commit themselves to practice, say, in a rural or an urban poverty area. Of course, there would be some clout there because if they did not, they would be drafted. But if they did, they would serve in those areas where the Nation needs good legal advice and counsel.

Mr. DOMINICK. As the Senator remembers, we did not pass the amendment, either.

Mr. BROOKE. I know that we did not

pass the amendment, but what I am saying is, it seems to me there may be some merit to the Federal Government's training students in a particular field that would benefit the Government equally as well as in the field of foreign affairs and offering special incentives for their participation.

I would hope that the legislative history, at least, will show the Senator's intent, that after the Federal Government has spent all this money, for full scholarships, books, and subsistence, there should be some benefit accruing to this country in return.

And also, if we are going to make such a program available in foreign affairs, we should consider the benefits to be derived by the Federal Government of doing this in other fields as well. I am certainly not opposed to the education of everyone who wants an education. That is a commendable goal. This is also a commendable goal in the field of foreign affairs. But I hope that we can write this legislation so as to be sure that the Federal Government will derive the maximum benefits from the money it will spend. The idea of a pool from which offices can be drawn in good. It is good to have a pool available. But the Senator and I both know that there are only so many jobs—6,500 jobs, is it?

Mr. DOMINICK. A little more than that.

Mr. BROOKE. More than that.

Mr. DOMINICK. It is in that neighborhood.

Mr. BROOKE. It is in that neighborhood of jobs available.

Mr. DOMINICK. On the present turnover.

Mr. BROOKE. I beg the Senator's pardon?

Mr. DOMINICK. On the present turnover in that field.

Mr. BROOKE. Yes.

Mr. DOMINICK. I share the sentiments expressed by the very distinguished Senator from Massachusets. It certainly is the intent that wherever there is a job available, they will go ahead and serve in that capacity; but basically, what I am trying to do is to give the international field, where the United States is the leader of the world and has contacts with all kinds of nations all the time in a variety of ways—agriculture, technical assistance, education, administration—many other fields—to be able to give these people an education that will put them on a scale of importance equal in many ways at least to that of doctors, teachers, military officers—even football players—they do not get a Federal subsidy, of course, but they do from universities—that is all worth it.

One of the things that intrigued me with it is that in the State Department and this alone—I am just talking about that—as of November 1967, which is the last date they had, only 19 Negroes, 16 Spanish-Americans, nine Orientals, and no American Indians were in the Foreign Service Officer Corps of 3,453 officers.

I think we can vastly improve on that by the nomination procedure which is in the bill and by giving the disadvantaged and the handicapped further opportunities in this field.

Mr. BROOKE. I am very glad the Senator has cleared this up. The legislative history may be helpful.

Let me say that I remember the days of the sputnik, when the Federal Government was encouraging the best brains in the country and in the high schools particularly, to go to college and pursue engineering and scientific careers. Many of them did. We have many of them in my State of Massachusetts along what is called Route 128 in the field of electronics. But now the Federal Government has changed its policy and has cut back on space. I am very grateful for that because we need to rearrange the priorities of the Nation.

But we have an abundance, a surplus of engineers and scientists who have been trained, at Government insistence, to go into a field and a policy which we were pursuing at that time. And many of them are without jobs.

Now if we train x number of thousands of persons for the Foreign Service, I want to be sure that we have enough jobs for them, or at least that they will be able to do some work and earn a living, and not have foreign experts going around the country with no jobs in which they can utilize their training.

Mr. DOMINICK. The Senator from Massachusetts has made a great point.

I want to make two observations on the scientists and engineers the Senator was talking about. In my opinion, these scientists and enginers will be totally involved in trying to solve our environmental problems, and they will be doing it shortly.

Mr. BROOKE. Can the Senator give me a timetable on that?

Mr. DOMINICK. I think they could start within the year and do these things, because we need it, heaven knows, and we had better get active on them quickly.

The other point I should like to comment on is that the board of trustees of this particular program will, as I say, have the right to determine how many scholarships will be given in any year, so that it is not a fixed amount. By virtue of this, they will be able to govern the outflow from the 4-year and the 2-year, whichever it may be, on the programs involved, to fit what available openings they can in the foreign service itself. So I think that will be helpful.

Mr. BROOKE. I thank the Senator and I am pleased to support his amendment.

Mr. DOMINICK. I thank the Senator from Massachusetts.

Mr. President, if there are no more questions, I am ready to yield back the remainder of my time.

Mr. PELL. Mr. President, I yield to the distinguished Senator from Arkansas as much time as he desires.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

FOREIGN SERVICE SCHOLARSHIP PROGRAM

Mr. FULBRIGHT. Mr. President, on June 23, the Committee on Foreign Relations voted 10 to 2 against the proposal to establish a Foreign Service scholarship program.

This is the latest in a series of proposals made since World War II to do something about recruitment and training of Government employees to serve overseas. Each time that the Foreign Relations Committee has looked into such proposals in depth it has come to the same conclusion; namely, that a regimented approach to such a service is not in the interests of the U.S. Government. It has come to the same conclusion with regard to S. 390, which is the substance of the pending amendment, and which was reported adversely by the committee on June 24.

The committee's hearings and report are available to Members and I will only summarize the principal objections.

First of all, the bill is quite unnecessary. There is no dearth of qualified applicants for the positions that are involved here. Indeed, there would appear to be a glut. The Civil Service Commission has on its register over 50,000 eligible applicants who have passed the Federal services entrance examination. However, the Department of State reports that it had over 9,700 person applying to take the Foreign Service and Foreign Information Service examinations last December, when the number of appointments that could be made were in the neighborhood of 100 to 200.

With respect to those provisions of the amendment that relate to training of persons already in Federal employ, both the Civil Service and State Department report that sufficient authorities already exist to do what the amendment proposes to do.

In the second place, the program is undesirable in several respects. It would minimize the open competition existing for Government employment by giving scholarship recipients a competitive advantage. This would bring in an element of preferment that is bad public policy. The fact that it will tend to create an elite group of applicants brings me to a more fundamental criticism. To the extent that there is anything wrong with the Foreign Service, it is that it is too ingrown, too much of a closed society. This amendment would tend to make it only more so. The scholars would follow a curriculum of "study or activities of education, training, or research in the field of foreign affairs approved by the Board of Trustees." The uniformity of educational backgrounds that might result is not desirable, and will have an adverse effect on the Government.

Third, the program is uneconomical. It is estimated to cost $60,000,000 a year by fiscal year 1975. And the Department of State points out:

> It seems probable to us that students interested in foreign affairs as a career who are now going to college would be the ones to seek nomination for the proposed scholarships. . . . Certainly to the extent that this is true, there would be no enlargement of the pool from which candidates for foreign affairs positions are selected. There would merely be a transfer from the private sector to the public sector of the expense for educating future candidates.

In other words, the Government would probably be paying the bills for students

who would otherwise finance their own education in foreign affairs.

Fourth, this program is untimely. There are many more urgent needs now and in the foreseeable future that could warrant an expenditure of $60,000,000 a year. This is just not the time to embark on a costly new program to meet an unproven need. Indeed, it could be regarded as a subsidy to selected institutions of higher learning and it does not surprise me that the academic community has shown a certain degree of support for this proposal. As one of their witnesses stated: "Universities need financial support." I am not going to argue about the merits of that proposition except to say that we should not be given such support under the guise of a foreign service scholarship program.

Lastly, the provisions of the amendment relating to the board of trustees and to the nominating procedure are unrealistic and cumbersome, while other provisions such as those relating to agreement to accept Government employment are too vague and nonspecific. Too much is left to be spelled out in reguations to be made by a high ranking board, including the Secretary of State, Senators, and Congressmen, who would have time to give the program no more than their fleeting attention. I might add also, that the Civil Service Commission uses the terms "technical defective," "inappropriate," and "objectionable" in connection with specific provisions of the amendment. In fact, it should be noted that not only have the State Department and Civil Service Commission opposed enactment of this proposal, but the Department of Health, Education, and Welfare, the Bureau of the Budget, the Department of Labor, and the Agency for International Development are also similarly on record.

On behalf of the Committee on Foreign Relation, therefore, I call on the Senate to reject this proposal on the grounds that it is unnecessary, undesirable, uneconomic, and untimely.

Mr. President, I deeply regret that in the last moments of this first session a bill of this consequence is brought before the Senate, a proposal that has been considered, as I have said, at length on various other occasions.

I think there is much criticism, of course, to be made of our foreign policy. However, that is not due to the fact that our Foreign Service members have not had ample educational opportunities.

It would appear to me, not only in this proposal, but also in its predecessors which have been opposed before, that there is an effort to try to get people in the Foreign Service who conform to preconceived ideas of what our policies ought to be.

I think one lesson that one can draw tentatively from the Pentagon papers is that the decisions of the military establishment—many of which are not made by the Foreign Service offices, in fact, very little of it is by Foreign Service offices—are much too ingrown and too conformist; in fact, there is almost no dissent discernible in reading these papers among the members of the executive branch who are charged with the responsibility for decisionmaking.

To impose upon that situation now Foreign Service officers who have been carefully screened by the same people so that they could eliminate insofor as possible any news ideas would, it seems to me, be counterproductive. It would certainly be counterproductive to the interests of the United States.

It is very significant that both the State Department and the Civil Service Commission are so positive in their views about the lack of any necessity for scholarships of this kind.

When this kind of proposal was first proposed, it was called a Freedom Acaddemy, back about 10 or 15 years ago. It was then proposed to set up a special academy comparable to the Military Academies at Annapolis and West Point. I submit there is nothing in common with the objectives of the Academies at West Point and Annapolis and the proposed Foreign Service scholarships.

By and large the Foreign Service has performed extremely well; they have performed very well. They have not, as I have said, made decisions which have involved this country in disastrous wars. Those wars are not a result of Foreign Service decisions. However, in the carrying out of our policies I think that on the whole we have had some very fine people.

Some most interesting and provocative things I have read in recent months were in some of the reports of our Foreign Service officers which went unnoticed and unheeded by the executive branch in Washington.

The Foreign Service officers rendered some reports that, had they been taken seriously and evaluated properly, could well have led to a different policy on the part of our country.

That is attributable to the fact, I think, that many of the Foreign Service officers have not been put through a program such as is envisioned here in which they are selected and screened by a board, which I assume would have the responsibility to see that they are in agreement with whatever preconceived ideas the Government at the time might have. I think that would inevitably be the result of this.

I do not think the Senate, if it should vote on this, understands clearly the implications of it. I am afraid Members will come in at the last moment without the knowledge that the principal agencies of Government with responsibility for the personnel in our Foreign Service have opposed very vigorously creation of this program at this time.

I would hope that this would not be pushed and that it could go over so that there would be an opportunity for the Senate as a whole to become acquainted with the facts as reported in the report of the Committee on Foreign Relations on June 24.

I would like to ask the manager of the bill if this same provision was voted on and what the vote was in the Committee on Education and Labor.

Mr. PELL. My recollection was that it was reported without objection of the subcommittee and also without objection in the full committee.

Mr. FULBRIGHT. Was it submitted for a record vote or was it done just on a voice vote?

Mr. PELL. In both cases it was a voice vote.

Mr. FULBRIGHT. Was a quorum of the committee present at the time the vote was taken?

Mr. PELL. The committee seeks to be punctilious in these matters and I am sure there was a quorum.

Mr. FULBRIGHT. Mr. President, in a matter of this consequence, it is most unusual, at least in most committees of which I have been a member, that the committee did not take a record vote on a matter of this consequence. This indicates to me again that the committee did not take this proposal very seriously. It reported a program that would amount to substantially more money than the existing exchange program, which is funded in the current year at about $40 million and which has been subjected to enormous examinations by the Committee on Appropriations and by the legislative committees. This program has had over 100,000 direct participants and about 50,000 who have had short-term grants under that program. It has been a very substantial program. From those Americans who participated in that program with actual experience abroad have come many applicants to the foreign service in the various branches.

It is inconceivable to me that we could be so casual about a program like this foreign service scholarship program that comes from the committee without a record vote.

In the Committee on Foreign Relations we had a record vote. And the vote was 10 against this measure and two for it. This has been about the proportion whenever these matters have come up over the past several years.

I think it is most unfortunate that this proposal has been brought up here in the last hours before the summer recess when it is impossible to gain the attention of any more than a handful of Senators, Senators are going to be forced to vote on a measure about which they know practically nothing. I see no need whatever under these circumstances of proceeding to vote upon it. I had hoped and I hope that it will not be brought up under these circumstances.

The Department of Defense has more people overseas than any other branch. It is inconceivable to me that the Department of Defense needs any money for training of its people.

I wish to read just a part of the report with regard to the executive branch position because I know very few people will have the opportunity to read it:

EXECUTIVE BRANCH POSITION

Both the United States Civil Service Commission and the Department of State are opposed to the enactment of S. 390. In summary, the Civil Service Commission feels that the training provisions of the bill with respect to Federal employees are unnecessary and objectionable. Moreover, the Commission believes that there presently exists a

surplus of well-qualified candidates seeking appointment to the Foreign Service. According to the Commission, "it would be a disservice to the thousands of young people planning for the best use of their years available for education to encourage them to devote themselves to preparing for careers that cannot be made available to them."

Lastly, the Commission feels that the provisions of the bill granting the Board of Trustees "a vague kind of assignment authority" to place students and graduates in Government agencies is "inappropriate and objectionable." In the words of the Commission, it believes these provisions conflict with the proper appointment authority of each agency head.

The Department of State feels there is no need for a Government program along the lines contemplated by S. 390. According to the Department, sufficient authority already exists for training Government employees and their families assigned overseas (title VII of the Foreign Service Act of 1946, as amended). In addition, the Department points out that there is an ample number of students interested in foreign affairs as a career and it is unnecessary to provide special Government incentives to attract candidates. The State Department also points out that the Department of Defense, which is the largest employer of American citizens abroad, "reports no difficulty in recruiting qualified persons for their overseas positions * * *." The Department's letter also states that the Civil Service Commission has over 50,000 eligible applicants on its register.

The Department of State also states:

We are concerned with the provision of the bill which limits participation in the program to educational institutions that offer, as part of their curriculum, "courses of study or activities of education, training, or research in the field of foreign affairs *approved by the Board* . . ." [Italic supplied.] This could lead to undesirable uniformity and standardization of "foreign affairs" courses offered by educational institutions throughout the country.

Mr. President, that is a most insidious aspect of this program.

Mr. DOMINICK. Mr. President, will the Senator yield at that point?

Mr. FULBRIGHT. I yield to the Senator.

Mr. DOMINICK. With reference to the language the Senator just read, and the phrase "approved by the board," that objection has been met, and this was never intended to begin with.

Mr. FULBRIGHT. How is money going to be distributed unless it is approved by someone? Who, instead of the board, is going to approve who will receive the grants?

Mr. DOMINICK. The Senator was talking about the curriculum. The institution will decide what the courses will be.

Mr. FULBRIGHT. This board would approve only those institutions they think adequate and proper in accordance with what their views would be.

Mr. DOMINICK. The objection entered by the State Department and reported in the Senator's committee is that "courses of study or activities of education, training, or research in the field of foreign affairs"—and then there is the phrase "approved by the board"—we took that out so that it would not lead to this so-called uniformity, which was not intended in the first place.

I think the statement of the State Department leads the Senator to a conclusion which was not intended and which we cleared up.

Mr. FULBRIGHT. As I said, this is not a new proposal that has been dressed up. It is not unlike what happened in many of our institutions. We have given Mr. Foster and the Defense Department, under its research and development program, vast sums of money, millions of dollars. They have selected institutions around the country for their special favor. Some of them received as much as $100 million of so-called research money in a year. This is one of the reasons the student riots were precipitated. It contributed to them.

The protests of the students, for example, at MIT was based to some extent, as they stated, upon their feeling that their university had been taken over, in effect, and directed by the Defense Department. Other institutions had similar reactions. There was a feeling—and it was a justified feeling—on the part of many students that the Federal Government, in this case through the Defense Department, had taken over the direction and subverted the independence of their respective institutions.

I certainly sympathize with that point of view. I do not think it is a proper function of the Federal Government to take over the direction of our institutions of higher learning. I think the diversity which exists among these institutions is one of their greatest qualities.

It is a very strange thing, in so many ways, how we preach one doctrine and then try to practice another. We preach the doctrine of intellectual freedom, and then we persist in setting up procedures by which it can be curbed; this amendment would have the effect of doing that by delegating to a board the right to parcel out up to $60 million in grants to various institutions in accordance with their judgment—I am quite sure in accordance with their judgment—of whether these institutions fit their ideas of how to teach people for foreign service.

I think inevitably the board would have to adopt some criteria of its own, and there would be applied across the board. The very principle, it strikes me, is wrong, especially as a way to approach people in civilian life. That is the distinction between civilians and the military establishment. Of course, the men who compose our Armed Forces have to have conformity. They have to march in line. They cannot all be marching in every direction and out of step. It is the nature of the military to teach conformity to the rules and regulations of the establishment. Discipline is absolutely essential if we are to have a military establishment.

But it seems to me this is directly contrary to the ideas that we would use in training civilian employees for our Government. Diversity, different views, originality—this is supposed to be one of the greatest merits and virtues of our whole system. It is a very strange thing to me that while we pride ourselves on this freedom of diversity, we are constantly having proposals made in the opposite direction. I am quite sure that would be the case in this instance.

I do not understand the comment about the approval by the board. On page 7, unless it has been amended, the amendment reads, beginning on line 2:

the Board shall not enter into any arrangement with a non-Federal institution of higher education unless such arrangement provides that such institution will offer to members of the Program, as a part of its curriculum, courses of study or activities of education, training, or research in the field of foreign affairs approved by the Board . . .

And so forth.

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

Mr. FULBRIGHT. I yield.

Mr. DOMINICK. If the Senator will look at Amendment No. 384, he will find, in answer to his statement, that we took out the language about approval of the board.

Mr. FULBRIGHT. Well, that may be the intention. If that language was taken out, on what criteria are they going to make the grants? It will still be by some criteria approved by the board, I imagine, or what other function can the board perform?

These objections cannot be met just by words in this act. If there is a board of nine men appointed by the President, of course those men are going to have to meet the approval of the President, whoever he may be, and therefore they are quite likely to be uniform, I suspect, in general approach to his public policy. After the board is appointed, whether that language is in the bill or not, when it surveys the institutions to give the money to, these are going to have to meet the criteria of that board as to whether or not they are in conformity with the views of the board as to what public policy ought to be. I do not know how one can possibly get around that.

I object to the very concept of turning over to the board a vast sum of money—and it is; it will be $60 million in 1975—to go out and influence and make institutions all over this country conform to that board's views. It has to do that. There is no compulsion on the board to give the money to any institution. The board makes the choice, whether this language is left in the bill or not. There is no alternative. It is not going to to do it by lot, surely.

If there were put into the language the requirement that the board would make the selections by a toss of the coin or by a roll of the dice, we might get away with it to some extent, but I do not think that it going to be done, and I cannot conceive of any board that is going to do that. The board is going to make the decision, and it will pick those institutions that conform to its views of what the educational program will be like. No doubt it will pick institutions whose leading professors conform to its views of what our foreign policy will be.

All of that inheres in the nature of setting up a board to determine what institutions will receive the money.

I realize that, after there has been so much complaint on the part of students and others about the undue influence

of the military establishment on our liberal arts institutions particularly, that they have cut down on those institutions particularly, that they have cut down on those sums. The Senate very wisely, in my opinion, has cut back slightly—not very much, but it has cut back somewhat—the research program of the Department of Defense, especially of the part that had nothing to do with defense. Social science and liberal arts research of various kinds has been cut back to some extent.

I noticed a piece in the papers recently that they are avoiding meeting that requirement by giving it new titles. Instead of calling it social science research, they use a title with military implications, thereby evading the requirements of the Mansfield amendment which said, in effect, that these programs had to have some relation to military affairs. So they are beginning to make the relationship only in the title; the rest of the program proceeds as usual.

I do not approve of the program, because it subverts the institution, the individual, and the universities, which remain one of the most useful parts of our society—useful if we wish to preserve a democratic system.

To move into this field I think is very dangerous and sets a precedent. If it is passed and enacted into law, there will not be the slightest chance of throwing it out. It will be one of the programs we create again and again and are hardly able to get rid of. We have such institutions, for example, Radio Free Europe, which has outlived its purpose. It was created at a different time, under different circumstances, but it is almost impossible to terminate.

I am sure that if this bill is enacted now, in the last days of this session, when there are, I believe, about 10 Senators present, it is very likely to be voted in without there being any real understanding of its implications, and then we will never be able to get rid of it. It will go on and on. It is money. The schools are hard up. So each one will be able to subvert its program in the way the Board wants in order to get a grant. So we will have 60 or more institutions getting more and more alike, with less and less individual initiative or innovation.

We have prided ourselves on not being intellectually regimented. Some of our writers take great pride in contrasting the freedom of our people with that of the Russian people, who are muzzled by their government. Well, this is muzzling in a different way. Instead of taking them directly and putting them in jail, it takes our young and exposes them only to approved courses in certain universities. Instead of threatening them, the Board will give money to an institution and say, "Here is a million dollars if you follow our ideas of how you ought to train young people."

That is what this will eventually come down to. It will be a gradual process. Nobody can put his finger on exactly why that is, that our Foreign Service officers are all alike and have no imagination. They all follow the leader like a bunch of sheep. It will come about very gradually, and no one can point his finger to any one particular thing. That will be the course of this kind of program.

This country has avoided from the beginning the centralization of control of its education. One of the fundamental concepts of the people of this country from the beginning was that education was a local affair. It has only been because of this continuing warfare, the dissipation of our resources, and the rate of taxation, that the poor schools have had to come, to survive, to the government for Federal aid to education.

We have tried, however, in nearly every instance, to go as far as we could toward preserving the independence of the local schools in the direction of their own affairs. There have come in such things as racial matters, which have caused the Federal Government to interfere. But we have kept that to a minimum. It has not and is not now the practice of the Federal Government to dictate policies to schools that receive Federal aid to education. The only dictation has related to such constitutional matters as racial discrimination.

I think this kind of program is a very insidious injection of the Federal Government's dictation on the curricula, on what they teach. It would involve too much the standards of this board of nine men, the nine men who will be appointed by the President, of course, as in all of these programs; and Presidents are busy men. They will respond to the pressures of those who are most aggressive, I suppose, as they usually do. The program will develop, I think, a very ingrown and very narrow outlook under the direction of a board of nine men to the extent that this bill would provide it.

Yes, one can say that $60 million is not much money. It is not much money compared to the total amount that is spent on education. But in the field of higher education, this amount can make a great deal of difference to universities which are now in such desperate straits that a gift of a million dollars, or even $500,000, is a great incentive to them to conform to whatever the board may think is the proper standard to be followed in the curricula of the respective institutions.

The bill provides that the board, unless the provision has been changed by amendment, shall consist of the Secretary of State, four persons experienced in higher education or training and education in foreign affairs to be appointed by the President, two Members of the U.S. Senate to be appointed by the Vice President, and two Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Not more than one of the trustees appointed from the Senate nor one of the trustees appointed from the House of Representatives shall be of the same political party.

Not one of these members has any special interest in education as such. The Secretary of State: When I think of the Secretaries of State that I have known. I cannot imagine people who have less time or less qualification to be concerned with the direction of the curriculums and the kind of education that should be provided to citizens of a free country. They have been seeking to maintain a foreign service, not only in the purely diplomatic, but in every other area, of sufficient originality and sufficient intelligence to represent our country properly.

What I think this will come out to is simply a board to enforce conformity upon all those who are to enter our public service in the foreign field. That was the purpose of the original proposal. It was then a little plainer as to its purpose, which was to teach people how to fight communism.

Here is another example of how times have passed on. The President of the United States has now changed his attitude; at least he has taken the first step. He has taken a public step which has been interpreted widely as meaning that he intends to move away from the cold war philosophy of basing our policy entirely upon the simple proposition of containment of communism. Why else would he go to China, if he still harbored the same sentiments which were behind the introduction of a similar kind of proposal to create an academy to teach these people some several years ago?

I would say the times have already changed sufficiently to have made the concept obsolete. The President, I hope—and at every opportunity I have, I encourage him—is in the process of changing his mind about a policy which has resulted in deterioration of our society, I think, more greatly, certainly, than either World War II or World War I. Our general financial condition is the worst it has been, I believe, in our history—certainly since the Civil War. Our domestic budget is in worse condition; all of this, in my view, going back primarily to a misguided policy that involved us in a process of containment, which was poorly designed to achieve its announced purpose.

These things have a way of catching up with us many years later. But during that course, in the height of the cold war, the idea of training people to fight communism originated and was proposed, and it has been rejected. Now it is presented to us in a little different form.

How does the Secretary of State have either the time or the inclination—any Secretary of State, and particularly those that I have been acquainted with—for doing what the bill requires him to do? Some of them may be very good Secretaries of State, but imagine giving the Secretary of State the duty of supervising the higher educational curriculum of the people of this country.

What will happen, of course, is that since all of these people mentioned here are busy—imagine how much time the Senators will have to give to this kind of activity, and how active they will be—what it will amount to is that appointees, clerks, assistants of the Secretary way down the line, will be delegated the duty of acting for and advising him on this board. They will all get together and make the policy, and they will select the institutions, and it will give them a feeling of great power to be able

to say, "University A will be given $1 million"—of course, if University A is very careful to set up its curriculum and to announce policies that are in accord with the view of the Assistant to the Secretary of State. The same can be said as to the Vice President and the Members of the House of Representatives who will be appointed by the Speaker of the House of Representatives. The Senators will be appointed by the Vice President.

I must say I think this is a most unusual and a most unorthodox way of establishing a board to begin the process of bringing conformity into higher education in the United States. It is directly contrary, in my opinion, to the whole historical policy of this country with regard to education. Its tendency is bound to be to limit the freedom of action of many universities. They will be in such need of money that they will be willing to abide by whatever regulations or standards the board decides are in the national interest.

Mr. President, I cannot overstate my objection to this kind of approach to the field of education. I am amazed that the Subcommittee on Education approved such a program. The only way I can explain it is that they did not know what they were doing. It is very significant to me that they did not bother to take a vote; they just passed it out on a voice vote, just as we pass out here the unobjected to bills as to which the majority of the Members of this body, properly I think, do not need to be fully informed, at least not on every private bill. So we pass bills on the call of the calendar without taking a vote.

But anything that goes to the educational system of this country, which means developing and shaping the minds, the views, and the intelligence of future generations, does seem to me to be worthy of a record vote, so that the members of the committee at least would take responsibility for injecting into our educational system this kind of control by a central board.

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

Mr. FULBRIGHT. I yield.

Mr. PELL. I have listened with great interest to many of the Senators' arguments, which have a good deal of validity.

I recall being one of those on the Foreign Relations Committee who submitted a memorandum to the Foreign Relations Committee opposing the Freedom Academy, which I understand played a certain role in the consideration of that academy, a project of which I would never approve.

The bill as originally proposed by Senator DOMINICK had elements that we thought went too far, and he compromised and removed some of them. One of the points that bothered me personally very much was the idea of Senators and Representatives appointing these people.

Actually, we had a rollcall vote in the previous Congress on this very point, and I was overruled, I think, almost unanimously—everyone but me.

My recollection also is—I am trying to check this—that in the previous Congress we did have a rollcall vote—or a formal vote, at least—on this and referred it to the Foreign Relations Committee, where it resided inconspicuously and was not reported. This time, as a matter of courtesy to our colleague in the committee, since it was the same bill that had been reported in the previous Congress, we did report it.

As I told the author of the bill, my enthusiasm for it was somewhat muted, but he is a member of our committee, we worked hard on it, and he did make these compromises. I also knew that I had been defeated when I tried to knock out the appointing provisions, which give the Senator from Rhode Island just as much of a problem as they do the Senator from Arkansas.

Mr. FULBRIGHT. I simply do not believe that the members of this body are prepared to accept a proposal which delegates to a board of this character this much influence upon the educational institutions of this country. The term of the members is 2 years. I do not know of any Senator, unless he is the very newest Senator, who has not yet been assigned his office, nor even assigned to a committee, who would be interested in serving; because we all serve on committees that take up all our time.

It strikes me that this is put in here with the idea that it is going to be attractive because possibly a Senator may be on this board and it will give him some prestige. But there would be just two Members of the Senate. A Senator's chances of being one of the members is very slim. A senior Senator would not want to be a member, because he does not have the time. A new Senator, who has no responsibilities of management of a committee and is on very restricted committees—almost all of us have served our apprenticeship, in a sense, in that capacity—might have time. But I submit that it would not be a very useful board. The term is for 2 years.

I must say that, to me, this has a feel about it that is quite unrealistic. It is perfectly obvious that this board would be run by a staff with which this body would have nothing whatever to do. A staff would be created. The duty of influencing the kind of institutions we have by the disbursal of $60 million a year would finally end up in the hands of a staff of three or four men, probably one staff director, who would make the decisions as to what kind of higher educational institution we have in this country. It is inconceivable to me that Congress wants to delegate to a board of this kind or to its staff this kind of power or money.

I am reminded of the difficulty and the care and the thought that has gone into the Board of Foreign Scholarships that is already in being. It is appointed by the President. It does not have the Secretary of State or anyone else such as that. They are all leading individuals in the field of education. The chairmen usually have been commissioners of education, the presidents of important educational institutions. A member, by specification, is the Commissioner of Education, who is usually a very outstanding man in that field. I know of nothing comparable to this board in the whole field of education. This is the most casual way to create a board and turn over $60 million to dispense as it sees fit to influence the universities of this country.

This is the 25th anniversary of the foreign scholarships. It has only $40 million for fiscal 1972 after all these years. It started out very modestly with $2 million or $3 million 25 years ago, and it is now $40 million, of which some $4.5 million is foreign currency. In other words, in dollars, it actually has only about $36 million. It is a very substantial program, very carefully administered.

If anything of this character is to be done, I submit that certainly we should have a board with more qualifications. Qualifications have nothing to do with individuals; but to choose a board from among people as busy as the Secretary of State, and have him on a board of this character, seems to me to be utterly inappropriate. The Secretary of State is so busy that it is very rare these days that he can find time even to visit the Senate committees. I think he has been before the Committee on Foreign Relations only three times this year.

I do not know how in the world he would have time to administer this board or give it the slightest attention. I am quite sure in my own mind that he would not. He would delegate it, as I have said, to a secretary who would have the responsibility of seeing whether Harvard is behaving or whether the University of Rhode Island or Brown University are behaving. If Brown University will do exactly as the Secretary says—if he approves of the professor of political science there—he might give them $500,000. However, if they should speak independently, as the Senator does sometimes, he would not give them anything. If they are hard up, they will come around and want a little money and will say, "Mr. Secretary, we are very sorry. We will not do it again. We will do what you say." This is the way human nature works when you have money to hand out.

So I submit, Mr. President, that this is a very improvident proposal, very unwise. It is subversive of all the established principles we have with regard to the independence and diversity of our educational institutions. I would be most reluctant to see this go into effect.

I ask the Senator from Rhode Island, has the House passed upon this measure?

Mr. PELL. I do not believe so. I think it has not passed the House.

Has it been introduced in the committee there?

Mr. DOMINICK. I do not think so.

Mr. PELL. We do not believe it has been introduced into the committee there. This is very much a creature very dear to the Senator from Colorado.

Mr. FULBRIGHT. Since it got through the Subcommittee on Education without a record vote, I suppose it would be very desirable if we could pass it now without a record vote.

The Senator does not want a record vote, does he?

Mr. PELL. I am considerate of my colleagues, and, as a matter of record, I never ask for a record vote.

Mr. FULBRIGHT. That is what I thought the Senator had in mind—that at 4 o'clock in the afternoon—on the day of recess, with many people gone—he would not want this proposal adopted on a record vote.

Mr. President, I would like to have a record vote, and I ask for the yeas and nays at this time.

The yeas and nays were ordered.

Mr. FULBRIGHT. Mr. President, how much time remains on this amendment?

The PRESIDING OFFICER. The proponents have 67 minutes remaining, and the opponents have 40 minutes remaining.

Mr. FULBRIGHT. Mr. President, I should like to suggest the absence of a quorum, because I would hate to see a vote taken without anyone being here to know what this is all about.

The PRESIDING OFFICER (Mr. FANNIN). Does the Senator from Rhode Island yield time for that purpose?

Mr. PELL. Mr. President, I yield on my time for the quorum call.

Mr. DOMINICK. Mr. President, on the time of my opponents, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMINICK. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. PASTORE. Mr. President, will my colleague from Rhode Island yield me 2 minutes on another matter?

Mr. PELL. I am happy to yield for that purpose.

FCC REGULATION OF COMMUNITY ANTENNA SYSTEMS

Mr. PASTORE. Mr. President, during the past year, I have been contacted by many Senators—35 Senators, to be more exact—with regard to the question of the Federal Communications Commission's regulation of community antenna systems and the need for a congressional policy in this area.

On June 15 the members of the FCC appeared before my committee to discuss this subject. Many questions were asked and quite a number were left unanswered. However, the chairman of the FCC indicated that the Commission would complete its deliberations and submit to the committee the Commission's proposals prior to the August recess of Congress.

Under date of August 5—which was yesterday—such a document was delivered to the committee.

In view of the wide interest, I ask unanimous consent that the document be printed in the RECORD for the convenience and study of all Members of the Senate.

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

SUMMARY SUBMITTED TO COMMITTEE, AUGUST 5, 1971

Dear Mr. Chairman, in accordance with our commitment in my testimony before the Senate Communications Subcommittee on June 15, 1971—reiterated before the House Communications and Power Subcommittee on July 22, 1971—we are submitting this summary of the Commission's proposals for the near-term regulation of cable television.

The Commission has been intensively engaged in the process of reviewing its cable policies since the summer of 1968, when the Supreme Court affirmed the Commission's authority to regulate the industry. In recent months, very nearly full time has been spent trying to find a satisfactory resolution of the difficult problems involved. Ample opportunity has been afforded all interested persons to present their views on the subject. The policies put forward here result from an intensive study of the issues, balancing all the equities, and represent our best judgment on the regulatory course that should be followed.

As set forth in our previous Statements to the Congress, our objective throughout has been to find a way of opening up cable's potential to serve the public without at the same time undermining the foundation of the existing over-the-air broadcast structure. We believe both these "goods" can be achieved and that cable can make a significant contribution toward improving the nation's communications system—providing additional diversity of programming, serving as a communications outlet for many who previously have had little or no chance of ownership or of access to the television broadcast system, and creating the potential for a host of new communications services. We believe the policies set out here will achieve these results. But we intend to monitor very closely the growth of the cable television industry and remain prepared to take such further action as may be called for on the basis of experience. We are proposing to break new ground, largely unexplored. As a consequence, we must and will proceed with caution. But further delay, in our view, would disserve the public and deny the nation tangible benefits.

It has been argued that the Commission should delay the next phase of cable's evolution until new copyright legislation is passed. We fully recognize that the continued economic health of those who create program material is crucial to both broadcasting and cable, but we have come to the conclusion that copyright policy is most appropriately left to the Congress and the courts. We therefore strongly urge and hope that the Congress will enact a copyright law—indeed, prompt action seems to us essential. In this connection, we note the present efforts of the principals to reach an agreement and hope that these efforts will be fruitful.

In short, we believe that the two matters—cable regulation and copyright—can be separately considered; that the Commission, with appropriate review by the Congress, can resolve the regulatory matter; and that this will provide necessary background for Congressional resolution of the copyright issue. It seems to us that our approach promotes and facilitates an informed resolution of cable copyright. The Copyright Office and the Department of Justice have also recommended that this approach be followed. We intend, however, to keep a close watch on how the new regulatory program detailed here works out, and to revisit the copyright question within two years if the problem has not in the meantime been resolved.

In this connection, we note that the matter of program exclusivity, as it is affected by cable carriage, is a matter that has both copyright and regulatory implications. Thus, we intend to study whether present or future considerations call for altering our existing CATV program exclusivity rule (Section 74.1103), which in effect protects only the network programming of network affiliates. We have also in progress a rule making proceeding (*Further Notice of Proposed Rule Making in Docket 18179*, 27 FCC 2d 13 (1971)) concerning the exclusivity practices of broadcast stations in terms of both time and geography and the impact of these practices on the ability of UHF broadcasters and cable operators to obtain programming.

The specific policies on which agreement has been reached, described in detail below, are the result of a number of interlocking proceedings. The policies are designed to be part of a single package because each has an impact on all the others, but they may generally be divided into four main areas:

I: television broadcast signal carriage;

II: access to, and use of nonbroadcast cable channels, including minimum channel capacity;

III: technical standards;

IV: appropriate division of regulatory jurisdiction between the federal and state-local levels of government.

We are continuing our work on the final documents. Our time table is such that we will not release these documents until the latter part of the year. Thus, there will be an ample opportunity during the present session of the 92nd Congress for your Subcommittee as well as other committees and the Congress to consider our proposals. During this time we also expect to have available the results of other studies of cable television currently in progress, and will, of course, take them into account. As we now project the time table, therefore, rules will be promulgated by the end of the year, with an effective date of March 1, 1972.

Before turning to a discussion of the policies, we should stress that while these policies will generally govern our disposition of cable matters as they come before us, there are always exceptional situations that call for exceptional actions. The very purpose of an administrative agency is to insure flexibility to act in the public interest in particular situations. In this area of operation under new policies, we will be alert to such special situations as they arise and will tailor our actions accordingly.

I. TELEVISION BROADCAST SIGNAL CARRIAGE

Our basic objective is to get cable moving so that the public may receive its benefits and to do so without, at the same time, jeopardizing the basic structure of over-the-air television. The fundamental question is the number of signals that cable should be permitted to carry to meet that objective. In attempting to resolve this question, we have agreed on a formula that we are persuaded will achieve the following purposes:

(1) Assure that cable viewers will receive all television signals significantly viewed in their community.

(2) Assure that cable viewers will receive at least a minimum level of television service.

(3) Permit cable carriage of a limited number of distant signals in those markets where we believe this can be done without undue impact on local television stations.

This approach would replace the retransmission consent (*Notice of Proposed Rule Making and Notice of Inquiry in Docket 18397*, 15 FCC 2d 417 (1968)) and commercial substitution (*Second Further Notice of Proposed Rule Making in Docket 18397–A*, 24 FCC 2d 580 (1970)) proposals that, we have concluded, simply will not wash. We propose to act in a conservative, pragmatic fashion—in the sense of protecting the present system and adding to it in a significant way,

taking a sound and realistic first step, and then evaluating our experience.

We have determined to restrict the carriage of distant signals to a relatively small number and hope thus to serve two purposes: first, to minimize the possibility of adverse impact on the existing broadcast structure and, second, to spur the development of the variety of nonbroadcast services that represent the long-term promise of cable. We believe that the overall approach described will allow the integration of cable service into the nation's communications structure without undue disruption.

The television signal carriage rules would divide all signals into three classifications:

(1) *Mandatory carriage*—signals that a cable system must carry.

(2) *Minimum service*—a minimum number of signals that, taking television market size into account, a cable system may carry.

(3) *Additional service*—signals that some systems may carry in addition to those required or permitted in the two above categories.

Before proceeding to a discussion of these classifications, it is necessary to establish the frame of reference in which the rules would operate.

First, the signal carriage rules would be tailored in their application to markets of varying size in accordance with the estimated ability of these markets to withstand additional distant signal competition.

The rules would vary according to whether the cable system is in the top 50 television markets, in markets 51–100, in a market below 100, or not in a television market at all. Appendix A contains an alphabetical list of markets 1–50 and 51–100, and this list would become a permanent part of the rules. The list is derived largely from the American Research Bureau's 1970 prime time households ranking. Earlier, television markets were ranked according to the net weekly circulation of the largest station in each market, but we have now concluded that the prime time households ranking would serve as a more appropriate base. It more nearly measures the strength of each market, rather than just the circulation of the largest station in the market.

Second, it is necessary to delineate the area within each market to which the particular rules will be applicable. We have decided to define that area as a zone of 35 miles radius surrounding a specified reference point in each designated community in the market. A set of reference points fixing the center of the community to which each station is licensed would be included in the rules. For new television stations where reference points have not been specified, the 35 mile zone would be drawn from the central post office in the television station community. The purpose of drawing these zones is not to encompass the entire geographical area that stations in the market serve but rather to carve out the market's central city, suburbs, and nearby communities on which stations generally rely for their principal audience support.

Cable systems in communities partially within a 35 mile zone would be treated as if they were entirely within the zone. There is, however, one exception to this rule: namely, a top 100 market designated community (Appendix A) would be treated as within the zone of another market only if its reference point were within the 35 mile zone of the latter market. In those instances where there is an overlapping of zones to which different carriage rules are applicable, the rules governing the larger market would be followed. Authorized stations with construction permits, but which have not yet commenced broadcasting, would be treated as having a zone, and as operational for purposes of the minimum service rules, for a period of 18 months following the grant of permit.

Mandatory carriage signals

Existing rules contain a requirement that, on request, a cable system must carry all Grade B signals covering its community. This requirement has been a part of the Commission's CATV rules from the first, but its practical operation has been complicated as a result of footnote 69 to the *Second Report and Order in Docket 14895 et al.*, 2 FCC 2d 725, 786 (1966), in which questions were raised as to whether a Grade B signal coming from one major market into another major market should be treated as a distant rather than a local signal. Two changes are to be made in this existing (Grade B) carriage rule.

The first is a requirement that all cable systems must carry the signals of all stations licensed to communities within 35 miles of the cable system's community. This requirement, based on policy considerations similar to those underlying existing carriage rules, is intended to aid stations—generally UHF—whose Grade B contours are limited. (In markets smaller than the top 100, systems would be required to carry all stations within 35 miles and, on request, all Grade B signals from other small markets.)

The second change concerns the overlapping market or footnote 69 situation and takes into account the circumstance that some Grade B signals, while theoretically available over-the-air, are not actually viewed to any significant extent in some parts of their service area. Our earlier proposal in Docket 18397 would have regulated this situation by the use of fixed mileage zones. Under that proposal, a cable system in the top 100 markets (i.e., within the 35 mile zone of a designated top 100 community) could carry the Grade B signal of a station from another top 100 market only if the system were located wholly within 35 miles of the latter market. We have decided to retain this concept but with an important qualification to reflect actual viewing patterns—which is, after all, the heart of the matter. Thus, the rule would require carriage of a signal from one market into another if that signal were found to have significant over-the-air viewing in the cable system's community. Further, its application—which has been limited to overlaps between major markets—would be extended to overlaps between major and smaller markets.

The standard as to what constitutes "significant viewing" can reasonably be drawn at several points. After studying the various alternatives, we have concluded that an out-of-market network affiliate should be considered to be significantly viewed if it obtains at least a 3% share of the viewing hours in the television homes in the community and has a net weekly circulation in the community of 25% or more.[1] For independent stations, the test of significant viewing would be a 1% share of viewing hours and a net weekly circulation of at least 5%. The lower figures for independent stations are intended to reflect the smaller audiences that these stations generally attract even in their home markets and, because so many of them are UHF, to afford them a practical boost by virtue of cable carriage. You will note that, in contrast with the standard set forth in our House testimony, the test is now formulated so that both its components (audience share and net weekly circulation) must be met. This more rigorous test gives greater assurance that a signal thus carried is in fact "significantly viewed."

We will include in the rules a list of counties in all market zones, showing which out-of-market signals are significantly viewed. This list will be based on ARB's 1971 Television Circulation/Share study which will be available shortly. For those counties that already have 10 percent or more cable penetration, a special ARB tabulation will be used. Because these new tabulations are not yet available, we have had to use most recent available county data in preparing attached Appendix B. This chart illustrates the approximate number of signals that may be carried in designated cities in the top 100 television markets.

Those wishing to make supplemental showings as to significant viewing of additional stations in specific cable communities would also be permitted to do so. Any survey data submitted, however, must be obtained from an independent research organization and include a sufficient sample of off-the-air television households to assure that the results lie at least two standard errors (95 percent confidence limits) above the required viewing level.

Minimum Service

Consistent with other public interest considerations, cable viewers should have at least a minimum number and choice of signals. It would, of course, be desirable to adopt one nationwide standard. However, again to act conservatively with respect to the possible impact on local broadcasting, we have decided to establish minimum standards of adequate television service that would vary with market size. (Noncommercial educational and non-English language stations are not included in these minimum standards but are discussed separately below.) The minimum service standards would be as follows:

(1) *In television markets 1–50:* three full network stations and three independent stations.

(2) *In markets 51–100:* three full network stations and two independent stations.

(3) *In smaller television markets (below 100):* three full network stations and one independent station.

If after carriage of stations within thirty-five miles, those from the same market, and those meeting the viewing test, minimum service is still not being supplied, distant signals would be permitted to be carried as needed to make up the defined minimum of service.

Additional Service

Cable systems in the top 100 markets would in any case be permitted to carry two signals beyond those whose carriage would be required under the mandatory carriage rules. Distant and out-of-market signals carried to provide minimum service would be counted against these additional signals so that if, for example, two distant signals were carried to provide minimum service, no additional signals could be carried. Cable systems in smaller markets (below 100) would not be permitted to import network or independent television signals beyond the minimum service level. Noncommercial educational and non-English language stations could also be carried in accordance with the policies outlined below.

The rationale for the foregoing may be simply stated. It would appear that the minimum number of distant signals that might reasonably open the way for cable development is two additional signals not available in the community. We will therefore permit this amount in the larger markets where it is necessary and feasible in terms of impact on broadcasting. In this connection, we stress again our recognition of the need for *ad hoc* actions in some situations. Thus, if a system has available for carriage a great number of signals meeting the "significant viewing"

[1] Share of viewing hours. the total hours all television households viewed the subject station during the week, as a percentage of the total hours these households viewed all stations during the period.

Net weekly circulation: the number of television households that viewed the station for 5 minutes or more during the entire week.

test, this may be sufficient to facilitate its growth and may make unnecesary the provision of two additional distant signals. This question can only be resolved on the basis of the facts of each case (e.g., the number of "significantly viewed" signals; the extent, if any, to which those signals exceed the minimum test; and the nature of the market, including the financial position of the stations in the market). Similarly, in the second 50 markets there could be anomalous situations that call for separate treatment—perhaps permitting only one imported signal, or even none. On the attached chart (Appendix B) we have designated markets that might receive such special treatment.

But generally, we will act in the above described fashion. We have therefore, in the same chart, indicated the effect of our policies in the designated cities of the top 100 markets. We cannot claim that it is mathematically certain in every detail—e.g., some "significantly viewed" signals might be added on an appropriate showing or, in some areas, as a result of the forthcoming ARB cable-controlled sweep, some signals that we have included might not meet the requisite standards. A foreign language or educational signal (or signals) might also be carried, although we believe such carriage would at most have minimal impact on local commercial broadcasters. But even with these qualifications, we believe the chart illustrates the scope and effect of our policies and thus gives a picture of the overall plan in practice.

Carriage rules for cable communities outside any television market

Cable systems in communities entirely outside the zone of any commercial television station would be permitted to carry television signals without restriction as to number or point of origin, but must carry all Grade B signals.

Impact

We have carefully considered the question of cable's impact on the continued viability of over-the-air broadcasting. Broadcasters argue that any distant signal cable policy will have a disastrous impact on already shaky UHF stations. On the other hand, we have independent studies such as those submitted by the Rand Corporation suggesting that UHF will be likelier helped than hurt by cable—because UHF is still handicapped by reception problems, and these problems disappear with carriage on cable. Our own study of the matter has persuaded us that it would be wrong to halt cable development on the basis of conjectures as to its impact on UHF stations. We believe the improvements that cable will make in clearer UHF pictures and wider UHF coverage will at least offset the inroads on UHF audiences made by the limited number of distant signals that our rules would permit to be carried.

As to similar arguments concerning cable's impact on VHF in the smaller markets, it is our judgment—considering such factors as cable's rate of penetration and the growth of broadcast revenues—that the approach we propose will not undermine these stations in their ability to serve the public. Of course, as in any general policy, there may well be exceptional cases—as to a particular market or, more likely, a particular station in that market. In such an event, we would be prepared to take appropriate action.

The viewing patterns in off-the-air and cable homes would soon become apparent and serve as an index of cable's impact on local broadcast service. We intend to obtain early and continuing reports from representative communities, and broadcasters would be free to submit such reports at any time. If these reports and the financial data from operating stations were to show the need for remedial action, we could and would take prompt action. The range of possibilities here is broad. Effective non-network nonduplication protection might be afforded to affected stations. Or, we might consider halting cable's growth with distant signals at discrete areas within the community—something we have done on occasion in the past. The Commission has the flexibility to handle injury problems in a variety of way, should such problems in fact arise.

Leapfrogging

We have concluded that it is appropriate to adopt leapfrogging rules regulating which signals may be carried. These rules, while providing cable systems with some flexibility of choice, are also designed to give an expanded market to stations that might otherwise be passed over. In particular, priority would be given to carriage of UHF independent stations in order to improve their competitive position. This policy would be implemented by a rule requiring cable systems in the top 100 markets carrying distant independent television signals to carry, as a first priority, one UHF independent station from within 200 miles. If there is no such UHF station, any VHF station within 200 miles or any VHF station within 200 miles or any UHF station could be carried. The second distant signal in these top 100 markets would be free from restrictions as to point of origin. With respect to systems below the top 100 market system restricted to carriage of only one independent distant signal, such carriage would also be free from restrictions as to point of origin.

Finally, in those few markets where a third independent may be brought in, that signal must be in-state or one within 200 miles; if no such signals are available, there would be no restriction as to point of origin.

The cable system may vary the distant signals to be presented in any fashion it wants, so long as it does not exceed the number to be imported and meets the leapfrogging requirements. In the event an *independent* signal is blacked out at times because of some nonduplication requirement imposed by the Commission, the system might substitute other distant signal programming in line with the same pattern of priorities. The system might even bring in network-affiliated stations as a part of its "additional two signals"—again, consistent with these priorities and, of course, our nonduplication rules.

Any system within a market zone adding an additional network or noncommercial educational station would be required to carry the closest station of that type or, if the closest station were not from the same state, then the closest instate signal.

Educational Stations

The unregulated importation of distant educational signals might both threaten existing local educational stations and also abort construction of new educational stations. We have, therefore, always provided educational stations and other educational television interests an opportunity to object to importation of distant educational television stations. In our cable deliberations, the filings concerning carriage of distant educational television stations generally argued in favor of simplified procedures—to lighten the burden on educational broadcasters and to protect their interests in providing local educational programming whenever possible.

We have settled on the following rules: a cable system must carry educational stations within 35 miles and, on request, those that provide a predicted Grade B contour over the cable system's community. The Commission will attempt to settle disputes involving educational stations on the basis of a showing from the objecting party and the response of the cable system involved. While all objections to educational station carriage will be considered, we would not anticipate precluding carriage of tax-supported stations from the same state as the cable system. In order to insure that educational interests have adequate notice of proposed importation, we would retain our requirement that the cable system serve notice of its intention to carry any educational station upon the local school superintendent, all educational stations placing a predicted Grade B contour over the cable system's community, and any local or state educational television authority. Finally, we recognize that educational stations are unlikely to develop in some areas and that cable carriage of distant educational signals is unlikely to have any appreciable impact on commercial broadcast stations. Consequently, we will allow a cable system to carry any number of educational signals, local or distant, in the absence of objection.

Foreign language stations

Many communities have an interest in non-English language programming. For the most part, the communities involved are situated near the Canadian or Mexican borders and have populations with a high interest in French or Spanish language programming. This phenomenon is also apparent in other cities with foreign language populations—e.g., New York City, Miami, Los Angeles. In addition, there are citizens and non-citizen residents and visitors to this country not conversant in English who remain essentially without adequate television service. To serve these minorities more effectively, we would permit cable systems to import non-English language programming. In order to encourage the carriage of such programming, we would not count against the quotas discussed previously the distant signal of a non-English language station when carrying these programs.

The non-English language stations are similar to educational stations in that they generally attract select, small audiences, yet serve a salient need. We do not anticipate that this undertaking will be detrimental to local television service because of the small number of viewers such stations generally attract. Again, there could be exceptions to this general proposition. We would, of course, act on any showing of adverse consequences to local television service caused by non-English language signal importation.

We believe that the choice of the station or stations to be carried should be left to the cable operator. He would be free to choose non-English language stations from those available in the United States or might choose foreign stations not programmed in English. If a non-English language station is available locally, the cable operator would be allowed to import a foreign language station programming in another language without counting against the distant signal quota.

Sports

Sports events stand on a separate footing from other programming presented on commercial television. Public Law 87–331, among other things, exempts professional sports from the anti-trust laws for the purpose of allowing professional football, baseball, basketball, and hockey to enter into pooled or league television agreements with networks, and to black out television broadcasts of home games within the "home territory" of the team concerned. Certainly, cable systems should not be permitted to circumvent the purpose of the law by importing the signal of a station carrying the home game of a professional team if that team has elected to black out the game in its home territory. For example, if the Washington Redskins were playing the New York Giants in Washington, D.C., and the game were blacked out there, a cable system in Washington, D.C. would not be permitted to bring in a New York City station televising the game.

We will follow the spirit and letter of Public Law 87–331, since it represents Congressional policy in this important area. We intend to issue very shortly a notice of pro-

posed rule making directed to this specific area, in order to ascertain the full thrust and purposes of 87-331 and how best we can formulate a rule to implement these purposes. We will give this proceeding expedited treatment, so that it is concluded before the significant emergence of new systems under these rules. In any event, a system may carry any sporting event if it is televised on a station that must be carried under the mandatory carriage rules. In effect, then, cable systems will be able to carry whatever sports events are carried locally—including those on stations meeting the "significant viewing" test.

Another aspect of concern involving sports programming is the possibility that such programming now presented on broadcast television might be siphoned off to cable. Our current rules (Section 74.1121) prevent cable systems from showing sports events for a separate per program or per channel charge unless these events have not been televised live on a regular basis on broadcast television at no direct charge to viewers during the two years preceding the proposed subscription showing. The Commission has also initiated proposed rule making looking to a ban on the showing of sports events on cable systems on a subscription basis if the events were televised in the community of the system during any one year in the five years preceding the proposed subscription showing.

These rules, of course, do not take into account the circumstance that cable systems, on an interconnected basis, might outbid broadcast networks for the right to sports events to be shown on a non-subscription basis on cable systems. In such a case, off-the-air viewers would not be able to receive the event. This situation would be different from that of a cable system providing its subscribers with sports programming that is not currently being broadcast: for example, some cable systems currently carry the blacked out home games of sports teams to their subcribers pursuant to a contract with the team involved. Sports teams apparently enter such agreements when they are playing to capacity crowds and the number of cable subscribers would not hurt the home gate but would provide additional revenue through the sale of cable carriage rights. In the latter instance, cable is performing a valuable public service to its subscribers in presenting sports programming that was previously unavailable to *any* television viewer.

We are not unmindful of the possibility that a nationwide interconnected cable network, whether achieved by terrestrial or satellite technology, could remove sports programming from conventional broadcast television by offering sports teams more favorable terms than broadcast interests might be willing to pay. This would carry the risk of adverse public consequences by depriving off-the-air viewers of accustomed sports programming. But, in our judgment, this problem—if it arises at all—is far from imminent. The type of interconnection and, most important, the cable penetration levels necessary to permit the formation of a network capable of outbidding broadcast networks are far in the future. We intend to keep a close watch on this question and to take whatever action is called for within our jurisdiction. We would, of course, welcome congressional guidance in this area of national concern. It may be that the scope of the issue is so complex—involving not only communications policy, but also antitrust and other considerations—that legislation may be the ultimate answer if, in fact, sports siphoning were found to be an imminent danger, contrary to the public interest.

Procedural matters

Our experience with the notification requirements of our existing rules has uncovered certain practical difficulties. First, it has not been feasible regularly to review notifications for adequacy and consistency with our signal carriage and other rules. Second, the existing requirement of notification has not effectively given public notice of pending proposals. Finally, the notices have not provided us with sufficient information on a number of matters relevant to the settlement of disputes. Consequently, we would revise our rules to cure these deficiencies as to all cable systems proposing either to start up new operations or to add local or distant stations after the effective date of our new proposals.

Before instituting service, a cable system would be required to file with the Commission a request for certification of compliance. The application would have to contain (1) a copy of the franchise, license, permit, or certificate granted by the appropriate governmental source to construct and to operate a cable system in the community; (2) a list of the broadcast stations intended to be carried (including any survey made of signals meeting the significant viewing test); (3) an affidavit showing service on all television broadcast stations placing a predicted Grade B contour over the community of the system, on the superintendent of schools in the community in which the system will operate, and any local or state educational television authorities; and (4) a completed copy of FCC Form 325 (Annual Report of CATV Systems). Form 325 would contain information concerning the cable system's operation—location, ownership, number of subscribers, signals carried, channel capacity, and extent of program originations. When a cable system proposed to add local or distant signals to an existing system, the franchise and Form 325 would not have to be refiled but the other procedures related above would be required. The Commission would issue public notices of all petitions for authorization accepted for filing.

Interested persons would be permitted to object to proposed cable service within 30 days after the Commission gives public notice. Whether or not an objection is filed, a cable system would not be permitted to commence new service without receipt of a certificate of compliance from the Commission. Absent special situations or showings, petitions consistent with our rules would receive prompt certification. The rules are meant to operate on a "go, no-go" basis. For example, the carriage rules reflect our determination of what is, at this time, in the public interest *vis-a-vis* cable carriage of local and distant signals.

Grandfathering

Cable systems already in operation on the effective date of the rules would be permitted to continue operation and to provide the existing lineup of signals without regard to the new requirements of signal carriage if that service had been previously grandfathered in the *Second Report and Order in Dockets 14895 et al., supra,* or if the service were commenced in compliance with the rules after December 20, 1968 and was then consistent with the rules proposed in Docket 18397. For those systems now limited to discrete areas in their communities by Commission order, any expansion beyond those areas would have to be consistent with the new rules.

II. NON-BROADCAST CHANNELS (ACCESS)

In our July 1, 1970 *Notice of Proposed Rule Making in Docket 18397-A,* we stated:

"The structure and operation of our system of radio and television broadcasting affects, among other things, the sense of "community" of those within the signal area of the station involved. Recently governmental programs have been directed toward increasing citizen involvement in community affairs. Cable television has the potential to be a vehicle for much needed community expression."

Confronted with the need for more channels available for community expression on the one hand and, on the other, with the promised emergence of cable television's capacity to provide an abundance of such channels, we stated in our July 1, 1970 *Notice* the principle that the Commission ". . . must make an effort to ensure the development of sufficient channel availability on all new CATV systems to serve specific recognized functions." We will seek to serve these purposes through a number of interrelated requirements spelled out in the following discussion.

We will tailor our actions to take into account the public interest considerations stemming from possible impact of cable on broadcast services. We recognize that in any matter involving future projections, there are necessarily some risks. As we have also stated, what makes those risks so clearly worth taking is the chance of obtaining great benefits to the public from cable's new services It follows that along with making distant or overlapping signals available for the first time in specified markets, we should act to require a bandwidth that will ensure the availability of these new services. Otherwise, some cable operators might construct systems adequate only to the carriage of broadcast signals, or might long postpone the availability of non-broadcast channels. We believe this would be a most unwise decision, since the use of non-broadcast bandwidth is of high public promise and can be profitable to the cable owner. Indeed, it may be the critical factor making for cable's success. The public interest, as well as the cable industry's economic interest, may well be found in reducing subscriber fees and relying proportionately more for revenue on the income from channel leasing. *In sum, we emphasize that the cable operator cannot accept the distant or overlapping signals that will be made available without also accepting the obligation to provide for substantial non-broadcast bandwidth. The two are integrally linked in the public interest judgment we have made.*

Channel capacity (bandwidth)

We envision a future for cable in which the principal services, channel uses, and potential sources of income will be other than over-the-air signals. We note that 40, 50, and 60 channel systems are currently being installed. The cost difference between installing 12 and 20 channel capacity would not appear to be substantial. We urge cable operators to consider that future demand may significantly exceed current projections, and we put them on notice that it is our intention to insist on the expansion of cable systems to accommodate all reasonable demand.

At the same time, we do not want to impose unreasonable economic burdens on cable operators. Accordingly, we will not immediately require a minimum channel capacity in any except the top 100 markets. In those markets we believe a 20 channel capacity (actual or potential) is the minimum consistent with the public interest.

We will also adopt a rule that for each broadcast signal carried, cable systems must provide equivalent bandwidth for non-broadcast uses. This seems a reasonable way to obtain the necessary minimum channel capacity and yet gear it to particular community needs. Finally, the "N+1" availability concept, discussed below, is also pertinent to the question of channel capacity.

Public access, educational, and government channels

Broadcast signals are being used as a crucial component in the establishment of cable systems, and it therefore seems appropriate that certain basic goals of the Communications Act be furthered by cable's advent—the opening up of new outlets for local expression, the promotion of added diversity in television programming, the advancement of educational and instructional television, and the increased information services of

local governments. Accordingly, we will require that there be one free, dedicated, noncommercial, public access channel available at all times on a non-discriminatory basis. In addition, we will require that one channel be set aside for educational use and one channel for state and local government use on a developmental basis and that, upon completion of the basic trunk line, for the first five years thereafter these two channels will be made available free. After this developmental phase—designed to encourage sophisticated educational and governmental innovation in the use of local television—we will then be in a more informed position to determine, in consultation with state and local authorities, whether to expand or curtail the free use of channels for such purposes or, indeed, whether we should continue the developmental period for a further time. We do not want the free uses described above to constitute an unreasonable economic burden on cable system operators and subscribers. Therefore, a system operator will be obliged to provide only use of the cable channel on a free basis; production costs (aside from brief live studio presentations not exceeding five minutes in duration) may be charged to users.

Leased channels

After cable systems have satisfied the priority of providing one free public access channel as well as the free developmental channels for education and government, they may make available for leased uses the remainder of the required bandwidth and any other available bandwidth (e.g., if a channel carrying broadcast programming is blacked out because of our non-duplication requirement or is otherwise not in use, that channel also may be used for leased programming). Indeed, to the extent that the public access, educational, and governmental channels are not being used, these channels may also be used for leased operation. But such operations may only be undertaken with the express understanding that they are subject to immediate displacement if there is a demand to use the channel for the dedicated purpose.

Expansion of capacity

Our basic goal is to encourage experimentation that will lead to constantly expanding channel capacity. Cable systems will therefore be required to make an additional channel available for use as the demand arises.

There are many ways of administering this general goal. Experience will be valuable to users, systems, and the Commission alike. Initially, however, we propose to use the following factor to determine when a new channel must become operational: Whenever all operational channels are in consistent use during 80% of the weekdays (Monday-Friday), for 80% of the time during any three-hour period for six weeks running. The system will then have six months in which to make a new channel available. Such an N+1 availability should encourage use of the channels, with the knowledge that channel space will always be available, and also encourage the cable operator continually to expand and update his system. We contemplate that at least one of the leased channels will give priority to part-time users; the remaining leased channel capacity may be used by full-time lessees.

As mentioned above, we are aware of the risks inherent in the N+1 formula. A cable owner has an obvious economic incentive to devote his bandwidth to profitable channel leasing activities, and might thus be motivated to restrict use of the access channels to avoid triggering the N+1 availability. A whole variety of techniques might, quite obviously, be employed. While it would not appear to constitute any problem in the immediate future, we intend to institute now a proceeding to assure that the N+1 concept is not frustrated at some later date through rate manipulation; this proceeding will deal with appropriate future regulatory policies as to the rates charged for these leased channel operations for interstate services. We are also aware that the formula may be too rigorous and impose economic burdens on operators.

The six-month period allowed for activation of new channels, for example, contemplates the relatively modest effort needed to convert existing potential capacity into actual capacity. Obviously, if it were necessary to rebuild or add extensive new plant, this could not reasonably be expected within any six-month period. The latter consideration again points up the necessity of building now with a potential that takes the future into account. In the new proceeding referred to above, we will also explore this aspect of possible rebuilding or extensive new construction that might be required under our rules. In sum, we adopt the 80% figure only as a general formula. Inasmuch as this area of regulation is new, we will reexamine the N+1 concept at an early time if unanticipated problems develop.

Two-way capacity

After studying the comments received and our own engineering estimates, we have decided to require that there be built into cable systems the capacity for two-way communication. This is apparently now feasible at a not inordinate additional cost, and its availability is essential for many of cable's public services. Such two-way communication, even if rudimentary in nature, can be useful in a host of ways—for surveys, marketing services, burglar alarm devices, educational feed-back, to name a few. Of course, viewers should also have a capability enabling them to choose whether or not the feed-back is activated.

Regulations applicable to public access, educational, government, and leased channels presenting non-broadcast programming

Having provided for these access channels, we turn to the question of the regulation of the public access and other channels presenting non-broadcast programming. First, we believe that such regulation is properly the concern of this Commission. This is so not just because we have required the creation of such channels and specified their initial or continuing priority. As stated, the channels are designed to fulfill Communications Act purposes and are integrally bound up with the broadcast signals being carried over the system. It is by no means clear that the viewing public will be able to distinguished between a broadcast program and an access program; rather, the subscriber will simply flick across the dial from broadcast channels to public access or leased channel programming, much as he now selects television fare. Further, the leased channels will undoubtedly involve interconnected programming, via satellite or interstate terrestrial facilities, matters that are within the Commission's jurisdiction. Similarly, it is this Commission that must make the decisions as to conditions to be imposed on the operation of pay channels, and we have already taken steps in that direction. (See Section 74.1121.)

Federal regulation is thus clearly called for. The issue is whether also to permit local regulation of these channels, if not inconsistent with Federal purposes. We think that in this area this dual form of regulation would be confusing and impracticable.

Further, we do not believe that the purposes we seek to advance would be served by detailed regulations at this time; rather as set forth more fully below, we think it is important to allow a period of considerable experimentation. Thus, we believe that, except for the government channel, local regulation of access channels carrying programming is precluded, at least at this time. We stress that if experience and considerations brought forth in the further proceeding indicate the need or desirability therefor, we can then delineate an appropriate local role.

Similarly, aside from channels for government uses, we do not believe that local entities should be permitted to require that other channels be assigned for particular uses. As stated above, this in our view is peculiarly a matter of federal concern. We stress again that we are entering into an experimental or developmental period. Thus, where the cable operator and the franchising authority seek to experiment by providing additional channel capacity for such purposes as public access, educational, and governmental—on a free basis or at reduced charges—we will entertain petitions and consider the appropriateness of authorizing such experiments, to gain further data and insight and to guide future courses of action. For the same reasons, we will permit existing systems to continue operating under more "generous" specifications than those described in this section.

The question of what regulations we should impose at this time is a most difficult one. We simply do not know how these services will evolve. The comments received while helpful and well-intentioned, understandably could not now supply definitive standards. We believe that our best course is to facilitate use of these channels on a first-come, first-served nondiscriminatory basis with only the most minimal regulations, in order to obtain experience, and on the basis of that experience and the comments received in a new proceeding, to lay down more specific regulations. We stress, therefore, that the regulatory pattern here dscribed is interim in nature—that we may make minor or indeed major changes as we gain the necessary insight.

Turning to our interim rules, we are guided by two main policy considerations: (1) to allow maximum experimentation and (2) to prevent, particularly during this critical early period and probably at all times, one entity sitting astride all this channel capacity and deciding what programming should or should not enter subscriber homes.

We will authorize the commencement of cable service and, with that commencement, require the offering of these services. We will further require that, in accordance with our regulations, the cable system promulgate rules to apply to these services, and will require that the rules be kept on public file at the system's headquarters and with the Commission. What matters during this experimental period is not form but substance, and we will lay down the substantive guides that we believe are appropriate at this time. We believe that we have full discretion to act in this fashion. See *Philadelphia Television Broadcasting Co.* v. *F.C.C.*, 123 U.S. App. D.C. 298, 359 F. 2d 282 (1966).

With respect to the public access channel, the rules to be promulgated by the system must specify nondiscriminatory access on a first-come, first-served basis during this interim period. It also follows that, during this interim period, the cable operator must not censor or exercise program content control of any kind over the material presented on the public access channel. However, his rules shall proscribe the presentation of any advertising material (including political advertising spots), of lotteries, and, in terms identical to 18 U.S.C. § 1464, of obscene or indecent matter. The regulations shall also specify that persons or groups seeking access be identified, and their addresses obtained; these are reasonable requirements, and this information should be publicly available.

We do not envision any other proscriptions during this experimental period. We recognize that open access carries with it certain risks. But some amount of risk is inherent in a democracy committed to fostering "uninhibited, robust, and wide-open"

debate on public issues. (*New York Times Co.* v. *Sullivan*, 376 U.S. 254, 270 (1964)). In any event, further regulation in this sensitive area should await experience and the outcome of the proceeding we expect to initiate. For example, we intend to explore whether it would be feasible or desirable to provide subscribers a locked switch to cut off the public access or leased channels, should parents wish to control their children's viewing.

In short, we recognize that the public access channel requirements may result in many problems for the cable operator, especially during the break-in period. Effective operational procedures can evolve only from trial and error, and it is probable that different systems will have diverse problems not presently capable of being solved by uniform regulation. We note, for example, the need to decide how applications for access time shall be made, who must make them, what overall time limitations might be desirable, how copyrighted material will be protected, how production facilities will be provided, how the public can get some advance notice of what is to be presented, and so on. All these questions will probably be answered by cable systems in a number of different ways. Again, we will require that the rules adopted by cable systems in these respects be filed with us and made available to the public. But experimentation appears to be the best way to determine what will be workable for the long run. Only with experience will we be able to tell what further general rules, if any, are called for.

The cable operator, except for channels programmed by the system itself, similarly must not censor or exercise program content control of any kind over the material presented on the leased channels. Specifically, his rules shall provide for nondiscriminatory access on a first-come, first-served basis with the appropriate rate schedule specified. Again, he shall obtain the names and addresses of the persons or groups seeking access, and shall adopt rules proscribing the presentation of obscene or indecent matter (in the precise terms of 18 U.S.C. § 1464), lotteries, and advertising material not containing the necessary commercial identification. Finally, in contrast with existing cablecasting rules (Section 74.1117), we will not require commercials only at natural breaks on these channels. It is our expectation that there will be experimentation in this respect, with some channels used entirely for advertising, some following the pattern of present commercial broadcasts, and others that of Section 74.1117. We do not wish to inhibit in any way the presentation of new materials over these channels during this critical introductory period. Again, we leave to the rule-making proceeding such questions as dealing with false and misleading advertising, some possible modified fairness or personal attack requirements, and the like.

Liability

Many cable operators are concerned about potential civil and criminal liability resulting from use of these public access and leased channels. There is little if any possibility of a criminal suit in a situation where the system has no right of control and thus no specific intent to violate the law. *See*, e.g., *Baird* v. *Arizona State Bar*, 401 U.S. 1 (1971); *In Re Stolar*, 401 U.S. 23 (1971); *Law Students Civil Rights Research Council* v. *Wadmont*, 401 U.S. 154 (1971); *Yates* v. *United States*, 354 U.S. 298 (1957).

The cable operator's real fears seem, in fact, to center mainly around potential libel suits. The possible number and scope of such actions is, however, severely limited. In *Rosenbloom* v. *Metromedia, Inc.*, 39 U.S. L.W. 4694 (1971), the Court extended the "actual malice" rule of *New York Times Co.* v. *Sullivan, supra.*, to cover any situation where "the utterance involved concerns a matter of public or general interest." Since most users will presumably air opinions on matters that are of at least as much "public or general interest" as in the *Rosenbloom* case, it seems likely that their speech would come within the "actual malice" rule. No such malice could be imputed to a cable operator who had no control over the given program's content.

In the unlikely event that some material presented on these non-broadcast channels were to fall outside the broad scope of the Court's recent decisions such as *Rosenbloom*, this would not necessarily mean that the system is liable. (Of course, the programmer would remain fully liable.) We have adopted the no-censorship requirement in order to promote "robust, wide-open debate" and for the policy reasons set out above; these are, we believe, valid regulations having "the force of law." While the matter is of course one for resolution by the courts (as also would be the due process issues raised), we suggest that state law imposing liability on a system that has no control over these channels would frustrate federal purposes. In any event, if any problem should develop in this respect, it is readily remedied by Congress and, in this connection, we would welcome clarifying legislation. *Cf. Farmers Educational and Cooperative Union* v. *WDAY*, 360 U.S. 525 (1959).

Production facilities

It is obvious that our goal of creating a low-cost, nondiscriminatory means of channel access cannot be attained unless members of the public have available some reasonable production facilities. We expect that many cable systems will have facilities with which to originate programming, and such facilities should also be available to produce program material for public access. Hopefully, colleges and universities, high schools, recreation departments, churches, unions, and other community sources will have low-cost video-taping equipment available to the public. Whatever sources are available, however, we will require that the cable operator maintain at least minimal production facilities for public use within the franchise area.

In this experimental stage, when cablecasting material may well come from diverse sources, it could be self-defeating to require a cable operator to carry this material and at the same time to meet stringent technical standards. We note specifically that the use of half-inch video tape is a growing and hopeful indication that low-cost video tape recording equipment can and will be made available to the public. While such equipment does not now meet our technical standards for broadcasting, the prospects for its improvement and refinement are excellent. Further, since it provides an inexpensive means of program production, we see no reason why its development should not be encouraged for use on cable channels.

Many elaborate suggestions have been made for comprehensive community control plans such as neighborhood origination centers, mobile communications vehicles, and neighborhood councils to oversee access channels. Here again the Commission will encourage experimentation rather than trying to enforce a more formal structure at this time.

Applicability

These access rules will be applicable to all new systems that become operational in the top 100 markets (as defined in Section I above). Currently operating systems in the top 100 markets would have five years to comply with this section. Existing systems in markets below the top 100 would be required to meet these access rules when and as the system is substantially rebuilt.

Our reasons for focusing on the top 100 markets may be briefly stated. We have delineated these markets (within 35 mile zones) as the recipients of special benefits in order to stimulate cable growth. But, correspondingly, that growth should be accompanied by these access requirements or the public will not fully receive the benefits we seek. To the extent that this may pose some problems for systems operating in relatively small communities in these markets, such systems are free to meet their obligations through joint building and related programs with cable operators in the larger core areas.

Finally, if these requirements should impose an undue burden on some isolated system, that is a matter that can be dealt with in a waiver request, with an appropriate detailed showing.

III. TECHNICAL STANDARDS

Our objective in determining for the first time what technical standards should be made applicable to cable television systems has been to devise rules that assure the subscriber at least a minimum standard of reception quality, while at the same time permitting the continuation of technical experimentation. Thus, unlike our regulatory approach in broadcasting, we do not specify standards prescribing either the methods for measuring transmission performance or specifying the types of equipment that cable systems must use. Instead, the thrust of our rules is to require that a signal must meet certain standards of minimum technical performance on its arrival at any subscriber's terminal.

At this time our requirements would apply only to the carriage of standard television signals. We expect, however, that there will be need for technical standards—in some measure possibly different—for carriage of cable originated programs, return (two-way) communication, and various miscellaneous cable services as they develop. While appropriate standards for these services and other technical aspects of cable are under study, it will be necessary to call on the various technical industries for advice and consultation, and we plan soon to announce the formation of a task force of experts to advise us in designated areas. We intend to continue the rule-making process and to request comments on such matters as limitations on permissible cross-modulation, ghosting, measurement techniques, carriage of aural broadcast signals, and a requirement for synchronous delivery of VHF stations.

In anticipation of the various uses of cable television—some of which are already beginning to be realized—we are defining four classes of cable television channels. Class I channels will be those segments of bandwidth used for carriage of standard television signals. It is only to Class I channels that our technical standards would apply initially. Class II will be used for cable originated programming, including public and educational access services. Class III channels will be for non-television miscellaneous services and printed message material. And Class IV channels will be those used for return communication. Our purpose in defining four classes of channels is to recognize that the varied services expected to be provided by a cable system will use different amounts of bandwidth or require different technical parameters, some "channels" requiring a full 6 MHz of bandwidth, others more or less. As suggested above, different technical standards may well be needed for different cable services, and we have therefore fixed on these separate channel definitions to facilitate whatever standards we adopt.

At this time our technical standards will include specifications for frequency boundaries, visual carrier frequency levels, aural carrier frequency levels, channel frequency response, terminal isolation, and system radiation. We will provide, however, that systems of unusual design that cannot comply with one or more of the technical specifications will be permitted to operate on an adequate showing that the public interest is benefited thereby. The Commission will reserve the right in such instances to prescribe special

technical standards to ensure that subscribers will be provided with good service quality.

Responsibility for designing, installing, maintaining, and operating cable systems to ensure that our standards are met will be placed on system operators. We will require that every cable system operator conduct complete performance tests of his system at least once a year and keep the results of such tests on public file for five years. The performance tests will compel measurements made at no less than three widely separated points on the system, at least one of which would be representative of terminals most distant from the system input. We will, of course, require that the operator record a description of the instruments and procedures used in making such measurements and a statement of the qualifications of the person performing the tests.

We will also require that the operator of each system maintain a current listing of channels delivered to subscribers and the station or stations whose signals are delivered on each Class I cable channel.

Each system operator will have to be prepared at any time to show, on reasonable request from the Commission, that his system does in fact comply with the technical standards. Additionally, it should be noted that successful completion of the performance tests will not relieve the system operator of the obligation to meet the technical standards at each subscriber terminal. The implementation of these rules would generally eliminate the degradation of local broadcast signals. We will also reserve the right to require additional tests at specific terminals.

We consider it important that the cable industry move forward as quickly as possible with a program to obtain compliance with the technical standards we plan to adopt. Thus, we will require that new systems and those that may now be in the planning or construction phase and have not delivered programs to subscribers on the effective date of these rules will have to comply with the technical standards within one year. For existing systems, however, we envision a five-year compliance period.

IV. FEDERAL-STATE/LOCAL RELATIONSHIPS

In the *Notice of Proposed Rule Making in Docket No. 18892*, 25 FCC 2d 50 (1970), we stated that we favored federal regulation of some aspects of cable television and local—i.e., state or municipal—regulation of others under a federal prescription of standards. The comments generally agreed that certain areas of cable regulation can best be dealt with at the federal level because states and municipalities lack the necessary resources for effective regulation. We are also persuaded that, absent affirmative Commisison action, state and local bodies would be free in other areas of regulation to style cable growth in a manner at odds with the Commission's nationwide regulatory plan. Accordingly, it is our view that federal regulation is clearly indicated in such areas as signals carried, technical standards, program origination, cross-ownership of cable and other media, and equal employment opportunities. And federal regulation of matters directly affecting programs and signals carried is, of course, entirely consistent with *United States* v. *Southwestern Cable Co.*, 392 U.S. 157 (1968).

The comments generally advanced persuasive arguments against federal licensing. We agree with the contention that federal licensing at this time would place an unmanageable administrative burden on the Commission. Accordingly, we will not now take that step. Furthermore, local governments are markedly involved, since cable must make use of streets and alleys, and local authorities are able to bring to bear a special expertness on such matters, for example, as how best to parcel a large urban area into cable districts. Local authorities are also in a more effective position to follow up on service complaints.

Accordingly, we will leave a number of areas to local regulation, but will take steps to insure efficient nationwide communications service with adequate facilities at reasonable charges. And we will expand to accomplish this by specifying minimum requirements in the local franchising process.

Basic qualifications—choice of franchisee and service area

We will require that the cable system, before commencing operation with broadcast signals, file a copy of its franchise with us and a certificate showing that the franchising authority in a public proceeding has considered the system operator's legal and financial qualifications, and the adequacy and feasibility of his construction arrangements.[2] We are authorizing the use of broadcast signals in order to obtain new benefits for the public, and no such benefits will be forthcoming if the cable applicant is legally, financially, or technically unable to operate. The character of the cable applicant takes on added significance because he may well be engaged in program origination. Nor does this consideration rest on the validity of the Commission's *First Report and Order in Docket 18397*—a matter now before the Courts—since in any event the cable system is free to originate, and may well do so in order to promote its growth. Some governmental body must ensure character consistent with the public interest and, in the circumstances, that body will be the local entity authorized to do so by state law.

While local authorities must examine the above aspects of eligibility and certain others to be discussed, we do not believe it is appropriate to set out comparative criteria to govern the selection process. This is a new realm and we think it best to allow for a variety of experiments and approaches. We do intend to collect and publish data on the various methods used, so that we may review the matter and also be of assistance to the many franchising entities involved.

The local entity must also make the determination whether to divide up the city, county, or state, and, if so, how. We would only stress the obvious—that it must make provision that the franchisee extend service equitably to all parts of the franchise area. A plan that would bring cable only to the more affluent parts of a city, ignoring the poorer areas even though dense in population, simply could not stand. No broadcast signals would be made available in such circumstances. We emphasize however that, barring such inequity, we do not intend to supervise the manner of dividing up political subdivisions. There are obviously a variety of reasonable ways to proceed here, and the matter is one uniquely for the judgment of the local entity.

Construction timetable—franchise duration

We will require that the local franchising authority set reasonable deadlines for construction and operation of systems to ensure that franchises do not lie fallow or become the object of trafficking. Specifically, we will provide that the franchise require that the cable system have an operable head-end within one year after this Commission grants a certificate of compliance, and that thereafter it meet substantial percentage figures for extension of energized trunk cable, such figures to be set by the local authority. This represents neither an innovation nor a hardship for local franchising authorities, since many already impose similar requirements. We believe, in general, that the cable franchisee should be required to extend energized trunk cable to 20 percent of the franchise area per year, for its first five years of operation, with the extension to begin within one year after the Commission issues its certificate of compliance. But we will not lay this down as an inflexible rule, recognizing that particular local circumstances may vary.

We will require the franchising authority to place a reasonable limit on the duration of the franchise, and its renewal. This obviously requires striking a balance between a sufficient time scale to attract venture capital and, in effect, a franchise in perpetuity. The latter is unsatisfactory to state and local regulatory authorities and would be an invitation to obsolescence, because of cable's explosive technological development. We think that, generally speaking, a franchise should not exceed 15 years, with a reasonable renewal period. The economics of cable operation would appear to allow for amortization of initial investment over a 15-year period, and efficient operators can reasonably expect their franchises to be renewed. In short, while we will set out the 15-year period as a general guide, we recognize that the local franchising authority may decide to vary the period based on particular circumstances. For example, an applicant proposing to wire inner-city areas free or at reduced rates might be given a longer franchise.

Subscriber rates—service standards

We will require that the franchising or other governmental authority specify or approve initial subscriber rates for services furnished by the franchisee; that a program be instituted for the review and, as necessary, adjustment of such rates; and that reasonable advance notice be given to the public of all proposed rate changes with the right of the affected members of the public to be heard. The appropriate standard here is the maintenance of rates that are fair to the system and to the subscribing public—a matter that once again will turn on the facts of each particular case and, in the next years, the accumulated experience of other communities with cable. Finally, while we will specify general technical standards, the franchising authority must have a program to ensure quality of service and to review service complaints. Once again our provisions will be designed to impose a general standard of franchisee responsibility while leaving specific substantive decisions to local authorities.

Franchise fees

We proposed a two percent limitation on local franchise fees in our *Notice of Proposed Rule Making in Docket 18892, supra*. While we have decided against adoption of this specific limitation, we believe that some provision to ensure reasonableness in this respect is necessary for a variety of reasons.

First, many local authorities have—understandably but unfortunately—exacted high franchise fees for revenue-raising rather than regulatory purposes. Though most fees seem to run about five percent, some have been known to run as high as 36 percent. The ultimate effect of any revenue-raising fee is to levy an indirect and regressive tax on cable subscribers, and our further concern is that the combination of high local franchise fees and cable's other financial responsibilities may so burden the industry that it will be unable to carry out its part of an integrated national communications program.

We must also take into account the likelihood that cable systems may, in the near

[2] While we are not at this time instituting rules concerning the franchise selection process, we do strongly suggest that the local franchising authority require a public invitation to all who might want to compete for a local franchise, that all bids be placed on public file and reasonable public notice be given, that a public hearing be held to afford all interested persons an opportunity to testify on the merits or demerits of the various applicants, and finally that the franchising authority release a public report setting forth the basis for its action.

future, be subject to Congressionally-imposed copyright fees. We are, of course, aware that cable has in many places achieved public acceptance, but there are limits on the number of different directions in which cable revenues can be stretched. As we indicated in our above *Notice*, our goal is to strike a balance that permits the achievement of federal goals and at the same time allows adequate revenues for the maintenance of an appropriate local regulatory program.

This Commission imposes a fee to finance its own cable regulatory program. The regulatory program to be carried out by the local entity is different in scope and indeed may differ from jurisdiction to jurisdiction. While we think that generally franchise fees should run between three and five percent as a maximum, we believe it more appropriate to specify a general standard to be implemented within the specific local context. Thus, we will simply require that the franchise fee must be a reasonable one that does not interfere with the effectuation of federal goals. But when the fee is in excess of three percent (including all forms of consideration, such as initial lump sum payments), the franchising authority shall submit a showing of the appropriateness of the fee specified, particularly in light of the planned local regulatory program. The franchisee shall also set forth a showing that the fee specified does not interfere with achievement of his responsibilities as defined in relevant Commission rules and documents. As we gain more experience in this area, we will doubtless take further action and may well issue a further notice of inquiry or proposed rule making when our cable rules go into effect.

Grandfathering

We will apply generous grandfathering provisions. An existing cable system will be required to certify that its franchise includes the above provisions within five years of adoption of our rules or upon renewal of its franchise, whichever occurs first. This delay should relieve both cable systems and local authorities of whatever minor dislocations the new rules might cause.

Advisory Committee

The provisions of this Section of the document represent the bare minimum needed to get cable under way, and some matters are best left to *ad hoc* consideration. We believe that a special committee composed of Commission representatives, and representatives of state and municipal entities, the cable industry, and of public interest groups would be most helpful, and we propose in the near future to create such a committee. This committee, through its Commission representative, can then report to and advise the full Commission as to the next appropriate steps in this important area. For, as we gain experience and data, we must be alert to take such further action as will promote the public interest. We intend also to make available to local entities the information garnered through proceedings of the Commission and the proposed committee, so that such local entities may be better informed as to pertinent approaches and data in this dynamic field.

V. FURTHER QUESTIONS

Despite the length of this document, you will appreciate that it does not contain as full a treatment of every aspect of cable development as will be included in our *Final Report and Order*. But it does set out the essence of our proposals, and our rules will follow directly for them.

We also want to make clear that there is much unfinished business in the cable field. For example, there is the outstanding proceeding dealing with cross and multiple ownership problems. Clearly, this federal matter must be resolved without undue delay so that threshold eligibility questions are laid to rest. To cite just one instance, strong arguments have been advanced that local ETV station operators should not be barred from any and all ownership participation in cable systems in their communities; and, as a matter of equity, these arguments should be dealt with before franchises are awarded in the markets that we are now proposing to open for cable penetration. We will therefore split out matters such as this for resolution before our new rules become effective.

This document itself refers to several new proceedings to deal further with a number of difficult problems. In the access area, for example, there will be a proceeding to consider the shape of new regulations (if any) on the access and leased channels; and this will reach to the important issue of preventing abuses, particularly with respect to rates, that might thwart the fullest possible provision and use of such channels.

In the federal-state/local area, there will be a proceeding to consider various aspects of matters treated here only in a preliminary way. This will include the difficult issue of delineating which services are interstate in nature and which intrastate and, even if the former, whether federal regulation should be exclusive.

Possible problems concerning carriage of radio station signals have not been treated here although some of the same issues raised by carriage of television signals may also be raised by radio signal carriage. Further inquiry and proceedings in this area will be required.

We have also been asked by the cable television industry to take action to encourage the manufacture and sale of television receivers specifically designed for use with high capacity cable systems, eliminating the need for set-top converters, improving reception of adjacent channels, and reducing direct pick-up interference. Inquiry in this area is clearly indicated and it will be an item on the agenda of the industry task force we propose to establish to assist us in formulating further technical standards.

Additionally, it may become necessary in the future to adopt a uniform set of cable accounting standards to aid in the implementation of effective regulatory programs. We will, therefore, issue a *Notice of Proposed Rule Making* to explore the need for and possible form of such standards. At this comparatively early point, however, the NCTA's *Accounting Manual for Cable Television* can serve as a useful focal point for discussion of this issue.

Our continued attention will also be required to ascertain whether existing rules to prevent the siphoning of programming from over-the-air broadcasting are effective or whether further regulations are indicated. We have referred to this at greater length in our discussion of sports events under "Television Broadcast Signal Carriage," above. We intend to keep a close watch on this whole question and will be receptive, as we indicated earlier, to Congressional guidance in this vital area of national concern.

Underlying all these issues is the fundamental fact that cable is not static but rather is an emerging technology, with a host of possible services still to come. It follows that our regulatory pattern must evolve as cable evolves—and no one can say, at this stage, what the precise direction will be. Many of those who testified at our hearings urged that cable's tendency will and indeed should be more and more toward a common carrier concept. And that, of course, would have profound regulatory consequences for which the Commission and the Congress must be prepared.

This document signifies the amount and the substance of regulation that we believe is essential now for the orderly development of the cable industry. But its ability to survive and prosper will ultimately, in our view, be tested in the market place. We have, in short, proposed first steps—long overdue. We welcome your participation in this most important matter and, in effect, a continuing partnership. Our objective and yours is surely the same—to bring to the American people an effective and a diverse communications system, in accordance with the mandate of the Communications Act of 1934.

This letter was adopted by the Commission on August 3, 1971, Commissioners Burch (Chairman), Bartley, R. E. Lee, Johnson, H. R. Lee, and Houser voting for adoption of the document, and Commissioner Wells dissenting (separate statement attached hereto).

By direction of the Commission.

DEAN BURCH,
Chairman.

DISSENTING STATEMENT OF COMMISSIONER ROBERT WELLS

I would have preferred to concur in the action of the majority in the adoption of this document for we all have the same goals. Our objective is to provide for the further development of cable television systems, done in such a manner that we do not disrupt or diminish the service now being brought to the public by the broadcasting industry. Since we all wanted to achieve this goal, most of our differences are matters of degree.

However a segment of the action taken by the majority represents another example of over regulation at the Federal level. It was done without local franchising authorities having an adequate opportunity to demonstrate their ability or inability in this complex field.

We do not have before us a case of federal funding where some federal controls are inevitable. We have preempted jurisdiction where for various reasons the basic requirements for these systems vary from one franchise area to another. Rather gratuitously the majority has assumed that *all* expertise in this matter is at the Federal Communications Commission. It is true that the Commission has held many hours of hearings and discussions on cable television and should be more informed than most local fanchising authorities in many aspects. This does not mean that the Commission has acquired the necessary skills required to deal with local problems which reasonably can be expected to arise in such a complex field. The rationale for assuming our expertise in local situations, which is thought to be so great so as to preclude even giving local authorities any control over what is needed in the way of local access channels, escapes me.

While I would favor a nationwide interconnected cable television network, at this time. I oppose allowing signals to be imported from any distance as is proposed in the document before us. The possibility of adverse impact by such signals upon existing broadcast services is of grave concern. I would have been more cautious now, hoping that experience would permit us to come to the point where all restrictions might be abolished.

Stating my objections briefly, I believe we could have given cable systems less in distant signal importation and still stimulated its growth. On the other hand, I would not have the Commission burdening cable operators with what could prove to be excessive capital outlays because of our proposals for non-broadcast channel capacity. I am sure that in some cases our channel capacity requirements will prove to be quite reasonable. The local franchising authorities are in the best position to make that determination and I would leave the matter of access channels entirely to them. Neither would I make any reference to franchise fees or subscriber rates for these again should be left to the judgment of the local authority, and the Commission should not preempt this jurisdiction.

Although I realize any distinction between markets by size is purely arbitrary, I would have preferred a figure other than markets

1–50. For the purpose of this subject, the placing of Wilkes-Barre, Pennsylvania in the same category as New York City is not logical when one considers the question of the ability of the Wilkes-Barre market to withstand the impact of additional distant signal competition. Again, I realize any figure is open to argument, but I do feel we could have arrived at a better division.

I also see the Commission's action as one which will result in a substantial number of requests for waivers from the cable television systems in the many different areas covered by these proposals. Such requests would, in my judgment, have been far fewer in number if local issues had remained for the local authorities' determination, and decisions could be handled far more expeditiously.

On a matter as complex as this one, I could write a lengthy document. I do not choose to belabor all the details. Although I agree with the motives, I disagree with many of the principles involved in our federal-state relationship and have stated some of these objections. Most of my other differences are matters of degree. In the final analysis, I disagree with such a substantial amount of this document that I have no alternative but to dissent.

APPENDIX A. THE MAJOR TELEVISION MARKETS AND THEIR DESIGNATED COMMUNITIES

(Numbers in parentheses indicate market ranking)

FIRST FIFTY MAJOR MARKETS

Albany-Schenectady-Troy, N.Y. (34).
Atlanta, Ga. (18).
Baltimore, Md. (14).
Birmingham, Ala. (40).
Boston-Cambridge-Worcester, Mass. (6).
Buffalo, N.Y. (24).
Charleston-Huntington, W. Va. (36).
Charlotte, N.C. (42).
Chicago, Ill. (3).
Cincinnati, Ohio-Newport, Ky. (17).
Cleveland-Lorain-Akron, Ohio (8).
Columbus, Ohio (27).
Dallas-Fort Worth, Tex. (12).
Dayton-Kettering, Ohio (41).
Denver, Colo. (32).
Detroit, Mich. (5).
Greensboro-High Point-Winston-Salem, N.C. (47).
Greenville-Spartanburg-Anderson, S.C.-Asheville, N.C. (46).
Hartford-New Haven-New Britain-Waterbury, Conn. (19).
Houston, Tex. (15).
Indianapolis-Bloomington, Ind. (16).
Kalamazoo-Grand Rapids-Muskegon-Battle Creek, Mich. (37).
Kansas City, Mo. (22).
Los Angeles-San Bernardino-Corono-Fontana, Cal. (2).
Louisville, Ky. (38).
Memphis, Tenn. (26).
Miami, Fla. (21).
Milwaukee, Wis. (23).
Minneapolis-St. Paul, Minn. (13).
Nashville, Tenn. (30).
New Orleans, La. (31).
New York, N.Y.-Linden-Paterson, N.J. (1).
Norfolk-Newport News-Portsmouth-Hampton, Va. (44).
Oklahoma City, Okla. (39).
Philadelphia, Pa.-Burlington, N.J. (4).
Phoenix-Mesa, Ariz. (43).
Pittsburgh, Pa. (10).
Portland, Ore. (29).
Providence, R.I.-New Bedford, Mass. (33.)
Sacramento-Stockton-Modesto, Cal. (25).
Salt Lake City, Utah (49).
San Antonio, Tex. (45).
San Francisco-Oakland-San Jose, Cal. (7).
Seattle-Tacoma, Wash. (20).
St. Louis, Mo. (11).
Syracuse, N.Y. (35).
Tampa-St. Petersburg, Fla. (28).
Washington, D.C. (9).
Wichita-Hutchinson, Kan. (48).
Wilkes-Barre-Scranton, Pa. (50).

SECOND FIFTY MAJOR MARKETS

Albuquerque, N. Mex. (81).
Amarillo, Tex. (95).
Baton Rouge, La. (87).
Beaumont-Pt. Arthur, Tex. (88).
Cape Girardeau, Mo.-Paducah, Ky.-Harrisburg, Ill. (69).
Cedar Rapids-Waterloo, Iowa (66).
Chattanooga, Tenn. (78).
Columbia, S.C. (100).
Columbus, Ga. (94).
Davenport, Iowa-Rock Island-Moline, Ill. (61).
Des Moines-Ames, Iowa (67).
Duluth-Superior, Minn. (89).
Evansville, Ind. (86).
Fargo-Grand Forks-Valley City, N.D. (98).
Flint-Bay City-Saginaw, Mich. (62).
Fort Wayne-Roanoke, Ind. (82).
Fresno, Cal. (72).
Green Bay, Wis. (63).
Greenville-Washington-New Bern, N.C. (84).
Harrisburg-Lebanon-Lancaster-York, Pa. (58).
Huntsville-Decatur, Ala. (96).
Jackson, Miss. (77).
Jacksonville, Fla. (68).
Johnstown-Altoona, Pa. (74).
Knoxville, Tenn. (71).
Lansing-Onondaga, Mich. (92).
Lincoln-Hastings-Kearney, Neb. (91).
Little Rock, Ark. (51).
Madison, Wis. (93).
Mobile, Ala.-Pensacola, Fla. (60).
Monroe, La.-El Dorado, Ark. (99).
Omaha, Neb. (54).
Orlando-Daytona Beach, Fla. (56).
Peoria, Ill. (83).
Portland-Poland Spring, Me. (75).
Raleigh-Durham, N.C. (73).
Richmond-Petersburg, Va. (64).
Roanoke-Lynchburg, Va. (70).
Rochester, N.Y. (57).
Rockford-Freeport, Ill. (97).
San Diego, Cal. (52).
Sioux Falls-Mitchell, S.D. (85).
South Bend-Elkhart, Ind. (80).
Spokane, Wash. (76).
Springfield-Decatur-Champaign-Jacksonville, Ill. (65).
Texarkana, Tex.-Shreveport, La. (59).
Toledo, Ohio (53).
Tulsa, Okla. (55).
Wheeling, W. Va.-Steubenville, Ohio (90).
Youngstown, Ohio (79).

APPENDIX B. CABLE SIGNAL CARRIAGE IN MAJOR MARKETS

The attached chart depicts the number of signals that cable would be permitted to carry under our new rules in the designated cities of the top 100 television markets. For each market:

Column I shows stations authorized in the market

Column II lists signals meeting the viewing test

Column III shows distant signals permitted to be added

Column IV totals the above three columns and gives the total number of signals available under our rules in each of the designated cities

Additionally, the "Overlapping Market Comparison" in Column V shows how many signals from out of the market would be available under our existing rule which (other than in special footnote 69 situations) requires the carriage of all Grade B signals and compares it with the comparable number that will be available under our new viewing test, restricting carriage of out of market signals to those that are significantly viewed in the home market (the "Viewing Test" entries in Column V are the same as the entries in Column II). In all cases, noncommercial educational stations and foreign language stations are not included.

In calculating signals available under the viewing test (Columns II and V), audience survey information has been used which includes data on cable subscriber viewing in the home county. Since cable viewing of out of market signals may conceivably distort off-the-air viewing patterns, we have undertaken a special survey to be conducted by ARB of the counties where there is substantial cable penetration (more than 10%). Viewing test results in Columns II and V are, therefore, subject to adjustment when the survey results become available. In overlapping market situations where out of market network stations meet the significant viewing test, those stations would, of course, be required to be deleted when presenting programs which duplicate the programming of the home market network stations.

EXPLANATORY NOTES

* Indicates certain markets that do not follow the usual pattern and where special treatment might, on further consideration, be appropriate. These include markets in which a great number of overlapping market signals meet the significant viewing test and markets below the top 50 in which an independent television station already exists.

[a] Market includes a foreign station.

[b] Indicates there is a non-operational station in the market with a construction permit less than 18 months old.

Market	(I) Market signals Net	Ind.	(II) Viewing test signals Net	Ind.	(III) Additional signals Net	Ind.	(IV) Total	(V) Overlapping market comparison, new viewing test vs. existing rule: Viewing test	Out of market grade B's
1. New York, N.Y.-Linden-Patterson, N.J.	3	5				2	10		5
2. Los Angeles-San Bernardino-Corona-Fontana, Calif.	3	8				2	13		
3. Chicago, Ill.	3	4				2	9		
4. Philadelphia, Pa.-Burlington, N.J.	3	3				2	8		3
5. Detroit, Mich.	3	3				2	8		4
6 Boston-Cambridge-Worcester, Mass.	3	3				2	8		7
7. San Francisco-Oakland-San Jose, Calif.	4	4				2	10		5
8. Cleveland-Lorain-Akron, Ohio	4	2				2	8		3
9 Washington, D.C.	3	3				2	8		4
10 Pittsburgh, Pa.	4	1				2	7		3

Market	(I) Market signals Net	(I) Market signals Ind.	(II) Viewing test signals Net	(II) Viewing test signals Ind.	(III) Additional signals Net	(III) Additional signals Ind.	(IV) Total	(V) Overlapping market comparison, new viewing test vs. existing rule: Viewing test	(V) Overlapping market comparison, new viewing test vs. existing rule: Out of market grade B's
11. St. Louis, Mo.	3	2				2	7		
12. Dallas-Ft. Worth, Tex.	3	2				2	7		
13. Minneapolis-St. Paul, Minn.	3	1				2	6		
14. Baltimore, Md.	3	2		1		2	8	1	6
15. Houston, Tex.	3	1				2	6		
16. Indianapolis	3	2				2	7		
Bloomington, Ind.	3	2	2			2	9	2	2
17. Cincinnati, Ohio-Newport, Ky.	3	1				2	6		5
18. Atlanta, Ga.	3	2				2	7		
19 Hartford	6	1				2	9		3
New Haven	4	1	2	3		2	12	5	4
New Britain	6	1				2	9		2
Waterbury, Conn.	4	1	2	3		2	12	5	2
20. Seattle	3	2				2	7		1
Tacoma, Wash.	3	2				2	7		
21. Miami, Fla.	3	2				2	7		2
22. Kansas City, Mo.	3	1				2	6		1
23. Milwaukee, Wis.	3	1				2	6		1
24. Buffalo, N.Y.	3	1		1		2	7	1	2
25. Sacramento	3	2				2	7		4
Stockton	3	2		1		2	8	1	8
Modesto, Calif.	3	2		1		2	8	1	6
26. Memphis, Tenn.	3					3	6		
27. Columbus, Ohio	3					3	6		
28. Tampa-St. Petersburg, Fla.	3	1				2	6		
29. Portland, Oreg.	3	1				2	6		1
30. Nashville, Tenn.	3	1				2	6		
31. New Orleans, La.	3	1				2	6		2
32. Denver, Colo.	3	1				2	6		2
33. Providence, R.I.	3		3			2	8	3	7
New Bedford, Mass.	3		3	1		2	9	4	6
34. Albany	3					3	6		1
Schenectady	3					3	6		1
Troy, N.Y.	3					3	6		
35. Syracuse, N.Y.	3					3	6		3
36. Charleston	3					3	6		1
Huntington, W. Va.	3					3	6		
37. Kalamazoo	4	1				2	7		6
Grand Rapids	4	1				2	7		1
Muskegon	4	1				2	7		
Battle Creek, Mich.	5	1	1	1		2	10	2	3
38. Louisville, Ky.	3	1				2	6		1
39. Oklahoma City, Okla.	3					3	6		1
40. Birmingham, Ala.	3					3	6		
41. Dayton-Kettering, Ohio	3	1	3			2	9	3	4
42. Charlotte, N.C.	3	1				2	6		5
43. Phoenix-Mesa, Ariz.	3	2				2	7		
44. Norfolk	3	1				2	6		1
Newport News	3	1				2	6		3
Portsmouth	3	1				2	6		1
Hampton, Va.	3	1				2	6		1
45. San Antonio, Tex.	3	1				2	6		
46. Greenville	5	1				2	8		
Spartanburg	5	1	1			2	9	1	1
Anderson, S.C.	5	1				2	8		
Asheville, N.C.	5	1				2	8		3
47. Greensboro	3					3	6		4
High Point	3		2			3	8	2	3
Winston-Salem, N.C.	3					3	6		5
48. Witchita	3					3	6		
Hutchison, Kans.	3					3	6		
49. Salt Lake City, Utah	3					3	6		
50. Wilkes-Barre	3					3	6		1
Scranton, Pa.	3					3	6		2
51. Little Rock, Ark.	3					2	5		
52. San Diego, Calif.	3	1	1	4		2	11	5	6
53. Toledo, Ohio	3		3	2		2	10	5	5
54. Omaha, Nebr.	3					2	5		1
55. Tulsa, Okla.	3					2	5		
56. Orlando-Daytona Beach, Fla.	3					2	5		
57. Rochester, N.Y.	3					2	5		4
58. Harrisburg	5			1		2	8	1	1
Lebanon	5		2	1		2	10	3	5
Lancaster	5		3	2		2	12	5	9
York, Pa.	5		3	1		2	11	4	3
59. Texarkana, Tex., Shreveport, La.	3	1				2	6		
60. Mobile, Ala.	3					2	5		1
Pensacola, Fla.	3					2	5		
61. Davenport, Iowa-Rock Island-Moline, Ill.	3					2	5		
62. Flint	3		4	2		2	11	6	8
Bay City	3					2	5		1
Saginaw, Mich.	3					2	5		1
63. Green Bay, Wis.	3					2	5		1
64. Richmond	3					2	5		
Petersburg, Va.	3					2	5		4
65. Springfield-Decatur-Champaign	5					2	7		
Jacksonville, Ill.	5		3	1		2	11	4	1
66. Cedar Rapids	3					2	5		
Waterloo, Iowa	3					2	5		1
67. Des Moines-Ames, Iowa	3					2	5		
68. Jacksonville, Fla.	3					2	5		
69. Cape Girardeau, Mo.-Paducah, Ky.-Harrisburg, Ill.	3	1				2	6		
70. Roanoke-	4					2	6		2
Lynchburg, Va.	4					2	6		1
71. Knoxville, Tenn.	3					2	5		
72. Fresno, Calif.	3	1				2	6		4
73. Raleigh-	2	1			2	2	7		2
Durham, N.C.	2	1	1		1	2	7	1	4
74. Johnstown-	3		2			2	7	2	
Altoona, Pa.	3		1			2	6	1	
75. Portland-Poland Springs, Maine	3					2	5		
76. Spokane, Wash.	3					2	5		
77. Jackson, Miss.	3					2	5		1
78. Chattanooga, Tenn.	3					2	5		2
79. Youngstown, Ohio	3					2	5		11
80. South Bend	3			1		2	6	1	
Elkhart, Ind.	3					2	5		1
81. Albuquerque, N. Mex.	3					2	5		
82. Fort Wayne-Roanoke, Ind.	3					2	5		1
83. Peoria, Ill.	3					2	5		3
84. Greenville	3					2	5		2
Washington	3					2	5		
New Berne, N.C.	3					2	5		
85. Sioux Falls	3		1			2	6	1	2
Mitchell, S.D.	3					2	5		
86. Evansville, Ind.	3					2	5		
87. Baton Rouge, La.	2				3	2	7		3
88. Beaumont-Port Arthur, Tex.	3					2	5		1
89. Duluth-Superior, Minn.	3					2	5		
90. Wheeling, W. Va.	2		3			2	7	3	4
Steubenville, Ohio	2		3	1		2	8	4	4
91. Lincoln	3	1	3			2	9	3	4
Hastings	3	1				2	6		
Kearney, Nebr.	3	1				2	6		
92. Lansing	2		3			2	7	3	8
Onondaga, Mich.	3		3			2	8	3	9
93. Madison, Wis.	3					2	5		1
94. Columbus, Ga.	3					2	5		
95. Amarillo, Tex.	3					2	5		
96. Huntsville	3					2	5		
Decatur, Ala.	3		2			2	7	2	
97. Rockford	3					2	5		5
Freeport, Ill.	3					2	5		5
98. Fargo-Grand Forks-Valley City, N.D.	3					2	5		
99. Monroe, La.	2	1			1	2	6		
El Dorado, Ark.	2	1	4			2	9	4	2
100. Columbia, S.C.	3					2	5		2

Mr. PASTORE. Mr. President, today I have written a letter to the Honorable Clay T. Whitehead, Director of the Office of Telecommunications Policy at the White House, and I want to read it to the Senate:

DEAR MR. WHITEHEAD: The Federal Communications Commission's recent letter to the Commerce Committee regarding its proposed actions in the cable television field involves many fundamental complex policy matters of national importance.

The Committee will, of course, analyze the document thoroughly in view of its legislative responsibilities and the concern and interest expressed by so many members of Congress.

Since you are the Administration's spokesman on matters of telecommunications policy, and Chairman of the special Administration committee to develop proposals for a comprehensive policy with regard to cable television, it would be helpful if you would give the Committee as soon as possible your views on the proposals as well as any recommendations of your group. The views of your group are essential so that the Committee can weigh the Commission's proposals alongside of yours in determining the course it is to follow.

Sincerely yours,

JOHN O. PASTORE,
U.S. Senator.

Mr. PASTORE. Mr. President if any Senators have any questions, will they kindly let me know.

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution:

H.R. 10061. An act 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; and

H.J. Res. 833. Joint resolution making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 6, 1971, he presented to the President of the United States the following enrolled bills:

S. 581. An act to amend the Export-Import Bank Act of 1945, to eliminate certain export credit controls, and for other purposes; and

S. 2296. An act 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.

EDUCATION AMENDMENTS OF 1971

The Senate continued 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.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the following staff assistants be granted the privilege of the floor during the consideration of the pending bill: Roy Millenson, Sidney Johnson, Kevin McKenna, Stephen Wexler, Richard Smith, Nik Edes, Robert Nagel, and Bertram Carp.

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

Mr. FULBRIGHT. Mr. President, I should like to ask the Senator from Colorado if he would take the time to answer a few questions.

Mr. DOMINICK. I shall be glad to do so, but first I yield myself 10 minutes of my own time.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. DOMINICK. Mr. President, I have listened with interest to the distinguished Senator from Arkansas. I must say that I have never heard such a parade of horrors as he has recited. The Senator's interpretation indicates that we are trying to overturn the whole educational system of the country.

This is very interesting, because I have worked with the educators all the way through in developing the bill. A great number of the provisions which they suggest have been incorporated in the bill. My desire, instead of trying to centralize international education programs, is to disperse it to all eligible institutions throughout the country.

My previous citations of support from educators and foreign affairs experts indicates the breadth of support my amendment enjoys.

As I previously pointed out there are 118 eligible institutions around the country, in the District of Columbia and in Puerto Rico, all offering courses in international relations, foriegn service and diplomacy.

All that the Board has to do is to approve the institution as the bill states.

So, instead of the education being centralized and standardized, it is dispersed and varied. Instead of trying to maintain control of the source of our foreign service personnel, my amendment provides for geographical dispersion through a nomination procedure in which every Representative, every Senator, the President, the Vice President, and the Secretary of State make nominations of the people who will be eligible for the scholarship examination.

Therefore, it is not a patronage situation except insofar as the original nomination is concerned. After that selection is based on a purely competitive basis. It is similar to the Navy ROTC plan.

I cannot visualize for the life of me, when we are dealing with 118 diverse institutions, and a very limited authority in the Board to set manpower requirement needs, how this will create a federally controlled course of instruction. In fact, the university people say exactly the opposite. Because of the concern of the distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas, we eliminated from last year's bill the Foreign Service Institute. We further eliminated from the bill the words "approved by the board" after the words "curricula and courses of study."

What we have tried to do from the very beginning, despite the characterizations that have been heaped upon us, is to maintain a scholarship program which will give young men and women interested in foreign affairs the same opportunity to get an education in those fields as are given to lawyers, doctors, and other scientists, all of which is at Federal expense, and none of which I have ever heard the Senator from Arkansas complain about prior to this time. I cannot understand the objections he is raising at this time. I do not think they are valid.

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

Mr. DOMINICK. I am happy to yield.

Mr. FULBRIGHT Mr. President, I believe the Senator has stated that the Board has no power. Is it not a fact that the Board has the power to approve the allocation of the funds to be made available?

Mr. DOMINICK. The Board picks the institutions that will be available. Then, when the young men and women take the competitive examinations—and they are similar to the Holloran program in the ROTC—they apply for the institution. And it is approved if they have any available room. That is where they can go.

Mr. FULBRIGHT. Mr. President, I believe the Senator has just said that there are 77 institutions in 31 States.

Mr. DOMINICK. That is correct and they will be given degrees in international affairs.

Mr. FULBRIGHT. Does that mean that an institution which does not give a degree in international affairs would automatically be ineligible for this money?

Mr. DOMINICK. Probably originally it would be, if anyone wanted to go there, but——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for an additional 5 minutes.

Mr. DOMINICK. There are also 41 institutions in 21 States giving foreign service diplomas and curriculums. We have a wide range of institutions.

Mr. FULBRIGHT. There are over 1,500 or 2,000 institutions.

Mr. DOMINICK. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. FULBRIGHT. But the fact remains that the Board has the discretion of determining whether the institution is worthy of it.

Mr. DOMINICK. The Senator is correct. I would say to the distinguished Senator that if a young man or woman who is going to go in the Foreign Service, from the State Department viewpoint, they would want to send them to an institution of that kind. If the person is going to be in agriculture, they may want to send the person to an agricultural university or to a land-grant university.

Mr. FULBRIGHT. We have about 8,000 applicants for 100 or 200 places from these same institutions. There is no dearth of student graduates from the institutions to which the Senator referred.

I cannot see what possible advantage this is other than to give the Board——

The PRESIDING OFFICER. Will Senators please be seated. The Senate is not in order.

The Senator from Arkansas may proceed.

Mr. FULBRIGHT. Mr. President, I do not see at all what the object is other than to give the Board the power to influence the kind of training, and so forth, that the institution shall give. This is what I meant by centralization. If the Board has the power to make the selection of students, it has the power, therefore, to make the selection of the curriculum that is appropriate.

I come back again to the members of the Board and the members to be appointed by the Vice President. Since the Vice President is appointed by the President, for all practical effects, it might be said that seven out of the nine would fit into that category leaving only two members appointed by the Speaker. But these men obviously cannot give attention to this kind of matter. There will be a staff and the bill provides for the staff.

Does the Senator think the decision to determine what institutions are eligible, which means the judgment of the curriculums, will not finally devolve upon the staff of the Board?

Mr. DOMINICK. I do not agree with the Senator, just as I do not agree with most of the argument he has made.

This is what would happen in this situation. The university would like to accept the person on this kind of scholarship. Some will say that they want one or two and some will say we do not want any. It happens in connection with the ROTC and in all kinds of programs. They might say, "No, we do not want to take that kind of program."

All they have to do is find the institution to supply ordinary courses in this field which will be of assistance to the person after graduation in the field he is seeking.

For the life of me, I cannot understand the position of the Senator. The more I look at it, the better I think the idea is. I cannot understand why the Senator from Arkansas takes the position he does.

Mr. FULBRIGHT. I think it is wholly unnecessary. The State Department and HEW also think it is wrong. It is not just me. I can assure the Senator all these departments of Government are against it.

The State Department is primarily interested in this area. HEW has said it is wrong.

I shall read one paragraph from a letter from the Civil Service Commission Chairman:

In addition to training people greatly in excess of need, the Commission finds that the bill is inappropriate and objectionable with respect to the provisions of section 1209(a) (b) and (c) granting the Board of Trustees a vague kind of assignment authority to place students and graduates in Government agencies. The Commission believes these provisions conflict with the proper appointment authority of each agency head. This authority and related management control should not be subjected to the interference of an outside body with no responsibility for the achievement of the agency mission. The provisions for consultation do not cure this basic flaw and conflict of authority.

He is referring to that provision which would seem to give the Commission a right when a student has been receiving a scholarship, to assign him to a Government agency.

Is that the way the Senator interprets the bill?

Mr. DOMINICK. I did not understand the Senator.

Mr. FULBRIGHT. Did the Senator hear the part I read from the letter of the Chairman of the Civil Service Commission?

Mr. DOMINICK. I was there when he testified.

Mr. FULBRIGHT. This is his letter to me.

Mr. DOMINICK. What date?

Mr. FULBRIGHT. June 3, 1971. He stated:

In addition to training people greatly in excess of need, the Commission finds that the bill is inappropriate and objectionable with respect to the provisions of section 1209 (a), (b), and (c' granting the Board of Trustees a vague kind of assignment authority to place students and graduates in Government agencies. The Commission believes these provisions conflict with the proper appointment authority of each agency head.

He has a reference to section 1209 in the bill which is on pages 17 and 18. At the top of page 18 where it is stated:

Except as otherwise provided by any other law of the United States or regulation prescribed by the board, each student admitted to the program under section 1205 shall, upon satisfactory completion of his course of study leading to an undergraduate or graduate degree, or within such period of time thereafter as the board finds to be reasonable to prepare and submit any thesis or dissertation related to his course of study, be available for assignment in the discretion of and by the board.

Then, it is stated on page 18:

(1) for hiring or appointment by the United States in connection with any program of the government relating to the field of foreign affairs conducted by any department or agency of the government.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I yield myself 3 additional minutes; then, if the Senator wants to continue, he can do it on the other time.

I am going to answer what the Senator is saying.

On page 18(c) it states:

Prior to making any assignments under this section, the board shall consult with interested departments and agencies of the government to determine the personnel requirements of their programs relating to the field of foreign affairs.

So we are not trying to shove anybody at anybody's throat or overfill the positions. We are trying to give young men and women an opportunity to have a career in international relations. I cannot understand what is so horrible about that.

Mr. FULBRIGHT. The Civil Service Commission has responsibility. They interpret this language. I have placed in the RECORD what they say about this matter of assignment authority. They interpret this to mean the Board has the authority to assign.

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

The PRESIDING OFFICER. Does the Senator from Arkansas yield to himself time from the time of the Senator from Rhode Island (Mr. PELL)?

Mr. FULBRIGHT. I yield to the Senator from Rhode Island on the time of the junior Senator from Rhode Island (Mr. PELL).

Mr. PASTORE. Mr. President, as I look at this program it is more or less comparable to the program we have for our military academies—more or less. The only thing that puzzles me is this, and I hope someone will explain it. If a person attends West Point, when he graduates he is given a commission. He is guaranteed a commission in the Army.

Mr. FULBRIGHT. The Senator is correct.

Mr. PASTORE. When one goes to the Air Academy he automatically gets a commission in the Air Force.

Mr. FULBRIGHT. The Senator is correct.

Mr. PASTORE. And when a person goes to Annapolis to the Naval Academy he gets a commission in the Navy.

If a boy or girl is trained for the Foreign Service does that boy or girl automatically get a commission in the Foreign Service?

Mr. FULBRIGHT. That is the very point, and it is a vague point. This assignment power is given to the Board of nine men, appointed by the President, and the Vice President, together with two Congressmen.

The Senator knows what will happen to that Board. The Senator knows how busy he is. There would be the staff that has the responsibility for assignment. But apparently the Civil Service Commission thinks it will work as I stated earlier.

They have 50,000 on the waiting list or on the eligible list, but the Board has the authority to say, "You take this man or this woman." This is the letter which raises the question about the right of assignment. In the letter they pointed out the great excess of applicants.

Mr. PASTORE. I did not understand it that way. I understand the objection of the Civil Service Commission to be while they might have the right to assign, there would be nothing to assign them to.

Mr. FULBRIGHT. On both grounds. There is a great excess of applicants. I read previously the figures we had in the report. I think it said 50,000 people qualified for employment under civil service examination. There were 8,000 applicants for the State Department.

Mr. PASTORE. The only reason why I raised the question, if the Senator will yield to me, is that I have received letters from young people who have been trained for Foreign Service and they cannot get jobs.

Mr. FULBRIGHT. That is correct.

Mr. PASTORE. I wrote to the Secretary of State, and he said there were no jobs for them.

Mr. FULBRIGHT. That is correct.

Mr. PASTORE. If we spend a lot of money to train people in the hope that those people will get jobs, and then they cannot get jobs, does not that lead to frustration?

Mr. FULBRIGHT. That is correct.

Mr. PASTORE. What guarantee is there that after we spend this money to train them for Foreign Service they will get jobs there?

Mr. FULBRIGHT. That is one aspect of the problem. There are only a little over 3,000 in the Foreign Service. There are others with the Service in the foreign field. When I say "Foreign Service" I mean those in the Foreign Service who are accredited by the Department of State. There are people in the Department of Agriculture who go to the Embassy in Rome, for example, for work in the field of agriculture. Such persons are trained in agriculture, not foreign policy. The original proposal was not to train a man in agriculture, but to train him to be a diplomat. It was to train such persons in diplomacy to fight communism. That was the origin of the proposal. Because that was objectionable, it has been changed into this form at the present time.

As I have said, there is no need for it.

A further point is, are we, in this really very casual way, going to delegate to this Board and its staff the right to make an assignment in X agency, in HEW, Agriculture, or what have you, and say to the Secretary of Agriculture, "You have to take Mr. Jones. He has a degree from a university on our scholarship"? A further question is raised: Is that going to be done without overriding his authority? That is one aspect of it.

There is one rather curious provision

with regard to scholarships on page 13 of the amendment which reads:

Where both a husband and wife member are students under the Program and are cohabiting, their joint subsistence pay shall be $300.

I suppose the board is going to have to go around and inspect them to make sure they are cohabiting before they give them $300. What a provision to have in the law—that it would be illegal for them to get the $300 if they were not cohabiting. Who is going to be inspecting the students who are in the various universities to be sure they comply with that provision of the law? It is a rather curious provision. You see, Mr. President, they have to cohabit in order to get the $300. If they are not, they get $250.

Mr. PASTORE. And they have to go to the same university in order to cohabit; do they not?

Mr. FULBRIGHT. That is correct.

Mr. PASTORE. They cannot go to different universities.

Mr. FULBRIGHT. They cannot go to different universities. Talk about supervision of the lives of students. And then the proponents say that this is free and there is diversity. This is Big Brother in a university.

What is going to happen when they approach a professor in a school—all of which are in bad shape financially. That is what the purpose of the bill is—to help finance them. But if they approach a dean and he is asked, "How would you like a program that will give you some money?" Of course, he is going to be in favor of it. I will wager that the deans have not studied the bill. The bill to some extent, from time to time, has been changed since it was originally introduced. It will be easy to approach a professor and offer him this program, especially if it is in his field; and they can go to practically any school, because they are all overcrowded. There are many applications in every institution of higher education in this country for every particular place, except in some of the poorer places, small and neglected, without staff or reputation; but even those have applicants to the extent that they can take care of. But take schools like Yale and Washington Universities. I was told Yale University not long ago had 3,600 applicants for 300 places in the law school—10 to 1.

When one goes to these schools, he finds they are looking not for students; they are looking for money. If they can find ways to give them money, or they think they can get money, they are open to persuasion. Take what happened at MIT, certainly one of the greatest technical universities in this country. It became almost a bureau of the Pentagon. It was receiving at one time $100 million. What did it lead to? The students felt—I think correctly—that the whole institution was being subverted for the purposes of the Pentagon rather than for the training of students, and that caused great trouble up there.

On balance, and in a general way, I do not believe the Federal Government should inject itself into this very sensitive area of the training of our students for civilian life. I think there is a great distinction to be made between this and training men to perform in an area where they must be under discipline and the same discipline for everyone—where they have to abide by the same rules of war and regulations. That is acceptable there, but to try to educate a group of civilians to represent us abroad in this field and make them all the same seems to me to be contrary to the very basic assumptions of our society.

We do not want all our Senators to be the same, or all Members of Congress to be the same. If we are going to do this for the Foreign Service, why do we not have a school for Senators, to which every Senator must go in order to be eligible to be a Senator? They would all have to take the same course. They would all have to think the same about everything. They would all have to be free traders or high tariff advocates.

This seems to be a ridiculous discipline to apply to this field. It might be appropriate, we used to think, to a communistic, authoritarian country. They may have provisions of this kind. I am not sure whether the Russians have gone so far as to require their foreign service people to take the same kind of training. They may have, but that would at least be more consistent with their concept of how to organize a society. I think it is directly contrary to our idea of the way to have the most effective society.

What do we have in big business? We had a big argument the other day—and it was a close decision—about whether we were going to subsidize big business through the Federal Government. It was a very controversial subject. Due to the efforts of the Senator from Wisconsin, the subject was discussed to the point where Senators knew what they were voting on, at least. They had heard it talked about long enough so that they knew what it was about. Although I regret the decision, it was a very close decision, but there was a very lively debate.

What I am afraid of in this case is that there has been no debate on this proposal. I had no notice that it was going to come up until this afternoon. As I said, the Foreign Relations Committee voted adversely on this, and reported 10 to 2 against it.

I would call attention again to the fact that the education committee did not take it seriously enough to have any vote on it. It just voted it out on a voice vote, the way we call the calendar.

But to set up a board which is going to run this program, it seems to me, deserves a lot more attention than that. We made a big fuss over the Subversive Activities Control Board, and that involved only $500,000. Here is $60 million that will be at the disposal of a Board of nine men, all with completely full-time jobs such as Senators and Secretaries of State, which is expected to go around and evaluate the universities of this country that are offering courses in foreign affairs.

Imagine how well informed they will be. How much time does the Secretary of State have to visit 71 institutions located in 31 States? Again, all this means is that a staff will be appointed—five men, I believe it provides—and that staff will be the disappointed administrative assistants of Senators who could not appoint them elsewhere. They will determine the policy for this Board, and that is about the way it will finally end up.

There is another thing about this matter that I had on my mind: the broad authority that they are given about hiring consultants. This has within it the making of a real empire. They would give this Board the authority to hire—page 19, staff of the Board, section (c):

The Board may procure such temporary and intermittent services as are authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

I ask you, how many of them can they hire for $100 a day, and for how long?

This is quite a power to give to a Board of nine men appointed in the fashion which I have already mentioned. This is quite a nice little bit of patronage to turn over to this Board, but I still think it is utterly improper in the field of education.

I sometimes question the wisdom of the patronage appointment of young men to run the elevators here. They interfere with the automatic elevators; the elevators run better without them. But I cannot bring myself to complain about it, because I think it is perfectly all right to help them through school. I would only prefer that they leave the elevators alone and spend all their time reading their books, and both they and we would get more out of it, because they inhibit the efficiency of the elevators.

But this kind of patronage is much more dangerous. If you put them on the elevators, the worst that may happen is that the elevator may not work; but if you start meddling with our institutions of higher education, and induce a degree of uniformity in the curriculums they offer the young people who are going to represent this country, you have done incalculable harm to the future of the country. If we do so, we will have really injured it, I think, in a way that will be extremely difficult to undo.

I also point out that the Board, which is the core of this idea, is appointed at the discretion of the President and the Vice President. It is not confirmed by the Senate. A member obviously can be any disappointed office seeker that they have got to put somewhere.

I have forgotten what they pay the members of the Board. I think that they cannot be paid, because they are all paid as Members of the Senate, the House of Representatives, and as the Secretary of State, already. But they can pay the staff, and of course it will be the staff which will make the decisions in the long run. With a Board of this character, that is almost inevitable, it is almost impossible for Members of Congress and the Secretary of State to give attention to it. I presume that the pay for the staff would be a nice amount, probably comparable to that of the Subversive Activities Control Board, and no doubt with almost the same amount of duties.

I would hope that the Senate would

defer this matter. I would like to suggest, Mr. President, that it go over, but I suppose the manager of the bill would not be willing to do that. Would he support a motion to lay on the table, so that this matter could have further consideration at a time more propitious, when more Senators are present?

Mr. PELL. Mr. President, as manager of the bill, I would like to go ahead with a vote, as the Senator from Arkansas can well imagine. On the other hand, a motion to lay on the table is always in order, and the Senator can make the motion himself.

Mr. PASTORE. Mr. President, will the Senator yield so that I can ask several questions?

Mr. FULBRIGHT. I yield.

Mr. PASTORE. I am referring now to page 18 of the amendment. I do not see anything wrong with this program, really, if we have the places to put these people once we educate them, because I think when it comes to international affairs, we ought to have the best educated people in the world.

But what puzzles me here is the fact that we may spend a lot of money to train a certain individual in the hope that he will get a certain assignment in the Federal Government in a particular job for which he has studied so hard. But as I read page 18, all it amounts to is that once you are graduated, you become eligible for assignment. Is there a guarantee here that you will have a job? And who determines the giving of that guarantee?

Mr. PELL. My understanding is that there is no such guarantee, but the author of the amendment could reply more accurately.

Mr. DOMINICK. The Senator from Rhode Island is correct; there is no such guarantee, but the Secretary may determine how many scholarships he is going to give out. He can determine whether to make it a thousand a year, or 500.

Mr. PASTORE. The only trouble is this: The period of time from the determination of the number of scholarships to graduation after taking the course is 4 years. If it is a graduate course, it may be 6 or 7 years. This is the thing that bothers me, because we have so many young people today who are encouraged, for example, to take a premedical course, and after they have taken the premedical course there is no medical school for them to go to.

I am telling you, that is about the worst thing we could do to a young man or young woman. We have given them the encouragement that if they take a premedical course, they are going some day to be a doctor. Then when they complete the course and apply to a medical school, there are not enough medical schools around to take them in, and some of them have to go to Canada, Italy, France, or some other foreign country to be taken in. I know a lot of them that have had to switch to something else, because they could not get into a medical school.

The same thing is true here. Here we are encouraging—and I think it is a good thing, as we have the opening. We ought to do what the British do. They really educate their foreign service officers so that they are qualified and competent. We have not done it exactly that way, and maybe an improvement ought to be made.

But the thing that puzzles me here is, do we have the documentation that there is a paucity of these applicants today, and that for that reason we ought to inspire and encourage young men to become proficient in that area, so that they can one day serve their government, and is a job guaranteed to them?

Mr. ALLOTT. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I do not have the floor. I am asking the question, really.

Mr. DOMINICK. Mr. President, I shall be happy to give a brief answer, and then let my colleague make another one. The purpose of this amendment is to try to get a much broader diversification of opportunity for young men and women in a number of fields. This is not restricted to the so-called Foreign Service Corps; it takes in Foreign Service people, Federal Aviation Authority people, and people who would like to work in the Foreign Service of this country in one field or another as they get through their educational careers.

There are, at the present time, about 66,000 positions in this particular field, and there are x number of vacancies, on a regular basis, that would occur each year. I think they have some 5,000 or 6,000 a year average turnover.

We are going to have a continuing turnover in this area, if the United States stays, hopefully, economically strong and remains a part of the free world, and I would say one of the important things that we are going to have to do, as we start, hopefully, withdrawing our military forces, is to be able to maintain our degree of expertise in other fields, to maintain our relationships with our allies, and to continue negotiating with potential enemies.

So I do not see any prospect, from the long-range viewpoint, of cutting down on the number of people we are going to need here. I think the need will probably increase. But in any event, you can take a sample project, and what has been going on over a period of years, and then build in this scholarship program for that purpose.

Mr. PASTORE. The thing that disturbs me is this. It would strike me that the Secretary of State would want the best educated people in international affairs to enter the Foreign Service. It strikes me that the Civil Service Commission would want the best qualified people in Government. Why do the Secretary of State and the Civil Service Commission object to this proposal?

Mr. DOMINICK. They largely objected to it, as far as I can find out from listening to their testimony and reading it, on two grounds: First, they have more applications than there are now available positions. The question is, Were they qualified? How highly qualified are they? What kind of training? Where do they come from? These figures are unavailable at the moment. Second, the objection they raise, as put into their report, the only other objection—I have all kinds of support behind this bill from all over the country—is that the Board was to approve the curriculum. That was never the intention of the author of the bill; and in order to avoid any such implication, we have taken out the words "approved by the Board," insofar as curriculum is concerned. That has been eliminated.

We are left with the one thing that the Senator has brought up. The question is, Are we going to get more graduates than we need? The answer to that is, I do not know. Hopefully, we will get an input from around the country of different kinds of people who will be available for these jobs in different specialties or different generalities, who will be highly educated, to go into this field.

I see no reason why the Board cannot program this out slowly in order to determine whether they are going to have 500 or 750 or something like that. Certainly, that number of people can be educated and put into Government service.

Mr. PASTORE. We already have Foreign Service schools. We have Georgetown; we have other schools throughout the country.

Mr. DOMINICK. Georgetown, incidentally, is very much in favor of this bill.

Mr. PASTORE. I know that. I can understand why—because a certain number of students who will be taken in from now on will be supported by Federal money. That is a legitimate reason. I can understand it. The fact remains that we do have institutions today that are doing precisely what this bill does for the students who take this examination, and the fact remains that today we have more jobs than graduates.

I think we ought to establish, first, that there is a need for more of these graduates, that a demand is being made by the State Department for more of them; that a demand is being made by the Agriculture Department for more of them. All that has not been substantiated.

I think that academically this is a marvelous idea. I believe the Senator from Missouri made a suggestion at one time that we ought to have a Foreign Service school as we have a military academy.

Frankly, at first blush, I thought it was a pretty good idea, if we needed to do it. Now we are being told that the Secretary of State does not think it is important, that the Commission does not think it is important.

Does not the Senator think that we are embarking on something that nobody wants except the institutions that are going to get this money?

Mr. DOMINICK. No, I really do not, I may say to the distinguished Senator, for whom I have enormous respect.

The difficulty we have now is that the people who apply for these jobs are those who have not had a career incentive or ability to embark on a career early. So what we are faced with is a pool of people who have not been led into this, but decide that this is what they want to do after they are through. There is no career opportunity in the Foreign Service field, in the educational field of the Foreign Service, at this point.

We cannot take a young person from high school and say, "Here is an opportunity for you to do something. This is

your bet and we give you a chance." At the moment, they are siphoned off into the scientific field, into the medical field, into the teaching field, into all the other fields that are being funded by the Federal Government. This is not being funded, and we are waiting until we get through.

The result has been, as a task force of the State Department has pointed out, as I stated in my prepared statement, that they have had great difficulty in getting any minorities into the Foreign Service. We need a great many of these people, with the world as small as it is today.

I read from their report:

For example, college recruiters were sent to 19 predominantly black colleges in the fall of 1969 to encourage black students to take the FSO written examination. Only 13 students from these school took the written examinations. Six passed.

Highly capable minority candidates are difficult to recruit because few have had any exposure to the Foreign Service as career possibility—

This is the point I make.

And because the best of such candidates receive job offers from other employers who have aggressive minority programs and who offer better salaries and at least comparable responsibility.

If we start the type of program I am proposing, we will get the career possibilities opening up early, so that they can assess this as against whatever else they may be able to do and decide that if this is what their career desires are, they can move forward in that field. I think it is of great significance.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a clarification?

Mr. DOMINICK. On the time of the Senator from Arkansas.

Mr. FULBRIGHT. I thought the Senator said there were 66,000 positions. In the table that the Senator put in the RECORD, it does not look that way to me. Did the Senator say there were 66,000 places for American citizens abroad?

Mr. DOMINICK. There are 59,832 Federal civilian employees representing our Government overseas: 35,831 serve in foreign countries, and 24,001 serve in U.S. territories. In addition, recent information from the major agencies indicates that approximately 6,000 Federal employees working here hold positions requiring continuous contact with foreign countries and foreign nationals.

Mr. FULBRIGHT. I wanted to clarify that. According to the Senator's own table on page 17 of the hearing, there are only 35,831 U.S. citizens in foreign countries. Of that amount, 22,769 are in the Defense Department, which has very special requirements. They could hardly be considered as needing the usual traditional Foreign Service. So it leaves only 15,000 places. Of that, the State Department, including AID and the Peace Corps, have 9,932.

Surely one would hardly want the Peace Corps to go through this program. Under the original concept of the Peace Corps, it is true, the members were trained as technicians, but not as diplomats. They are selected now as carpenters, plumbers, good agriculturalists, and so on. But there is a very small, a relatively small, number of opportunities, far less than 66,000.

The PRESIDING OFFICER. All time of the Senator from Rhode Island has expired. Who yields time?

Mr. FULBRIGHT. Is there any time on the bill?

Mr. PELL. How much more time would the Senator from Arkansas like?

Mr. FULBRIGHT. Fifteen or twenty minutes.

Mr. PELL. I would rather not yield that much time.

Mr. FULBRIGHT. Since the time has lapsed, I think the proper thing to do would be to move to lay the amendment on the table.

The PRESIDING OFFICER. The time of the Senator from Colorado has not expired.

Mr. FULBRIGHT. I thought that the Senator said a moment ago he was prepared to yield back the remainder of his time.

Mr. DOMINICK. I am prepared to yield back the remainder of my time.

Mr. FULBRIGHT. I move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas to table the amendment.

Mr. DOMINICK. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. On this amendment, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. SPARKMAN), the Senator from Georgia (Mr. TALMADGE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from Indiana (Mr. HARTKE), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) would each vote "nay."

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH) and the Senator from South Dakota (Mr. MCGOVERN) would vote "yea."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), the Senator from Kansas (Mr. PEARSON), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. HRUSKA), the Senator from Idaho (Mr. JORDAN), and the Senator from Illinois (Mr. PERCY) are absent on official business.

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

Also, the Senator from Delaware (Mr. BOGGS), the Senator from Kentucky (Mr. COOK), the Senator from Oregon (Mr. HATFIELD), the Senator from Ohio (Mr. SAXBE), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 21, nays 38, as follows:

[No. 210 Leg.]

YEAS—21

Allen	Gambrell	Mansfield
Bentsen	Gravel	McClellan
Burdick	Harris	McGee
Byrd, W. Va.	Hart	Pastore
Case	Jordan, N.C.	Proxmire
Cooper	Long	Spong
Fulbright	Magnuson	Symington

NAYS—38

Aiken	Griffin	Pell
Allott	Gurney	Randolph
Beall	Hansen	Roth
Bellmon	Hughes	Schweiker
Brooke	Humphrey	Scott
Buckley	Javits	Smith
Byrd, Va.	Kennedy	Stennis
Curtis	Mathias	Stevens
Dole	Metcalf	Taft
Dominick	Miller	Thurmond
Eagleton	Mondale	Tower
Fannin	Nelson	Williams
Fong	Packwood	

NOT VOTING—41

Anderson	Ellender	Mundt
Baker	Ervin	Muskie
Bayh	Goldwater	Pearson
Bennett	Hartke	Percy
Bible	Hatfield	Prouty
Boggs	Hollings	Ribicoff
Brock	Hruska	Saxbe
Cannon	Inouye	Sparkman
Chiles	Jackson	Stevenson
Church	Jordan, Idaho	Talmadge
Cook	McGovern	Tunney
Cotton	McIntyre	Weicker
Cranston	Montoya	Young
Eastland	Moss	

So the motion to table Mr. DOMINICK's amendment was rejected.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

EDUCATION AMENDMENTS OF 1971

The Senate continued 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. FULBRIGHT. Mr. President, I move to strike subsection 3 of section 1206, appearing on page 13, lines 3 to 8, inclusive.

The PRESIDING OFFICER. The amendment will be stated.

Mr. PELL. Mr. President, will the Senator from Arkansas withhold so that I may yield to the Senator from Montana?

Mr. FULBRIGHT. Yes.

Mr. PELL. Mr. President, I yield to the Senator from Montana.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, there have been a good many meetings yesterday and today relative to a unanimous-consent agreement which I am about to propose. It has been cleared with all interested parties, and with the distinguished Republican leader and the distinguished deputy Republican leader, as well.

Mr. President, I ask unanimous consent that title IV of S. 659, now pending before the Senate be stricken, and that the said language of title IV be introduced as a bill, and that the bill be jointly referred to the Committee on Interior and Insular Affairs and the Committee on Labor and Public Welfare with instructions that the bill be reported back to the Senate not later than October 1, 1971. I ask further that when the bill is reported it be in order to proceed to its consideration at the discretion of the majority and minority leaders with time for the debate thereon to be limited to 3 hours to be equally divided and controlled by the Senator from Rhode Island (Mr. PELL) and the Senator from Washington (Mr. JACKSON), and that debate on any amendment, motion, or appeal, except a motion to table be limited to 1 hour to be equally divided between the mover of the amendment and Senators PELL and JACKSON, and any amendment must be germane, and further that any amendments to amendments be limited to one-half hour time to be similarly divided and controlled.

Mr. ALLOTT and Mr. METCALF addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, reserving the right to object, and I shall not object, before the unanimous-consent request is granted, I would like to lay the foundation for some legislative history on this matter. I refer to rule XXV of the Senate, subsection (k), paragraph (16), which refers to the Committee on Interior and Insular Affairs.

Mr. President, may we have order, please?

The PRESIDING OFFICER. Will Senators refrain from carrying on conversations? Will the Senators please resume their seats? The Senate will not proceed until the Senate is in order.

The Senator from Colorado may proceed.

Mr. ALLOTT. Mr. President, I thank the Presiding Officer.

Paragraph (k), subsection 16 of rule XXV reads as follows:

(k) Committee on Interior and Insular Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

* * * * *

16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.

The only point I make, and I make it on behalf of the distinguished Senator from Washington, the chairman of the committee, as well as myself and for the other minority members of the committee, and some of the majority members, by the way, is that it is understood and agreed, as a matter of legislative history that in agreeing to this unanimous consent request the Committee on Interior and Insular Affairs is not, by acceding to this request, ceding any of its jurisdiction it now has under the rules of the Senate.

I think the Senator from Rhode Island, perhaps, should reply.

Mr. PELL. Mr. President, the Senator from Colorado is absolutely correct. But I would add: The Committee on Labor and Public Welfare is not ceding any of its jurisdiction making an arrangement arrived at for the convenience of the Senate—specifically with respect to any laws amended by the bill, so there will be no change in jurisdiction.

Mr. ALLOTT. I thank the Senator. This is very important. I will not object.

Mr. MANSFIELD. Mr. President, I yield to my colleague from Montana.

Mr. METCALF. Mr. President, the amendment that Senator MANSFIELD and I have introduced to the education bill (S. 659) is to aid the most neglected of all Indian children—those who live with their parents, not in the settlement which usually clusters around the BIA agency offices, but rather on the borders of the reservation, where their families eke out a living in ranching and farming. These children attend small schools along with the children of non-Indian ranchers whose land is adjacent to the reservation. There are virtually no passable winter roads, so they cannot be bussed into the larger community. In periods of inclement weather, busing may take several hours a day. There are also small numbers of Indian children who attend high school in non-Indian towns near the reservations. There are at least 17 such schools in Montana, according to the Montana State Superintendent of Public Instruction. There are similar situations in other States with large Indian populations.

Mr. President, there is no question here of the general excellence of S. 659. If we look just at the special programs contemplated for urban Indian children, we can only rejoice that a need many of us have long perceived will be met in this bill.

In addition to special programs for Indian children in public schools throughout the Nation, and programs for teacher training, the bill involves Indian parents in the education of their children as was done with such success in the demonstration project at Rough Rock in Arizona.

I again congratulate the distinguished chairman of the Subcommittee on Education and his colleagues and the distinguished chairman of the Committee on Labor and Public Welfare and other Members. They have skillfully put together a bill that holds great promise in many areas. The student aids for higher education in S. 659 are first rate and I enthusiastically approve of the elevation of the Commissioner of Education to the level of Assistant Secretary. I hope this will be the first step to the establishment of a separate Cabinet post for education. I also think the ethnic heritage studies program is excellent.

Mr. President, I also note that the senior Senator from Minnesota (Mr. MONDALE) has displayed laudable expertise and leadership on issues concerning Indian education. The Senator from Minnesota has been cooperative, gracious, and fair, as has his assistant, Mr. Bert Carp.

Mr. President, this is excellent legislation. What Senator MANSFIELD and I seek is the adoption of an amendment that will enhance the high purpose of the bill's provisions for Indian children living near the reservations. We believe it was clearly not intended that the bill before us should do less. It is intended to do more for Indian children regardless of where they live. Its purpose is in "recognition of the special educational needs of Indian children."

As I previously stated, our amendment concerns those Indian children who live not in the Indian settlements but rather on the edges of the reservation. These are the children who attend small schools along with non-Indian children whose homes are adjacent to the reservation.

In these small schools the Indian children constitute less than 50 percent of the enrollment and number less than 10. Our amendment would make it possible to provide the benefits of title IV of S. 659 to most of these isolated schools. It would have a minimal effect on the overall purposes of title IV of S. 659, but it is of immense importance to these isolated Indian children. I have here, Mr. President, as examples, a list of seven of these schools. The total enrollment in each of these schools ranges from a low of 15 students to a high of 178 students. In each case, the number of Indian students is less than 10, ranging from three through nine. As the bill is presently drafted, none of these schools will be eligible to participate in the special programs provided by title IV, for title IV,

section 303(a)(2)(b) requires that the Indian enrollment consists of at least 10 children or constitutes more than 50 percent of the total enrollment. I ask that this list of schools be inserted in the RECORD at this point.

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

SOME EXAMPLES OF MONTANA SCHOOLS ADJACENT TO OR ON INDIAN RESERVATIONS

School	Total enrollment	Indian enrollment
Edgar Elementary School	65	9
Nashua Elementary School	178	7
Nashua High School	114	3
Culbertson High School	113	5
Charlo High School	121	7
Proctor Elementary	15	3
Dayton Elementary	32	8

Mr. METCALF. The report of the Special Subcommittee on Indian Education indicates the large numbers of Indian children who are high school dropouts. The Indian dropout rate is twice the national average—in some schools it approaches 100 percent. Senator MANSFIELD and I believe that if the schools listed above and similar schools in other States are able to provide the special Indian education programs contemplated by this bill, the dropout problem will be greatly reduced. The schools will be attractive to the Indian youth, who now find the curriculum irrelevant to their interests.

Mr. President, our amendment will affect very few Indian youths, but they are the very ones most apt to become the leaders on the reservations if they are encouraged to stay in school. The effect of our amendment is minor in terms of dollars, but major in terms of human life.

Mr. President, I have a telegram from the National Education Association endorsing our amendment, which I ask to insert in the RECORD at this point, together with the text of our amendment.

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

[Telegram]

Hon. LEE METCALF,
Cannon House Office Building,
Washington, D.C.:

The National Education Association urges the adoption of your amendment to revise the eligibility for entitlement for aid to Indian children under Title IV of S. 659. This is of major importance to rural isolated schools on or near Indian reservations which enroll Indian pupils along with non Indian children. Special Indian education programs in these schools will motivate more Indian pupils to attend high school.

Sincerely,

STANLEY J. MCFARLAND,
Assistant Executive Secretary, Government Relations and Citizenship.

S. 659

On page 334, line 8, before the period insert a comma and the following: "except that the requirements of this subparagraph shall not apply to any such agency located on or adjacent to an Indian reservation".

Mr. METCALF. Mr. President, I want to make doubly sure that when the bill is referred to the committees, if I do not succeed in getting these amendments in committee, I will have an opportunity to offer them on the floor of the Senate.

Mr. MANSFIELD. Yes, indeed; we will do it together.

Mr. KENNEDY. Mr. President, I believe that the dual referral of title IV to the Labor and Interior Committees presents us with a unique opportunity of recent times: two committees, both with longstanding interest and involvement in Indian education, will be working together to provide a comprehensive Indian education package.

I am, of course, deeply disappointed that we could not act on this legislation today. We have had excellent support and interest on the part of many Indian people, tribes, and organizations in title IV to S. 659. I think the record ought to show some of the recent indications of support on this, and I ask unanimous consent that the telegrams received on title IV this week be included in the RECORD.

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

ST. PAUL, MINN.,
August 4, 1971.

Senator WALTER MONDALE,
U.S. Senate,
Washington, D.C.

The National Indian Education Association urges the Senate passage of the Kennedy-Mondale bill of Indian education as revised under title four of higher education. NIEA urges the Congress of the United States to provide reform for Indian education. The bill before the Senate today begins an era of Indian education reform for both reservation and nonreservation citizens. NIEA urged passage of this bill.

WILL ANTELL, *President.*

KETCHIKAN, ALASKA,
August 5, 1971.

Hon. EDWARD KENNEDY,
U.S. Senate, Washington, D.C.:

S. 659 needed immediately to take advantage of movement in Indian education. We back you.

ALASKA NATIVE BROTHERHOOD.

UNITED SOUTHEASTERN TRIBES,
SARASOTA, FLA.,
August 5, 1971.

Senator EDWARD KENNEDY,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: This is to reemphasize our support of Senate Bill 659, the Higher Education Act, Indian Education Title IV, with its emphasis on special Indian education programs to public schools where Indians are enrolled in special demonstration projects in curriculum development, Indian language courses, teacher training, handicap programs, and adult education programs. A special office of education to administer these programs with an advisory council appointed by the President are all in agreement with United Southeastern Tribes, self-determination policy.

We feel strongly that Senate Bill 659, Title IV, will fill the void in Indian Education and go a long way toward improved educational opportunities for our American Indian youth throughout the Nation.

Very truly yours,

WAYNE V. ZUNIGHA,
Executive Director, United Southeastern Tribes, Inc.

NATIONAL TRIBAL CHAIRMAN'S ASSOCIATION,
Washington, D.C.

Senator EDWARD KENNEDY,
Old Senate Office Building,
Washington, D.C.

We are in total support of Title IV of the Higher Education Act (the Indian Education title).

It would be tragic and a great mistake if the Indian education provisions of the Higher Education Act were not acted upon promptly and favorably by the United States Senate. Any delay would be a serious disservice to Indian children throughout the United States. Please accept our best wishes and appreciation for your support and the support of your brother Robert on behalf of our children and the best interests of our people throughout the Nation.

Sincerely,

DONALD R. WRIGHT,
Chairman.

(Also president of Alaska Federation of Natives.)

CALIFORNIA INDIAN EDUCATION ASSOCIATION,
Roseville, Calif.

Senator EDWARD KENNEDY,
Washington, D.C.

The California Indian Education Association board of directors have taken official action in support of the Indian Education Act (amendment 6 to S. 659). This bill as amended provides the American Indian people with the greatest opportunity in years to improve the education of Indian children throughout the United States.

MORGAN OTIS,
President.

SMALL TRIBES ORGANIZATION OF WESTERN WASHINGTON.

Senator EDWARD KENNEDY,
Washington, D.C.

I understand that our suggestions for S. 659 have been included in the hearing records. We support this and urge passage of Senator Kennedy's bill for Indian education.

VIRGINIA BROWN.

NATIONAL INDIAN TRAINING AND RESEARCH CENTER,
Tempe, Ariz., August 5, 1971.

Senator EDWARD KENNEDY,
Washington, D.C.

Indian education legislation as amended introduced by you and Senator MONDALE will provide greater opportunities for the education of American Indian children. I urge the adoption of this legislation.

FRANCES MCKINLEY,
Executive Director.

CORTEZ, COLO.,
August 5, 1971.

Senator EDWARD KENNEDY,
Senate Office Building,
Washington, D.C.:

Support your efforts to improve Indian education. Trust bill will meet with approval of committee. Interest and support for Indian education must be broad and national in scope. Urge committee to recognize its responsibility to Indian education. Both Labor and Education Committee and Interior Committee must share responsibility for the improvement of Indian education. Communication and cooperation with Interior Committee will result in maximum progress in Indian education. Proprietory interest on part of any committee or individual cannot result in maximum benefit America's first inhabitants.

ROBERT A. ROESSEL.

SOUTHWESTERN COOPERATIVE EDUCATIONAL LABORATORY,
Albuquerque, N. Mex., August 5, 1971.
Senator EDWARD KENNEDY,
U.S. Senate,
Washington, D.C.:
As the director of the Indian Division of OEO for six years, as a member of the National Indian Education Advisory Committee and now as executive director of the Southwestern Co-operative Educational Laboratory I fully support the passage of S-659 with title IV intact.

DR. JAMES J. WILSON,
Executive Director.

ROUGH ROCK DEMONSTRATION SCHOOL,
Chinle, Ariz., August 5, 1971.
Senator EDWARD KENNEDY,
Senate Office Building,
Washington, D.C.:
Please be assured of widespread support from Indian people for Senate Bill Number 659 the Indian Education Act what this bill is trying to accomplish is much needed by Indian people. If any progress is to be made in putting a breath of life into a stultifying bureaucracy which has provoked remarkably ineffective in providing educational opportunities for Indians.

DILLON PLATERO,
Director.

NEAH BAY, WASH.,
August 5, 1971.
Senator TED KENNEDY,
Washington, D.C.:
We strongly urge the passage of education bill title 4–S659. This bill will provide an opportunity for the American Indian to better prepare themselves for their role in self determination.

EDWARD E. CLAPLANHOO,
Chairman National Indian Council and member of Board of Directors of National Tribal Chairman Association.

MIAMI, FLA., *August 4, 1971.*
Senator TED KENNEDY,
Senate Office Building,
Washington, D.C.:
McCosukee tribe of Indians of Florida fully support Senate bill 659 and title 4, Indian Education Act. This bill is for the benefit of all Indians throughout our country and should be acted upon promptly without delay.

BUFFALO TIGER,
Chairman McCouskee Tribe of Indians of Florida (Acting President, United Southeastern Tribes).

BOSTON, MASS., *August 4, 1971.*
Senator EDWARD KENNEDY,
Old Senate Office Building,
Washington, D.C.:
The Tonawa Tribe of Oklahoma supports Senate bill S. 659—title 4 specifically supplemental aid to Indian education. We further support the provision of the deputy commissioner for this titled program to be appointed by the commissioner of O.E. from a list submitted by the advisory board. We support the bill as is written. In the selection of the advisory board by the President from a list submitted by Indian tribes and organization, preferably tribal council recommendations.

HENRY W. ALLEN,
President, Ponkawa Tribe of Oklahoma.

NEAH BAY, WASH., *August 4, 1971.*
Senator TED KENNEDY,
Washington, D.C.:
Makah Indian Tribe strongly supports the entire Indian education bill (S. 659, title 4) without qualifications as presented by Senator Ted Kennedy.

MACAH TRIBAL COUNCIL,
EDWARD E. CLAPLANAHOO,
Chairman.

BANGOR, MAINE, *August 5, 1971.*
Senator EDWARD KENNEDY,
Senate Building,
Washington, D.C.:
It is imperative that you pass the Indian Education Act, title 4 to Sec. 659. I am in full support of passage of the bill.

GOV. JOHN STEVENS.

PONCA CITY, OKLA., *August 5, 1971.*
Senator EDWARD KENNEDY,
Old Senate Office Building,
Washington, D.C.:
Strongly urge the support of Senate bill 659, title one.

LEONARD BIGGOOSE,
Chairman, Ponca Tribal Council.

PEMBROKE, N.C.,
August 5, 1971.
Hon. TED M. KENNEDY,
U.S. Congress,
Washington, D.C.
DEAR SENATOR KENNEDY: We feel it is imperative that the proposed legislation title 4 to S. 659 be placed before the Senate today and passed. As chairman of the Board of Lumbee Regional Development Association, Inc. I would like to thank you for myself and for the 40,000 Lumbee Indians that the Lumbee Regional Development Association represents.

A. BRUCE JONES,
Chairman of the Board, L.R.D.A.

FAIRBANKS, ALASKA,
August 5, 1971.
Senator EDWARD KENNEDY,
Washington, D.C.:
As 659 title 4 should fit the future of Alaska best I hope it will receive favorable consideration.

RONALD SENUNGETUK.

BAR HABROR, MAINE,
August 5, 1971.
Senator EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.:
I am in full support of the Indian Education Act. It is imperative that it be passed in this session of Congress. Bill reference is title 4. I am sending copies of this telegram to Senator EDMUND S. MUSKIE and Senator MARGARET C. SMITH.

WAYNE A. NEWELL.

KETCHIKAN, ALASKA,
August 5, 1971.
Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, D.C.:
Alaskans back your efforts re title 4, S. 659. Critical that we have this tool.

RICHARD WHITTAKER,
Alaska State Representative.

PEMBROKE, N.C., *August 5, 1971.*
Hon. TED F. KENNEDY,
U.S. Congress,
Washington, D.C.
DEAR SENATOR KENNEDY: We feel it is imperative that the proposed legislation title 4 to S. 659 be placed before the Senate today and passed. As secretary and treasurer of the Lumbee Indian Concerned Parents Organization I would like to thank you for myself and for the 40,000 Lumbee Indians that the Lumbee Indian Concerned Parents Organization represents.

Rev. JAMES H. WOODS,
Secretary Treasurer of Lumbee Indian Parents Organization.

PEMBROKE, N.C., *August 5, 1971.*
Hon. TED KENNEDY,
U.S. Congress,
Washington, D.C.
DEAR SENATOR KENNEDY: We feel it is imperative that the proposed legislation title 4 to S. 659 be placed before the Senate today and passed. As president of the Independent Americans for Progress, I would like to thank you for myself and for the 40,000 Lumbee Indians that the Independent Americans for Progress represents.

Mr. JAMES BREWINGTON,
President Independent Americans for Progress.

KETCHIKAN, ALASKA,
August 5, 1971.
Senator TED KENNEDY,
U.S. Senate,
Washington, D.C.:
Urge maximum effort to move Title 4, S. 659. Indian education badly needs provision of bill.

CLARENCE JACKSON,
President, Southeast Alaska Community Action.

KETCHIKAN, ALASKA,
August 5, 1971.
Senator KENNEDY,
U.S. Senate,
Washington, D.C.:
Indian education efforts badly needed. Please push S. 659, Title 4.

JOE WILLIAMS,
Mayor, City of Saximan, Alaska.

ALBUQUERQUE, N. MEX.,
August 5, 1971.
Senator EDWARD M. KENNEDY:
This is to reaffirm the strong support of each of our organizations for your Indian education amendment to S. 659.
California Indian Education Assn. California Indian Legal Services Deganawidah Quetzalcoatl University.

DEGANAWIDAH QUETZALCOATL UNIVERSITY.

MINNEAPOLIS, MINN., *August 5, 1971.*
Senator EDWARD KENNEDY,
Washington, D.C.:
I wish to advise of my full support for title 4 to S. 659. It fully supports a policy for Indian determinism.

ELIZABETH WHITEMAN,
Crow Indian from Montana.

ST. PAUL, MINN., *August 5, 1971.*
Senator EDWARD KENNEDY,
Washington, D.C.:
We respectfully urge the passage of the Indian education bill presently before the Congress. It is badly needed to make the Indian truly a first-class citizen.

ARTLEY M. SKENANDORE,
Executive Director Minnesota Indian Affairs Commission.

ALBUQUERQUE, N. MEX., *August 5, 1971.*
Senator EDWARD KENNEDY,
Washington, D.C.:
The American Indian Law Students Association supports the efforts of Senator Kennedy to block recommitment of Senate bill 659, title 4, part A, to committee. We strongly urge consideration of NCAI's criticism in the form of an amendment.

THE AMERICAN INDIAN LAW STUDENTS ASSOCIATION.

ALBUQUERQUE, N. MEX., *August 5, 1971.*
Senator KENNEDY,
Old Senate Office Building,
Washington, D.C.:
We support Indian education bill S. 659 and urge that title 4, part A, be amended to include the IA schools.
Victor Palmer, Kiowa, Fred Lewis, Pima, Claudine Bates, Navajo, Henry Oxendine, Lumbee, E. K. Chavis, Lumbee, Horace Locklear, Lumbee, William Farrison, Papago, John Fritz, Cherokee, Mitchell Fowler, Navajo, Chet Foyer, Laguna, Mario Gonzales, Sioux.
Gerald Brown, Flathead, Darrel Collins, Indian law student, John Hunt, Indian law student, Genevieve Chaeo, Indian law student, Leo McClear, Indian law student and council member, Mucklekoset, Yvonne Knight, Ponca, Terry Pechota, Indian law

student, Ada Deer, Menominee, Marble Antoine, tribal judge Papago.

CAMBRIDGE, MASS., *August 6, 1971.*

Senator KENNEDY,
Washington, D.C.:

We support your bill concerning American Indians.

Charles Poitras, Chippewa, Sac and Fox; Ramona Suetopka, Navajo, Hopi; Mary Helen Taptta, Navajo; Karen Rice, Mohawk.

Mr. KENNEDY. Mr. President, It is hard to ask the Indian people to wait again before Congress takes action on legislation to benefit their children. But I am confident that the result from both committees working together will effect a doubled commitment and a doubled effort on the part of the U.S. Senate to bring excellence to Indian education.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Montana? The Chair hears no objection, and it is so ordered.

Mr. FANNIN. Mr. President, in referring to the deletion of title IV from S. 659 I wish to comment.

The 92d Congress stands on the threshold of opening new doors for the Indian people. The administration and Congress have both espoused a new policy in Indian affairs—"self-determination without termination." We stand ready to deliver Indian legislation this session of Congress which will implement this new policy. A new policy which will open opportunities heretofore denied our Indian people—a policy which should cross and eliminate bureaucratic inroads—a policy, Mr. President, which will bring the American Indian into his own. This policy is based on the fact that there are Indian people who are sophisticated and intelligent so as to be capable of directing Indian affairs. Now as we prepare to move forward to implement this policy we are being asked to act on a $185 million Indian education reform measure with which we are not familiar. We all agree that the time has come for complete reform of Indian education programs. However, Mr. President, if we truly mean to foster self-determination among the Indian people we must start now. Start by giving the Indian himself the opportunity to express his desires and needs. We should work with the Indian himself in an effort to obtain an education bill which the Indians themselves feel is viable. The measure we are being asked to consider today is not understood by the Indians.

Today the NCAI advised my office that they were still concerned about the bill and object to the action contemplated.

So will be pleased title IV will be deleted from S. 659 in order that hearings before the Interior and Insular Affairs Committee as well as further hearings before the Labor and Public Welfare Committee will be held.

It is understood the referral to the Labor and Public Welfare Committee does not in any way effect the question of jurisdiction in respect to Indian education:

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from Alabama has an amendment which will be acceptable to the committee.

Mr. PELL. The Senator is correct.

Mr. MANSFIELD. I understand the distinguished Senator from Virginia will speak briefly after third reading and that the distinguished Senator from Washington (Mr. MAGNUSON) may consider the possibility of speaking after third reading.

Mr. MAGNUSON. After third reading.

Mr. FULBRIGHT. I shall have several amendments.

Mr. MANSFIELD. Fine. Would the Senator, in the interest of the situation in which we find ourselves, be willing to consider a time limitation on his amendments, for the benefit of the Senate?

Mr. FULBRIGHT. If Senators will stay here and really give attention to some brief statements, I would be willing to have a vote on it. I do not think many Senators are acquainted with the facts connected with this amendment. Only 8 or 10 were here while I was discussing it.

Mr. MANSFIELD. If I may object at that point, I happened to be in the Chamber when the Senator said there were 10 Senators present. I counted at that time and there were 23 Senators, which is a good attendance at this time of day and year.

Mr. FULBRIGHT. I am not complaining about that. I am saying a good many Senators do not know about this amendment. It has not been well publicized and the facts about it are not known. I am not talking about the main bill; I am talking about the amendment which was offered.

Mr. MANSFIELD. I thought we had disposed of that.

Mr. FULBRIGHT. No, we have not disposed of it. It has not been tabled. There will be a vote on it. I am offering an amendment to it.

Mr. MANSFIELD. I see. Would the Senator, in view of the fact that there has been much debate on it up to this time——

Mr. FULBRIGHT. There has been very poor attendance. If Senators are willing to stay here and listen we may be able to move to a vote on the amendment itself. I am not making a commitment now. It depends on whether there is any disposition to listen to the facts about the amendment.

Mr. MANSFIELD. Speaking personally, the Senator from Montana really does not care.

Mr. FULBRIGHT. I know, and a lot of other people do not care.

Mr. MANSFIELD. But I do think of the other Senators and I hope we could be reasonable in this respect.

Mr. FULBRIGHT. I say to the Senator that this amendment involves $60 million. It is brought up at the very last minute in connection with this bill. If it goes over and there is a reasonable opportunity to discuss it, I would have no objection. But this is a new program which has been disapproved by all the agencies of Government. The State Department opposes it, the Civil Service Commission opposes it, HEW opposes it; none of them approve it.

Mr. MANSFIELD. Has the Senator offered his amendment?

Mr. FULBRIGHT. I have offered my amendment. I withheld it because of the request of the Senator from Montana.

Mr. MANSFIELD. Offer it now.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 13 of the Dominick amendment beginning with line 3 strike the language down to and including line 8.

Mr. FULBRIGHT. One of the basic lacks of understanding about the amendment is that the agencies of this administration disapprove of it. It involves $60 million by 1975. It provides for approximately 8,000 scholarships. What is significant—and I want to emphasize this—is that there is no great need for it. There is a great illusion about the opportunity for Americans to serve abroad outside this country. From the hearings of the committee itself, I call attention to the fact that the number of Americans serving in foreign countries as citizens of the United States is 35,380. Of that total, 22,769 are in the Defense Department. I do not think anyone can reasonably consider that the training offered under this bill for scholarships is designed to train a man for foreign service in the Defense Department. That is a special purpose. They have their own training for that.

What is left? Nine thousand nine hundred and thirty-two in the State Department, including AID and the Peace Corps. We are not trying to expand the AID program. We have just confirmed the deputy head of AID, and he said they are doing their best to restrict that program. I am in favor of that. That is not an agency that is going to grow; rather, it is going to decrease.

Subtract that number and there are 6,000 in the State Department. These are the ones the proponents are really thinking about. Of that number, this table shows there are 362 in the Peace Corps. That is in administration of the Peace Corps; it does not include the actual Peace Corps volunteers. That program is going through a great change; it was recently merged with another program called ACTION. But there are, roughly 6,000 positions. The State Department reports that there are a little over 8,000 applicants already for which there are no jobs.

In the civil service, there are over 50,000 that are qualified for civil service positions, and I assume that that would include the Departments of Agriculture, Justice, Treasury, and everything else. There are only 6,000 positions in the State Department. So there is a difference between 6,000 and 50,000. Fifty thousand applicants already are qualified, are on the rolls, and are eligible for appointment to these jobs.

Here an amendment is being proposed that would provide enough money to give 8,000 scholarships a year. Where are we going to put them? They are given scholarships. There is a provision here which gives them $300 a month to go to school. Senators are going to have an opportunity to make appointments. They will think this is a great attraction. Each Senator will be able to nominate 15 each year. A Senator will nominate them from his State, and in 4 years he will have

60 people qualified. The Senator is going to have to find them jobs. Where are Senators going to find jobs for them?

When we nominate people to the Naval Academy, for example, a Senator does not have to worry; but after he nominates a person to this scholarship and that person graduates, a Senator is going to have to worry about where he is going to be assigned. That person will say to him, "Look, you have to find me a job." That will put a Senator in a difficult position. It is ridiculous.

When a Senator nominates someone to West Point, for example, we do not have to worry about getting him a job; he is automatically given a commission.

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

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. Some years ago some of us thought it would be a good idea to have a Foreign Service Academy. The basis was that if we can afford three academies to train our youth for the hot war that we pray never comes in this nuclear age, surely we can afford one academy to train our youth for the cold war we are now in. Of course, that would have included an opportunity for women to go into the Foreign Service.

For many reasons, that bill—which, incidentally, was backed by what I consider the finest group of citizens, from all walks of life, that ever backed a bill presented to the Congress—was defeated. One of the reasons why it was defeated was that some of the Foreign Service officers of the old guard were able to reverse the position of the Secretary of State and influence Congress, and the bill went down the drain.

They said the primary reason they did not like it was that it was not going to be run by the State Department; in other words, it would be outside their influence, like any other university.

With respect to this particular type and character of suggested academy, I would ask the chairman of the Foreign Relations Committee who is going to be responsible for setting the rules as to what these students will study and what their curricula will be, and so forth?

Mr. FULBRIGHT. This would not create an academy. It would create a board, so-called.

Mr. SYMINGTON. That is what I am getting at. Who appoints the board?

Mr. FULBRIGHT. There will be nine of them on the board. Four will be appointed by the President, then the Secretary of State, and two Members of the Senate and two Members of the House, all without confirmation by the Senate. In other words, the Secretary of State will be one member, four members will be appointed by the President, and then there will be two Senators and two Members of the House.

I think the very idea of creating a board of this kind, putting on it Senators and Members of the House who cannot find time now to do all we ought to do in our own committees, it seems to me, is bad. Just as in the subversive activities control board, it will be the staff of the board that will do the work, and they will set the policy and accredit the universities. They will have the power to say to a university, "You put this kind of curriculum in" or "We want that put in," to the university in order to get $1 million or $5 million. They will be able to say, "Sorry; you do not come up to our standards." "What are your standards?" "Well, we set the standards." So the staff of this board will set the kind of program which will take place in independent educational institutions in the United States.

Let me add there is no comparison between the Foreign Service and the Army. In the Army, all are subject to conforming to the same rules and marching in step.

Another reason that the earlier measure the Senator from Missouri referred to was defeated was that we did not want them all thinking alike, and having no original ideas.

Let me go to another point, and that is that foreign policy is set by people who are subject to confirmation. Is there any reason to believe that they will be benefited by these scholarships? The Senator knows where these policies are made. The officers who serve abroad are diplomats who make reports. They have no policy-making positions.

Mr. SYMINGTON. The policy will be set as to what the curriculums will be——

Mr. FULBRIGHT. By the board.

Mr. SYMINGTON. And the board will be appointed by the President and Vice President, or at least they will have control.

Mr. FULBRIGHT. That is correct.

Mr. SYMINGTON. The Senator has answered my question.

Mr. FULBRIGHT. One can imagine how much time the Secretary will give to this matter. It is going to be delegated to a staff. I think it is improvident for us to establish a board that can dispose of $60 million by 1975 to educate 8,000 qualified persons for jobs for which will not be there; and I see no prospect in the President's policy that will result in an expansion. If anything, his policy means we are going to pull in our horns and not expand our foreign service. That is what he says. The Nixon doctrine in the diplomatic field says there is not going to be a great need for more Foreign Service officers.

We have already far more of them than we can place, and all we will do here is set up a program to produce more unemployed, highly trained people, who will be the most dissatisfied people you could find. They are the kind of people in all countries who cause a great deal of trouble, and rightly so.

If this were a program for training nurses, for example, everyone knows we need nurses and doctors. There are professions we need. But you cannot go anywhere in this country and find an occupation in which there is a greater oversupply than in people qualified to serve in the foreign field, under existing conditions. As I have said, there are 50,000 applicants qualified by the Civil Service Commission, overall, and some 8,000 applicants for State Department positions. So there is no need for the amendment at all. I think it is utterly untimely. I only emphasize that this is not just my view, it is the view of the administration, the State Department, HEW, the Civil Service Commission—all those who have any interest in it.

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

Mr. FULBRIGHT. I yield.

Mr. MAGNUSON. Is it not also true that nearly every study—at least those I have read—having to do with personnel in the Foreign Service, have all come to the conclusion that we have too many people there now?

Mr. FULBRIGHT. Exactly.

Mr. MAGNUSON. We do not need as many people as we have, and because there is this pressure, and the availability, as the Senator says, of a great number of people, I think in many embassies they are putting people in foreign service jobs they would not need, because of the pressure to take care of them, as the military takes care of its colonels who are about ready to retire by putting them in places they are not needed. This is also true of the Navy.

Every study I have ever read about foreign service staffs, whether they be here or abroad, has concluded that we have too many people, and every report I have ever heard from Congress, the Appropriations Committee, or the State Department, is that it is felt that there are too many people in some of the embassies. This is the usual conclusion.

Mr. FULBRIGHT. Ambassadors feel that way, too.

Mr. MAGNUSON. Ambassadors feel that way, too.

Mr. FULBRIGHT. And the Senator is quite correct.

Mr. MAGNUSON. So we would just have the problem aggravated.

Mr. FULBRIGHT. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Arkansas has 1 minute remaining.

Mr. FULBRIGHT. Mr. President, I will use that 1 minute to conclude by emphasizing again that this measure is unnecessary, it is unduly extravagant, and I think it is obviously contrary to the policy of the present administration, as it was to that of previous administrations. Every time a similar idea has been presented, it has been disapproved by the executive agencies, not just this time but going back some 10 or 12 years.

So this is not a new attitude on their part. It is dressed up a little differently.

This proposal of having Senators able to appoint 15 candidates was thought to be attractive. I think it would prove to be a great problem for Senators and Members of the House of Representatives, if they take that responsibility and then are unable to place the men who have been given these scholarships.

The ACTING PRESIDENT pro tempore. The time of the Senator from Arkansas has expired.

Mr. DOMINICK. Mr. President, I gather that the Senator from Arkansas is not too concerned about the specifics of the subject matter, because his amendment is not concerned with that at all. The provision he would strike would add $50 for a married couple each month, so that they can both be together.

But as far as the rest of it is concerned,

I would also like to add this—could I have the attention of the Senator from Missouri for just a moment? I just want to say to the Senator from Missouri that when we originally put this bill together, we did not have the Secretary of State in it, and the first objection I got from the staff of the Committee on Foreign Relations was that we ought to have the Secretary of State in it. We agreed that this was probably a reasonable idea, so we put him back in again.

It seems to me that if we are going to have a program which involves the various agencies, but also involves foreign affairs, we are going to have to have some liaison with the Secretary of State, regardless of who he is or what party he is. So now what we have is a nonoperating board; all they do is say "these are the institutions which are available, these are the places where the fellows can go, and after they have taken the competitive examinations and have applied, we will let them get in." as I say, it is a nonoperating board; that is what I want to be perfectly clear.

We have a board consisting of two Representatives, two Senators, the Secretary of State, and four very highly qualified educators in the field, and these people serve, and obviously all they have to do is set the program up and it runs more or less by itself, and it does not need a lot of expense.

So far as the money is concerned, the first year's authorization—and all we are talking about here is authorizations—is only $15 million. It goes to $30 million the second year, $45 million the third year, and $60 million the last, but if they do not need that many scholarships, we do not spend that much money.

The board is the entity that determines what the flow in and flow out of the agencies is, so that they can determine how many are needed. That is their main function.

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

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DOMINICK. I yield to the Senator from Missouri.

Mr. PELL. Excuse me. The time is mine, I think. This is the amendment of the Senator from Arkansas (Mr. FULBRIGHT), and I am told by the Presiding Officer that time of the Senator from Arkansas on the amendment has expired.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is in charge of time in opposition of the amendment.

Mr. PELL. How much time does the Senator require?

Mr. SYMINGTON. Just enough to make an observation and ask a question.

Mr. PELL. I yield the Senator 2 minutes, and then I hope we can come to a vote.

Mr. SYMINGTON. My question to the Senator from Colorado is, if the President appoints five and the Vice President two out of the nine-man board, will it or will it not be possible for that board to set standards of curricula comparable to the standards that have been set by the Department of Defense at various universities, where a great deal more money is involved?

The reason I ask the question is that time and time again, when weapons systems come to Congress for approval, the people who back those weapons systems—some of which I think have merit and some of which do not—are the professors they take out of the universities which are given these gigantic sums of money every year, far greater than what we are talking about today.

If that is true, my question is, will it not also be true that this board, which would have control of whether these students would get jobs afterwards, would control the curriculums that would be specified in order for the institutions to get the money?

Mr. DOMINICK. The answer is, no; they would not.

Mr. FULBRIGHT. Mr. President, may I ask the Senator from Rhode Island a question?

The ACTING PRESIDENT pro tempore. The time of the Senator from Arkansas has expired.

Mr. FULBRIGHT. Will the Senator from Rhode Island yield so that I may ask him a question?

Mr. PELL. I yield the Senator 2 minutes.

Mr. FULBRIGHT. On the motion to strike, does not the Senator think it a little odd to put in the language that where both husband and wife are students under the program, they are required to be cohabiting? Would that not seem to put upon the board the duty of investigating before they dispense the $300 a month to determine whether they are actually cohabiting? Why is this in the bill, and why is not the Senator willing to strike that provision?

Mr. PELL. I would defer to the Senator from Colorado to explain that part of his amendment.

Mr. FULBRIGHT. I wonder if the committee really read the bill before they reported it.

Mr. DOMINICK. The impetus for this was from the educators. They said that in order to get the extra money, oftentimes people would say they were married when in fact they were not. I do not think the words "and are cohabiting" mean a thing, really. It is just designed to mean, technically, that they are living at the same place together.

Mr. FULBRIGHT. I had always thought those words had some meaning.

Mr. DOMINICK. At least that they are living at the same place together.

Mr. PELL. Mr. President, I yield back the remainder of my time.

Mr. FULBRIGHT. I yield back my time, and I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The question is on agreeing to the motion of the Senator from Arkansas (Mr. FULBRIGHT). 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 New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from California (Mr. TUNNEY), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. SPARKMAN), the Senator from Georgia (Mr. TALMADGE), are necessarily absent.

I also announce that the Senator from Indiana (Mr. HARTKE), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Illinois (Mr. STEVENSON), are absent on official business.

I further announce that, if present and voting. the Senator from Washington (Mr. JACKSON), and the Senator from Illinois (Mr. STEVENSON) would each vote "nay."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Oklahoma (Mr. BELLMAN), the Senator from Utah (Mr. BENNETT), the Senator from Delaware (Mr. BOGGS), the Senator from Kentucky (Mr. COOK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senators from Kansas (Mr. PEARSON, and Mr. DOLE) the Senator from Vermont (Mr. PROUTY), the Senator from Ohio (Mr. SAXBE), the Senator from Connecticut (Mr. WEICKER) and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

Thc Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. HRUSKA), the Senator from Idaho (Mr. JORDAN), 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 Illinois (Mr. PERCY) would vote "nay."

The result was announced—yeas 22, nays 32, as follows:

[No. 211 Leg.]

YEAS—22

Allen	Jordan, N.C.	Nelson
Bentsen	Long	Pastore
Byrd, Va.	Magnuson	Proxmire
Byrd, W. Va.	Mansfield	Spong
Cooper	McClellan	Stennis
Fulbright	McGee	Symington
Gravel	Metcalf	
Hart	Miller	

NAYS—32

Aiken	Curtis	Gurney
Allott	Dominick	Hansen
Beall	Eagleton	Hughes
Brooke	Fannin	Humphrey
Buckley	Fong	Javits
Case	Griffin	Kennedy

Mathias	Roth	Taft
Mondale	Schweiker	Thurmond
Packwood	Scott	Tower
Pell	Smith	Williams
Randolph	Stevens	

NOT VOTING—46

Anderson	Eastland	Moss
Baker	Ellender	Mundt
Bayh	Ervin	Muskie
Bellmon	Gambrell	Pearson
Bennett	Goldwater	Percy
Bible	Harris	Prouty
Boggs	Hartke	Ribicoff
Brock	Hatfield	Saxbe
Burdick	Hollings	Sparkman
Cannon	Hruska	Stevenson
Chiles	Inouye	Talmadge
Church	Jackson	Tunney
Cook	Jordan, Idaho	Weicker
Cotton	McGovern	Young
Cranston	McIntyre	
Dole	Montoya	

So Mr. FULBRIGHT's amendment was rejected.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Dominick amendment be laid aside temporarily and that the Chair recognize the distinguished Senator from Alabama (Mr. ALLEN).

The ACTING PRESIDENT pro tempore. Without objection, the Dominick amendment will be laid aside so that an amendment can be offered by the Senator from Alabama.

Mr. ALLEN. Mr. President, I send the amendment to the desk and ask that it be stated.

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

The assistant legislative clerk proceeded to state the amendment.

Mr. ALLEN. 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.

Mr. ALLEN. Mr. President, I ask unanimous consent that the amendments may be considered en bloc. What it does is to exchange certain figures.

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

The amendments read as follows:

On page 310, line 18, strike out "fiscal year ending prior to July 1, 1973" and insert in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

On page 313, line 7, strike out "three" and insert in lieu thereof "five".

On page 313, line 12, strike out "1973" and insert in lieu thereof "1975".

On page 313, line 15, strike out "1973" and insert in lieu thereof "1975".

On page 313, line 18, strike out "two" and insert in lieu thereof "four".

On page 313, line 24, strike out "1973" and insert in lieu thereof "1975".

On page 314, line 2, strike out "three" and insert in lieu thereof "five".

On page 314, line 7, strike out "1973" and insert in lieu thereof "1975".

On page 314, line 12, strike out "1973" and insert in lieu thereof "1975".

On page 314, line 16, strike out "1973" and insert in lieu thereof "1975".

On page 314, after line 16, insert the following:

NATIONAL ADVISORY COUNCIL

SEC. 210. Section 104(a)(4) of the Vocational Education Act of 1963 is amended by striking out "two" and inserting in lieu thereof "five".

Mr. ALLEN. Mr. President, the purpose of the amendment is to extend for 3 years those provisions of the Vocational Education Amendments of 1968, where authorizations expire at the end of the current fiscal year. The bill now before the Senate, S. 659, provides for a 1-year extension. This amendment simply extends this authorization for an additional 2 years.

The Vocational Education Amendments of 1968 not only increased the basic grants to the States, but also provided for a variety of new approaches and created new programs to aid State and local school systems in their efforts to provide access to vocational education for more students, both youth and adults. As a result of the comprehensive planning for vocational education at State and local levels, we are now witnessing almost unprecedented expansion and demands for vocational education programs.

With the late funding which occurred in the first fiscal year under the 1968 act, we have had only 2 years of actual operation of some of these new programs in vocational education. With enactment of this year's appropriation bill, several of these important programs have now been funded for the last time. The Congress must approve new authorizing language this year, or we stand to lose much momentum that is now underway in vocational education. If we approve only a 1-year extension at this time, we will be back next January faced with the necessity to again legislate new authorizations if these important and vital programs are to be included in the budgeting process in an orderely fashion. As a matter of fact, the budget for fiscal year 1973 is now being prepared; therefore, there is some urgency for us to act on this important matter to the end that these vital programs of education be continued.

Mr. President, this amendment will extend for 3 additional years—fiscal year 1973–1975—these sections of the Vocational Education Amendments of 1968:

Section 102(B)—Authorization for each of the 3 fiscal years to provide vocational education programs for disadvantaged students. These grants to State education agencies are for the purpose of meeting the special needs of disadvantaged students. The States have estimated that in fiscal year 1971 some 1,148,533 students can be helped through the special assistance made available under these programs. This specialized help provided through our regular school system should prevent some of the high costs of remediation that surely will be necessary if we allow the continual flow of thousands of our citizens into the pools of unemployment and welfare. The sums provided in this amendment are meager indeed when compared to the amounts we appropriate to train the hard-core unemployed or to maintain our welfare system. This educational program is preventive in nature, and I believe it is worthy of the support of every member of the Senate.

The amendment authorizes a 3-year extension of section 142(a)—part D—of the Vocational Education Amendments of 1968.

Funds under this section of the act have been used very effectively in elementary and junior high schools to acquaint students with the world of work. Career guidance, work experience, and occupational exploration have been developed so that students can be made more aware of the wide range of occupational choices available to them. Through work experience, students have an opportunity to learn about their own aptitudes and special abilities, and these experiences form the basis for taking additional vocational training at the secondary and postsecondary levels. Such programs also recognize career development as a major emphasis in education, and they are helping to bring about needed changes in school curriculum. We must continue this vital support for those school systems that are already implementing the career education concept about which the U.S. Commissioner of Education speaks so eloquently. Commissioner Marland is giving a high priority to career education and my amendment gives financial support for this purpose.

My amendment renews section 151(b) and section 152(a)(1) of the act to provide assistance to the States for residential vocational education facilities. Although these sections of the act have not yet been funded, I include them in my amendment in order to keep this issue before the Budget Bureau and the appropriating committees of the Congress. We must not continue our sad neglect of thousands of students who do not have access to vocational education opportunities, more often than not simply because of their geographical location. With adequate funding, these provisions will make it possible for existing training facilities to add dormitories, or will make possible the establishment of entirely new facilities. A nation that can afford to build residential facilities for millions of college students can surely afford one residential vocational education facility in every State of this Nation. We simply must have these facilities sometime soon. My amendment authorizes funding for this program for each of 3 fiscal years.

My amendment will also extend for 3 years the programs of consumer and homemaking education—part F.

Home economics education has been a part of vocational education for many years. Through this educational activity, parents, students and teachers have worked together to create a curriculum to focus on preparing students for their roles as homemakers and members of families. The 1968 amendments, through part F, have made it possible to give greater emphasis to consumer education and also stressed that priority be given to the needs of disadvantaged youth and adults.

At the present time approximately 40 percent of our high school students enroll in home economics. While the vast majority of these are girls, I believe that this program is one that should be available to all students. Family roles and

structures are changing. More often than not, the mother and father both work outside the home to contribute economic support for the family; they likewise both contribute to the work of the home. Boys and girls need adequate preparation for these roles and home economics teachers have both the content and educational process to accomplish this purpose. While it is important that we prepare persons for jobs, it is just as important to give students opportunities through organized educational programs to acquire those personal values and skills necessary for homemakers of the future.

One of the outstanding activities developed as an integral part of the program of instruction in home economics is Future Homemakers of America. In 1971 some 538,727 students joined this organization which gives them the opportunity to develop their abilities as leaders. Through a program of work developed by the students, they make many contributions to their homes, their schools, and their communities. I was very pleased to note that at the recent National FHA Convention in Kansas City, Miss Lynn Limbaugh of Childersburg, Ala., was elected as a national officer of FHA. This outstanding national organization can continue its activities if the Senate adopts my amendment to extend funding authorizations for consumer and homemaking education.

My proposed amendment to S. 659 will also extend cooperative vocational education programs—part G—for an additional 3 years.

This program last year enrolled 166,664 students throughout the Nation. Without question, it is one of the most successful programs in vocational education. Students are placed in jobs where they receive training. A teacher—coordinator provides related classroom instruction. Job placement is almost assured for every graduate of this program. While receiving education and training, students also earn money for their work. Studies have shown that taxes paid on the earnings of cooperative vocational education students exceeds the amount invested in the program by taxpayers. In short, this program pays its way and it has built-in factors that make it highly successful. Its potential for serving many more students is virtually untapped. It must be continued.

The vocational education work study program—part H—is designed to give financial aid to students who need assistance in order to stay in school. This amendment extends this program for 3 years.

Work study programs help students help themselves. Although funding is at a minimum level, work study programs last year enabled 89,434 students to continue their studies in vocational education. In return for financial assistance, students performed some type of useful and productive work.

A final provision of my amendment extends for 3 years the provisions of the 1968 act—Part I—relating to curriculum development.

Curriculum funds should enable the U.S. Office of Education to develop materials to aid State and local communities in implementing programs of career development. Given the constant changes in technology and the new and emerging occupational fields, curriculum development in vocational education is a continuing and ever increasing necessity. The U.S. Office of Education must have the necessary resources to provide assistance on a National basis and coordinate an overall effort to assist vocational educators in keeping their programs up-to-date.

Mr. President, the legislative history of vocational education shows already strong support in the U.S. Congress. The 1968 amendments were approved unanimously by this body as well as by our colleagues in the House of Representatives. I believe Congress supports vocational education because it gives reality to our belief in the importance of work; to our belief that every American citizen must have access to educational training that will prepare him for entry into and advancement in employment; and to our belief that education should prepare us of our roles as citizens and as family members. All these goals, as well as others, are accomplished through vocational education.

The latest figures available from the U.S. Office of Education show that in 1971 some 9.7 million youth and adults were enrolled in vocational education. Since enactment of the 1968 amendments, vocational education enrollments have increased by almost 23 percent. This is encouraging, but we have not yet made the dramatic breakthrough that must come if education is to become more relevant for the majority of students. A statistic that should be constantly in the forefront of our thinking while we are considering S. 659 is this: Twenty percent of our population will continue to graduate from colleges and universities; the other 80 percent must, therefore, be prepared for jobs through programs of vocational education.

There is another statistic that confronts me as a Senator and I find it somewhat alarming. The National Advisory Council on Vocational Education has reported that the Federal Government invests $14 in higher education—colleges and universities—for every $1 that it invests in vocational education. I say that the time is here for a corrective force to be applied and my amendment strikes in this direction. I also remind my colleagues that unemployment among college graduates is growing at a fast pace. We are turning out college graduates at a faster rate than professional jobs are developed in our economy. At the same time, we face manpower shortages in the health fields, in the service occupations, and in other occupational categories.

I conclude, Mr. President, by urging support for this important amendment to S. 659. We must continue the authorizations for these vital programs. By acting now, we can give some assurance to State and local educational agencies that their plans for these important programs can be both continued and implemented.

I have discussed the amendment with the manager of the bill and I hope that it will be acceptable.

Mr. PELL. Mr. President, the Senator from Alabama and I have discussed this proposal which is actually almost identical with the provisions of the original bill. I would very much hope that the Senators would accept this proposal. However, I await the advice of the ranking minority member of the committee.

Mr. JAVITS. Mr. President, the reason for the extension for 1 year is in view of the need to obtain a comprehensive review of the vocational education reform bill, Vocational Education Act of 1968.

I appreciate, as does the Senator from Rhode Island, the desirability of the program. I will join with him in agreeing to take the amendment to conference.

Mr. PELL. Mr. President, I yield back the remainder of my time.

Mr. ALLEN. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time having expired, the question is on agreeing to the amendments of the Senator from Alabama.

The amendments were agreed to.

Mr. JAVITS. Mr. President, I yield myself 1 minute on the bill to explain that there is a series of technical amendments which the manager of the bill and the minority agree may be offered to the bill at this time. I ask unanimous consent that the amendment of the Senator from Colorado, with his approval. I hope, may be held in abeyance for this purpose.

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

Mr. PELL. Mr. President, I send an amendment to the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

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

Mr. PELL. I ask unanimous consent that the amendments be considered en bloc.

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

The amendments read as follows:

On page 359, line 25, strike out "1976" and insert in lieu thereof "1975".

On page 360, line 3, strike out "1976" and insert in lieu thereof "1975".

On page 368, line 2, strike out the word "member" and insert in lieu thereof the word "number".

On page 370, line 22, strike out "(C)" and insert in lieu thereof "(2)".

On page 371, line 3, strike out "(b)" and insert in lieu thereof "(c)".

On page 371, line 6, strike out "(e)" and insert in lieu thereof "(d)".

Mr. PELL. Mr. President, I yield back my time on the amendment and on the bill.

Mr. JAVITS. Mr. President, I should represent that these technical amendments have been gone over with the minority and they are agreeable to this.

The ACTING PRESIDENT pro tempore. All time having expired, the ques-

tion is on agreeing to the amendments of the Senator from Rhode Island.

The amendments were agreed to.

Mr. MANSFIELD. Mr. President, I am about to make a suggestion which I hope will be acceptable to the Senator from Colorado and to the Senate as a whole.

The Senator from Colorado has a bill on the calendar, Calendar No. 229, S. 390, which the leadership has not called up. I have not called it up because I had not received a request that it be considered. However, in view of the situation which has developed, and after discussing it with the distinguished minority leader, I would like to make the suggestion. If the Senator from Colorado would withdraw his amendment, it would be the desire of the leadership to call up the bill on the calendar at a time mutually agreeable to the distinguished Senator from Colorado and the joint leadership.

Mr. DOMINICK. Mr. President, will the Senator yield me some time on the bill?

Mr. JAVITS. Mr. President, I yield 5 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I find myself in a very difficult position. This is the second time we have had the bill attached to a education bill of one sort or another. In the first case it was attached to the vocational education bill by unanimous consent of the committee. We were then in a similar time bind of an impending recess. On the previous occasion the Senator from Arkansas claimed that the Committee on Foreign Relations had jurisdiction over it. In order to get the vocational education bill through at that time, I withdrew my amendment and let it go through.

The same thing is happening again. I find it very difficult to determine why it should always be this measure that gets caught between the time bind and the Senator from Arkansas; particularly a bill which I think would do such an enormous amount of good for the young people of this country. In view of the assurances of the leadership—and I know how exacting they are in fulfilling their assurances—if they will assure me that there will be an opportunity sometime between the 1st of October and the end of the year to bring the bill up to the floor for consideration, I would be willing to withdraw the amendment on that basis If they are unable to tell when it will come up, I am afraid that I cannot do it.

Mr. MANSFIELD. Mr. President, the Senator from Colorado has our word that it will be at a time propitious to the joint leadership and the author of the bill on the calendar. We will get together, and I am quite sure we can reach an amicable agreement.

Mr. JAVITS. Mr. President, in fairness to the Senator from Colorado, he has in my judgment done something that is most creditable and highly motivated. This bill before us is one that is important to millions of young people. The Senator from Colorado, in view of this, has agreed to see the bill through and get the final judgment of the Senate on it.

Mr. MANSFIELD. There is no question about that.

Mr. SCOTT. Mr. President, I think we ought to have the record show that it will not be brought up in the closing days of the session when it might be lost in the pressure of time. In all fairness to the Senator from Colorado, it should be brought up at a time when an adequate time limitation could be worked out that would be satisfactory to the Senator.

Mr. DOMINICK. Mr. President, I thank the Senator. I have been caught in this bind twice. I do not want to have it happen again. Mr. President, under those circumstances, I ask unanimous consent at this point to vacate the yeas and the nays which have been ordered and to withdraw my amendment.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The bill is open to further amendment. If there be no further amendment to be proposed, the question now occurs on the committee amendment in the nature of a substitute.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill is ordered to be engrossed for third reading and was read the third time.

The PRESIDING OFFICER (Mr. HART). Do Senators yield back the remainder of their time?

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

Mr. MAGNUSON. Mr. President, I had told the distinguished majority leader I would like to have 3 or 4 minutes. I would like to ask the manager of the bill a few questions.

Mr. PELL. I yield to the Senator from Washington.

The PRESIDING OFFICER. May we have order in the Senate so we can hear the Senator?

Mr. MAGNUSON. I wish to ask the manager of the bill how much is authorized and how much this bill will cost?

Mr. PELL. The total authorization is approximately $18 billion for 3 fiscal years, starting with fiscal year 1973.

Mr. MAGNUSON. Approximately $6 billion a year?

Mr. PELL. Yes. It starts at just under $6 billion in fiscal year 1973 and it is just over $6 billion in fiscal year 1975.

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

Mr. PELL. I yield.

Mr. DOMINICK. That is not counting the youth camp safety program and the 2-year vocational education item. It is much more than that.

Mr. PELL. And it does not include the Senator's Foreign Service program or the Indian education program.

Mr. MAGNUSON. That might make it $20 billion.

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

Mr. PELL. I yield.

Mr. JAVITS. One must assume that the roughly $1.5 billion a year we are now spending on higher education from Office of Education program alone has to be computed. This is not all the money. We are codifying higher education. We spend billions of dollars. It is a big bill, but we are running a big bill now.

Mr. MAGNUSON. I thought the record should show the $18 billion that is authorized after this bill is passed. Then, Senators will know who has all the trouble coming.

Mr. JAVITS. I know.

Mr. MAGNUSON. Then, the full funding people show up. I just wanted to have the record show the authorization of $18 billion a year. The members of the Committee on Labor and Public Welfare are great authorizers. I do not know the total figure, that it goes into billions of dollars. Then they will be looking for the Senator from Washington, the Senator from New Hampshire, and the rest of us on the committee.

Mr. JAVITS. They used to look for the Senator from Washington and the Senator from New York.

Mr. MAGNUSON. We take all the problems and the full funding people stand in the doorway.

I want it known when the word goes out that the people who are running these great universities and the people in higher education should not start planning right now on $18 billion to spend because under present conditions they will not get that much.

Mr. PELL. We are hopeful.

Mr. MAGNUSON. The Senator is hopeful.

The higher education portion of the 1972 Office of Education appropriations was $1,341,784,000. The Office of Education bill total was $5,024,000,000. Which of course includes all of Elementary-Secondary and Vocational Education.

Ten years ago the total for the Office of Education bill was only $481 million. I was not for that and I am one who constantly tried to move it up and up.

Public outlays for education have risen over 500 percent in 20 years, twice the rate of the gross national product. I do not say that is wrong.

Public outlays for education now represent an amount equivalent to almost 5 percent of the gross national product, compared to less than 3 percent in 1950.

Federal contributions to elementary-secondary education amount to between 6 and 7 percent of the total. The Federal contributions toward postsecondary education, primarily higher education, are over 20 percent this year.

That may well be too little but I wanted it clear when this bill is passed, and I am going to vote for it, that there is another story when we get down to the problem of annual appropriations.

Some day I am going to place in the RECORD the total amount of authorizations from the Committee on Labor and Public Welfare. I am just as much at fault. I voted for all those bills, but they do run into billions of dollars. Some day we should take a look at it. I think we have to take a better look at higher education. This is only a ceiling. We cannot go above this but we can go below it.

Mr. PELL. Alas.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. SCHWEIKER. Mr. President, today, the Senate has voted its approval of the "Ethnic Heritage Studies Centers Act of 1971," which I originally introduced in January of this year as S. 23, and which is now included as section 504

of S. 659, the "Education Amendments of 1971."

The legislative form of this idea is not important, but the concept of official Federal recognition of the importance of the studies of the ethnic heritages of the many various peoples that make up our Nation is crucial. It has been a privilege for me to work closely with many leaders of ethnic, racial, and religious groups, and with many educators and sociologists, in developing the language which has been adopted today to authorize Ethnic Heritage Studies Centers. I believe that we have approved a workable bill which can grow into a most significant educational and social program.

As the committee report, 92-346 states, passage of this measure alone will not guarantee the success of this program. The active cooperation and coordination of the many individuals and groups who will be pursuing ethnic studies and ethnic programs through the Ethnic Heritage Studies Centers authorized by this bill will be necessary, and I urge all such interested individuals and groups to begin the implementation of these centers in this spirit of conciliation.

I feel strongly that a deep national resource which has not been effectively utilized in America is the strong feeling of self-pride surrounding each individual's ethnic heritage and background. The purpose of this bill is to help provide the opportunity for this resource to be generated in a positive and constructive fashion throughout our Nation. The self-assurance, the dignity, the community solidarity, and the mutual cooperation that can result can be a significant step in helping us truly achieve the goals of social communication and justice which have been the guiding light of America since the days of the American Revolution. In just 5 years, we will be celebrating the 200th anniversary of our country, our goals, and our liberty, and it is my fervant hope that this positive emphasis on ethnic heritages can help us fully realize these goals by 1976

Mr. President, I appreciate the cooperation of the chairman of the Senate Labor and Public Welfare Committee, Mr. WILLIAMS, and the chairman of the Subcommittee on Education, Mr. PELL, and the ranking minority member of this committee, Mr. JAVITS, in approving this important measure in committee, as well as the approval of this bill by the full Senate today, and am confident that the Ethnic Heritage Studies Centers will play a significant role in American society.

Mr. MONDALE. Mr. President, I commend the distinguished and able chairman of the Education Subcommittee, the Senator from Rhode Island (Mr. PELL). S. 659, the Education Amendments of 1971, which he introduced and guided through subcommittee and committee, embodies exceedingly progressive, and thoughtful new educational initiatives.

In the area of student assistance for higher education, for example, this bill authorizes a new financial aid program of basic educational opportunity grants—and a strengthened program of supplementary educational opportunity grants—that, if fully funded, would go far toward providing every high school graduate with full opportunity to continue his education in college or vocational school. The bill also includes an innovative and long overdue cost-of-instruction allowance that will provide desperately needed financial help to the colleges and universities these students attend.

In addition, the bill would establish a student loan marketing association—or a secondary market for student loans—to provide the liquidity needed for banks to increase their participation in student loan programs.

The major new initiatives in the areas of student assistance and institutional aid offer real promise of reducing the financial crisis that colleges and universities, as well as students and their parents, are facing.

Among its other important provisions, the bill would establish a National Institute of Education to coordinate and carry out the full range of experimentation and development essential to improvement of our educational system; continue the broad range of successful existing higher education programs—including Education Professions Development, Strengthening Developing Institutions, College Library Assistance, Higher Education Facilities, and Law School Clinical Experience; and expand and extend authority under the Vocational Educational Education Act.

The Senator from Rhode Island deserves the appreciation of all of us, as well as millions of American students and their families, for his creative and tireless leadership on this bill. I personally want to express my gratitude for his patient and constructive work.

Mr. JAVITS. Mr. President, as ranking minority member of the committee, I would be remiss if appreciation were not expressed to the majority staff for their cooperation and hard work on the complex 260-page text before us, particularly Steve Wexler, counsel of the Education Subcommittee, and Richard Smith, associate counsel of the subcommittee and Roy Millenson, minority staff—these gentlemen are master legislative craftsmen.

I should also wish to express appreciation to Steve Rand, legislative assistant for education to the ranking member of the Education Subcommittee, Senator PROUTY, who was most helpful in finding solutions to particularly nettling difficulties which beset the subcommittee during its deliberations. His predecessor in the education post, Judith Miller, is now in the Office of the Assistant Secretary of HEW for Legislation—to her also goes our thanks.

Next, I should particularly like to note the efforts of others of the executive department staff whose technical skills and patience were most helpful; namely, Chris Cross, Deputy Assistant Secretary of HEW; Charles Saunders, now Deputy Commissioner of Education; Mrs. John Frohlicher, a gifted attorney in the Office of Education; Richard Hastings, whose aid in obtaining statistics and other data was invaluable; and their associates.

Finally, I wish to mention the minority staff, Roy Millenson, minority staff director, and Paul Haklisch, a summer intern who is a student at Williams College and a resident of Rye, N.Y., who devoted many hours to the tedious labors of helping prepare the lengthy section of the report devoted to changes in the law. Another intern, Dr. Elisabeth Hansot, an assistant professor of political science at Columbia University, was very helpful, especially in the preparation of the legislation and report dealing with the National Institute of Education.

Mr. PELL. Mr. President, as we close debate on S. 659, I again wish to point out to the Senate the great good that will accrue to each individual in our land should S. 659 become law.

For the first time in the history of our Nation, there will be established the right to a postsecondary education. An individual will be able to develop fully his intellectual abilities, something which up to now has been limited by his economic circumstances. I am often struck by the praise which everyone gives to the Second World War GI bill. To my mind, S. 659 is a GI bill for all Americans.

It should also be pointed out to the Senate that this legislation is not only concerned with students, but also seeks to provide a measure of institutional support. Indeed, it has gathered the support of institutions of higher education around the country, and I ask, at this point, that copies of letters to me be printed in the RECORD.

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

TUSKEGEE INSTITUTE,
July 28, 1971.

HON. CLAIBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

DEAR SENATOR PELL: I want to express deep appreciation to you for your role in developing S659, which is a major step forward in financing higher education for the citizens of this country.

Kind regards.

Sincerely yours,

L. H. FOSTER,
President.

ARKANSAS COLLEGE,
Batesville, Ark., July 28, 1971.

Senator CLAIRBORNE PELL,
Chairman, Subcommittee on Education,
Senate Office Building, Washington, D.C.

DEAR SENATOR PELL: I have just read a summary of your generous Bill for higher education and feel that you certainly are on the right track to help continue the strong support of higher education in America for the future.

We will be watching with much interest the development of this Bill in the next few weeks.

Sincerely,

R. W. WYGLE,
President.

NORTHROP INSTITUTE OF TECHNOLOGY,
Inglewood, Calif., July 20, 1971.

HON. CLAIBORNE PELL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PELL: I am pleased to see the progress made on S-659, which I believe to be of critical importance for the preservation of private higher education in this country.

I hope the Senate will support the action of the Committee on Labor and Public Welfare.

Sincerely,

HOMER GRANT,
President.

AUGUSTA COLLEGE,
Augusta, Ga., July 28, 1971.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education, New Senate Office Building, Washington, D.C.

DEAR SENATOR PELL: It was a distinct pleasure for me to be present last Tuesday when you met with the ACPRA to discuss Senate Bill 659. I commend you on your willingness to participate in the program and I thank you for your sincere interest in education.

Your bill is a valuable milestone in the development of educational opportunities and all of us here at Augusta College do commend you for your efforts.

Someone once said that the noblest thing a man could do is to plant a tree that will shade generations as yet unborn. This you have done with your work on S659.

Sincerely yours,

WILLIAM H. RODIMAN,
Director, College and Public Services.

LA GRANGE COLLEGE,
La Grange, Ga., August 2, 1971.

Senator CLAIBORNE PELL,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR PELL: Your bill S659 As Reported is the finest aid to students and colleges that yet has been presented to the Senate. It is our earnest hope that the Senate and the House will enact legislation providing the services which are indicated. We trust that you will receive the kind of support necessary to achieve your ends. We are grateful.

Sincerely,

WAIGHTS G. HENRY, Jr.,
President.

MILLIKIN UNIVERSITY,
Decatur, Ill., July 26, 1971.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

DEAR SENATOR PELL: We have been following development on S659 with interest, and were pleased to learn of its passage by the Senate Labor and Public Welfare Committee earlier this month. We have been aware, too, of your personal interest in this legislation and are deeply appreciative of your efforts to effect its favorable passage.

Here in Illinois, the Governor recently signed new legislation which provides per capita grants on a formula agreed to in compromise by the Senate and General Assembly. The formula is tied in part to the monetary award recipients of the scholarships and grants program administered by the Illinois State Scholarship Commission.

Such a formula, it seems to me, recognizes the difference in what the student pays and the actual cost of his education, and for this reason, grants related to enrollment are especially important to private colleges and universities.

Traditional sources of funds used by private institutions to underwrite this gap in financing are more difficult to find or have decreased their support of educational institutions. New sources of support are needed, or reports that predict the demise of a number of private colleges and universities during this decade will come true. Our system of higher education is made stronger, in my opinion, by continued support of private institutions along with the large, multi-purpose system of public universities.

The continued support of the Educational Opportunity Grant concept is important because it extends the chance for a college education to many students who could not undertake college work without a monetary helping hand. The development of the cost-of-instruction allowance as contained in S659 underscores the importance of the EOG program, and helps the institution meet the gap in actual dollars charged the student and the cost of his education.

We applaud your work in the development of this bill, and in the concern you show for its successful passage. On behalf of one institution which could benefit from such legislation, our sincere thanks and warm support.

Respectfully yours,

GERALD A. RADFORD,
Assistant to the President.

ROOSEVELT UNIVERSITY,
Chicago, Ill., July 29, 1971.

Senator CLAIBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

DEAR SENATOR PELL: I want to commend you and the Senate Subcommittee for the outstanding Senate Education Bill which was reported out recently. It is a thoughtful and creative approach to the problems plaguing higher education in this country. Its enactment would be of great assistance to Roosevelt University and to the students in the Chicago Metropolitan area served by this University. The proposed student assistance program and the cost-of-instruction allowance provide a means of giving general support to institutions of higher education and at the same time serves the important need of helping to provide a college or university education for a greater number of economically disadvantaged students.

Roosevelt University has served economically and culturally disadvantaged students since its inception in 1945. We are keenly aware of the problems connected with education for the disadvantaged. The Senate Bill goes a long way towards resolving these problems since it provides for basic financial assistance to the individual students, including (importantly) part-time students, and it also recognizes that an institution attempting to provide higher education for low-income students incurs greater instructional and administrative costs. This is the case with students from middle- and upper-income families.

I sincerely hope that the Senate Bill will be enacted and that funds will be appropriated for its implementation.

Sincerely yours,

ROLF A. WEIL,
President.

SAINT JOSEPH'S COLLEGE,
Rensselaer, Ind., July 27, 1971.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

DEAR SENATOR PELL: Last week several of our college public relations personnel attended a meeting of the American Alumni Council in Washington and brought back to me reports with a brief summary of the bill you have prepared and that has been reported out on July 15. The reports are brief but even in their brevity it seems you have prepared a bill that shows a deep insight and understanding of the needs of higher education in the United States today. We wish to commend you for this bill and pledge our willingness to rally whatever support is needed to see this bill's passage.

Sincerely yours,

CHARLES BANET, C.PP.S.,
President.

COE COLLEGE,
Cedar Rapids, Iowa., August 2, 1971.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

SIR: I write to commend you and your Senate colleagues for the excellent and generous bill (S. 659) designed to help higher education in a number of ways.

The future of private higher education in this country, of necessity, is dependent upon various types of support from public sources. It is my opinion that the continuation of strong and vigorous colleges and universities in the private sector is absolutely essential for the maintenance of the variety and quality of our national program of higher education. I, and my colleagues at Coe College, are grateful for this kind of bill which represents a large vision concerning the essential nature of higher education.

Sincerely yours,

LEO L. NUSSBAUM,
President.

LUTHER COLLEGE,
Decorah, Iowa, July 27, 1971.

Hon. CLAIBORNE PELL,
U.S. Senate, Chairman, Subcommittee on Education, Washington, D.C.

DEAR SENATOR PELL: You deserve the thanks of all in the education community for the tremendous effort you have put into getting the unanimous approval of Senate Bill S659. I am impressed with the comprehensiveness of the bill and in particular with the efforts you have made to correct many deficiencies in the present Federal Program of Aid to Higher Education. The proposed Student Assistance Program with the Cost of Instruction Allowance for Institutions is the type of program that has long been needed.

I am much impressed with the bipartisan support that you have had and hope such support continues as the bill is brought before the Senate. I also hope that the members of the House will agree to the provisions within the substance of the bill.

Sincerely,

E. D. FARWELL,
President.

ST. AMBROSE COLLEGE,
Davenport, Iowa, July 28, 1971.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education, New Senate Office Building, Washington, D.C.

DEAR SENATOR PELL: I want to express my appreciation and thanks for your efforts and understanding for the cause of education as expressed in the Pell Bill, "S659 as Reported".

Sincerely yours,

Rt. Rev. S. G. MENKE,
President.

SACRED HEART COLLEGE,
Wichita, Kans., July 27, 1971.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

MY DEAR SENATOR PELL: I have just read a brief summary of "S659 As Reported" and wished to commend you for the work that you put forth in bringing about the Bill.

It is a comprehensive piece of legislation which touches so many of the needs of higher education in this country. Hopefully your colleagues will see the same merit in the Bill.

Sincerely,

Rev. ROMAN S. GALIARDI,
President.

SAINT MARY COLLEGE,
Xavier, Kans., July 27, 1971.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

DEAR SENATOR PELL: In behalf of this particular college and its students, may I thank you and the members of your committee for Senate Bill 659. It is one of the best witnesses we have had in these last few years in the higher education community of the kind of enlightened concern with higher education that surely should mark our country's leadership. We thank you heartily.

Sincerely yours,

Sister MARY JANET.

SAINT FRANCIS COLLEGE,
Biddeford, Maine, July 27, 1971.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

DEAR SENATOR PELL: I wish to commend you for your education bill—S659 As Reported—and for your expressed support of higher education programs and activities. The concern of your Subcommittee on Education is especially gratifying to those of us who share responsibility in the financial management of colleges and universities.

We thank you for your efforts, past and present, in behalf of higher education.

Sincerely,

ERNEST R. THERRIEN,
Acting President.

GOUCHER COLLEGE,
Towson, Md., July 27, 1971.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: On behalf of independent higher education in Maryland, I am expressing our appreciation for your efforts in reporting out S–659 recently. This measure will go a long way toward promoting post-secondary education for all Americans.

We who represent the independent sector of higher education want to assure you that every effort is being taken to insure that the best, most comprehensive and versatile advanced educational opportunities are made available to everyone. S–659 will greatly assist in this endeavor.

With every good wish.

Sincerely yours,

RICHARD H. FRANCIS.

ANNA MARIE COLLEGE,
Paxton, Mass., July 29, 1971.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

DEAR SENATOR PELL: I wish to commend you for your generous bill, S 659, which has recently been reported out of the Senate Labor and Public Welfare Committee.

Legislation such as this provides higher education with a sound hope that the financial crisis of so many private institutions will soon be alleviated. I believe it is in the national interest that every college or university remain open to assure the diversity characteristic of the American way of life and to relieve the burden on the taxpayers by utilizing fully the billions of dollars already invested in plant funds.

Very sincerely,

Sister IRENE SOCQUET, S.S.A.,
President.

SPRINGFIELD COLLEGE,
Sringfield Mass., July 29, 1971.

Senator CLAIBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

DEAR SENATOR PELL: I am writing you to commend you on Senate Education Bill—"S659 As Reported". I have read with interest material sent me by the Association of American Colleges.

We in private higher education, especially Springfield College, are desperately attempting to keep our budget in balance and to resist as much as possible attempts to raise our tuition rates. As a College whose tradition is the education of young men and women for the human helping professions, we draw mainly from homes of modest means. Any drastic increase in tuition would price us out of the market for the type of young people attracted to these careers of helping others.

It is our opinion that private higher education will need support from state and national sources if we are to maintain our historic programs.

Again I commend you for this most needed Bill.

Sincerely,

CALVIN J. MARTIN.

THE UNIVERSITY OF MICHIGAN,
Ann Arbor, Mich., July 20, 1971.

Hon. CLAIBORNE PELL,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PELL: I write to express my personal appreciation, and that of my institution, for the devoted consideration which you have given to the problems of higher education during the current session. S. 659 will be enormously helpful to us, and I hope that the Senate, and later the House, can agree upon it.

We shall be watching the progress of the bill with great interest and support.

Sincerely,

R. W. FLEMING.

WAYNE STATE UNIVERSITY,
Detroit, Mich., August 2, 1971.

Hon. ROBERT P. GRIFFIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRIFFIN: I wish to express my strong support for the "Education Amendments of 1971" (S. 659), recently reported favorably by the Senate Labor and Education Committee. While we do not agree with every detail of the law, Wayne State University feels there is great merit to the sum total of this legislative package. There is no question in our minds about the need to expand the range of activities in this country. This act gives us that opportunity.

I hope you will seek to move this legislation through the Senate as quickly as seems appropriate in view of the magnitude of the bill and its importance to the nation.

Sincerely,

GEORGE E. GULLEN, Jr.,
Acting President.

MINNESOTA PRIVATE COLLEGE COUNCIL,
St. Paul, Minn., July 28, 1971.

Sen. CLAIBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

DEAR SENATOR PELL: The higher education bill which your Committee has voted out unanimously, S 659, is a genuinely epoch-making proposal, for which you and the members of your committee deserve great credit. It has in it many features which are highly important to the entire educational community, many of them breaking new ground.

In particular the proposal for basic opportunity grants in the amount of $1400 less family contribution is of landmark importance. This is all the more clear if it is intended as an "entitlement" for which appropriations are mandated. The same is the case with the "cost of instruction allowances" which I understand are also mandated. The determination to set up the basic opportunity grants as the first block in the financial aid structure, to which other financial aid may be added, I am sure reflects your own judgment and initiative in a particular way. All of us are indebted to you for it.

The utilization of federal financial aid to students to stimulate state programs of student aid is very important and will have the effect of equalizing educational opportunity through stimulating state programs. I like also the acceptance of a measure of public responsibility for the financial viability of educational institutions reflected in the emergency provisions for financing educational institutions that are in financial difficulty.

While I am sure we will want to evaluate the various components of S 659 with proposals that will emerge in the House bill we are greatly encouraged by the positive and original proposals which your Committee has made.

May I again express my appreciation for the privilege of appearing before your Committee as a part of the Minnesota delegation. It is gratifying to have had even so small a part in the development of such a significant piece of legislation.

Sincerely yours,

EDGAR M. CARLSON,
Executive Director.

UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., July 21, 1971.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I have received a summary of S. 659 recently reported by the Senate Labor and Public Welfare Committee. I am pleased to offer my observations on the meaning of this legislation to the universities and colleges of this nation.

It represents an important step forward. While the student aid provisions of the bill are not as broadly based as S. 1161, which you introduced, and which I suggested in earlier testimony before Senator Pell's Subcommittee, it does establish the essential principle of institutional aid. It is apparent to all of us involved in the process that we cannot effectively meet our responsibilities to the disadvantaged student if the Federal input is limited to the Basic Opportunity Grant. The cost of higher education is greater than the cost of tuition and fees, and the disadvantaged student requires the investment of institutional resources beyond those direct costs if he is to have an equal chance of success with his fellows.

I am particularly supportive of the 50–50 matching program to stimulate greater state investment in their student assistance programs. The Minnesota legislature has acted to significantly expand the Minnesota scholarship and grant-in-aid program during the 1971 session. Passage of S. 659 would constitute a major additional incentive to all the states to assume a larger share of the fiscal burden.

I was also pleased to see provision for continuity for many of the well established programs so vital to higher education. For example, library support, instructional equipment, and graduate fellowships. The provisions for a new National Foundation for Post Secondary Education, and a new National Institute for Educational Research are excellent innovations.

In many ways, higher education is in financial trouble because we have sought with shrinking resources to be more responsive to the educational needs of our society. I believe S. 659 recognizes that the next critical commitment, if we are to realize our goals, is for the federal government to assist both the institutions and the states in meeting these rising costs. I hope it passes.

Thank you for giving me the opportunity to offer these judgments both in writing now and before Senator Pell's subcommittee last winter.

Sincerely,

DONALD K. SMITH,
Vice President, Administration.

COLLEGE OF SAINT TERESA,
Winona, Minn., July 27, 1971.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR PELL: I have just received information on Senate Education Bill 659, as reported out of committee. I am most appreciative of the generosity and concern which is manifested in this bill. Prepared in truly bipartisan fashion, I understand, and voted out of your subcommittee unanimously it represents one of the finest efforts to relieve the situation in higher education that I have seen in a long time.

Thank you for all you are doing and have done for us.

Very sincerely yours,

Sister M. JOYCE ROWLAND, O.S.F.,
President.

COLLEGE OF ST. SCHOLASTICA,
Duluth, Minn., July 28, 1971.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR PELL: Higher education is fortunate in having a friend like you. I am sure you know how much we appreciate your exceptional efforts in our behalf, but it won't hurt to repeat it. We are deeply and genuinely grateful for your support.

We think S659 is a generous bill. Thank you.

Sincerely,

REX HUDSON,
Vice President for Development.

UPSALA COLLEGE,
East Orange, N.J., July 28 1971.

Senator CLAIBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

DEAR SENATOR PELL: Congratulations on your hard work on behalf of higher education! The work that you and your Subcommittee on Education have done has developed provocative alternatives and suggestions for higher education.

Please send me a copy of the Senate Education Bill–S659.

Sincerely yours,

CHARLES F. PIERCE, Jr.,
Executive Assistant.

CLARKSON COLLEGE OF TECHNOLOGY,
Potsdam, N.Y., July 27, 1971.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

DEAR SENATOR PELL: I have seen a summary of Education Bill S659 and am very favorably impressed concerning it. It has the desired objectives of perpetuating on-going, proven programs as well as plowing new ground, especially with respect to student assistance and the cost-of-instruction allowance. As far as Clarkson College is concerned, these last two areas are of vital importance for our survival as an independent, vital institution.

We hope the Senate will act on the Bill favorably, and that the House Bill, when it comes out of committee, will be equally comprehensive and far-seeing.

Sincerely,

JOHN W. GRAHAM, Jr.

COLGATE UNIVERSITY,
Hamilton, N.Y., August 3, 1971.

Senator CLAIBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

DEAR SENATOR PELL: I should like to express my appreciation of your efforts and leadership in devising and reporting out the Senate Education Bill S659. The understanding and foresight of the members of your subcommittee with regard to the financial problems of college students and the institutions which they attend is heartening to all of us in higher education.

Sincerely,

THOMAS A. BARTLETT.

DOWLING COLLEGE,
Oakdale, N.Y., August 2, 1971.

Senator CLAIBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

DEAR SENATOR PELL: This letter is to indicate my support for the Senate Bill S659 as reported. The bill has many outstanding features which are important for Dowling College as we continue to serve the higher education needs of Western Suffolk County.

The bill has many features which are very important for private institutions of higher education. The bill indicates a lot of thoughtful consideration of the problems that colleges have in many areas and the bill is very comprehensive in its approach toward meeting these problems. In particular, I am impressed with the Title I—Higher Education Revisions of the Bill—in the areas of continuing education (Part A), College library program (Part B), strengthening developing institutions (Part C), and student assistance (Part D). It is particularly important that the bill include the cost of education allowance for institutions of higher education. This is particularly needed by all institutions of higher education.

Congratulations for your work on this excellent bill, and I wish you success as the bill goes through the process of becoming final legislation.

Sincerely,

ALLYN P. ROBINSON,
President.

BUFFALO, N.Y.,
July 30, 1971.

Senator PELL,
Senate Office Building,
Washington, D.C.:

Urge continued and strong support for S. 659. Community college most effective institution for bringing higher education to all citizens at minimum expense to student and taxpayer. Erie Community College embarking on a three campus system to better serve all persons of Erie County.

JAMES E. SHENTON,
President.
EDWARD J. WEGMAN,
Chairman, Board of Trustees.

LA ROCHE COLLEGE,
Allison Park, Pa., July 27, 1971.

Senator CLAIBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

DEAR SENATOR PELL: I would like to thank you for the work you have done and the part you played in bringing Education Bill S659 to its present status. The passage of this bill vital to the continuation of a healthy and effective dual system of education in our country.

I feel sure that you are committed to the educational traditions of America or you would not have expended the efforts you have in working for this bill.

Best wishes for your continued success.

Sincerely,

Sister DE LA SALLE MAHLER,
President.

MANHATTANVILLE COLLEGE,
Purchase, N.Y., July 27, 1971.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

Sir: Would you be kind enough to send me a copy of Bill S 659 as soon as it is available, as well as any other material pertinent to the bill.

May I take this opportunity to thank you for the presentation of the bill which you gave members of the American College Public Relations Association last week.

Yours truly,

PEGGY RICE,
New Director.

NEW YORK UNIVERSITY,
New York, N.Y., July 16, 1971.

Hon. CLAIBORNE PELL,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR PELL: Thank you for your thoughtful letter with respect to the task force report to the Subcommittee on Education. I was happy to join Glenn Ferguson and Jim Hester in this project in my capacity as President-elect of Reed College.

My colleagues and I appreciate your interest in higher education and your pioneering proposals to keep our colleges and universities strong to serve the nation and our citizens. Please feel free to call upon me at any time you think I can be helpful.

Sincerely,

PAUL E. BRAGDON.

NORTH COUNTRY COMMUNITY COLLEGE,
Saranac Lake, N.Y., July 30, 1971.

Hon. CLAIRBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: This is just to inform you that all of us here at NCCC are immensely interested in supporting the Title X—Improvement of Educational Opportunities through Community Colleges legislation which you, Sen. Williams and Sen. Javits are sponsoring. We also wish to commend you for your interest and support of this legislation

We believe it is the only real answer for the future of these colleges which, as you well know, are doing a tremendously important job in higher education in the country. They need coordinated help such as this bill offers, however, to be able to continue to do that job.

If we can do anything to help in its promotion, please let us know.

Yours sincerely,

GEORGE HODSON,
President.

OTTERBEIN COLLEGE,
Westerville, Ohio, July 29, 1971.

Hon. CLAIRBORNE PELL,
U.S. Senator, Chairman, Subcommittee on Education, Senate Office Building, Washington, D.C.

DEAR SENATOR PELL: Let me commend you for your role in the drafting and reporting out of S659. Federal programs which directly or indirectly aid higher education are of critical importance. We at Otterbein College will continue our efforts to justify your confidence in higher education through programs which meet the needs of our students and society.

Sincerely yours,

THOMAS J. KERR,
President.

ROSARY HILL COLLEGE,
Buffalo, N.Y., August 3, 1971.

Hon. CLAIRBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

DEAR SENATOR PELL: Please accept my sincere commendation with regard to the Senate Education Bill "S659 As Reported." The assistance it will provide for higher education is badly needed.

May I wish you continued success with this and similar Bills.

Sincerely,

MARY ANGELA CANAVAN, O.S.F.,
President.

ROSEMONT COLLEGE,
Rosemont, Pa., July 27, 1971.

Hon. CLAIRBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

DEAR SENATOR PELL: Recent communications received from the Association of American Colleges included a brief summary of bill S659 which is designed to assist higher education.

On behalf of Rosemont College, I am writing to commend you for this bill and to express our appreciation of the provisions for institutional aid so essential in this time of serious financial difficulty for institutions of higher education.

Sincerely yours,

MARY GEORGE O'REILLY, S.H.C.J.,
President.

WOFFORD COLLEGE,
Spartanburg, S.C., July 29, 1971.

Senator CLAIBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

DEAR SENATOR PELL: I have just read with keen interest and deep appreciation a brief summary of the Pell bill. I want to thank you for lending your thought, energy, and effort to such a fine piece of legislation.

Recent years have found many Americans "up tight" about higher education. This tension has caused some state legislators and many individual supporters of higher education to pull back. Thank goodness our national congress has continued to support higher education.

All of us are indebted to you and to your colleagues on the Senate Labor and Welfare Committee.

Sincerely,

PAUL HARDIN III,
President.

DAKOTA WESLEYAN UNIVERSITY,
Mitchell, S.D., July 30, 1971.

Hon. CLAIBORNE PELL,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PELL: Thank you for your leadership in developing S. 659 as reported. These are critical times for our education, both public and private. We need all the help you can give.

Sincerely,

DONALD E. MESSER.

VANDERBILT UNIVERSITY,
Nashville, Tenn., July 14, 1971.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: Thank you for your note of June 25 regarding the report of the Task Force headed by Glenn Ferguson.

We are all grateful to you for the enlightened labor you perform on behalf of higher education and for giving us the opportunity to offer some suggestions about public policy affecting higher education.

With best wishes.

Sincerely yours,

ALEXANDER HEARD.

BENNINGTON COLLEGE,
Bennington, Vt., July 28, 1971.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

DEAR SENATOR PELL: I have just had the opportunity to read an advance summary of S. 659 and I wish, on behalf of Bennington College and on my own behalf, to commend you for the preparation of such a farsighted document.

Bennington is deeply concerned to continue its ability to innovate in such a way that the effect on all higher education is out of proportion to size. It costs more to provide such a laboratory. It is particularly important to open such educational opportunities to the disadvantaged and this must be done at a premium. I know that you and Mrs. Pell are particularly aware of the merit and high costs of independent "research and development" such as ours. It is of great importance to retain a place in higher education for the Benningtons of this country.

Sincerely,

EDWARD J. BLOUSTEIN,
President.

MARY BALDWIN COLLEGE,
Staunton, Va., July 27, 1971.

Senator CLAIBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

DEAR SENATOR PELL: Along with many colleagues at other institutions, I have followed with great interest the measures being considered in both the House and the Senate for a new higher education bill. I am particularly impressed with the bill now produced through your subcommittee, because it attempts to take into account the primary needs of both deserving students who are finding it difficult to pay for their undergraduate education, and it also recognizes the rising costs which must be borne by the institutions themselves as they seek ways to become more responsive to these needy students.

Our situation at Mary Baldwin College graphically demonstrates the scope of this problem. Our total financial aid budget this coming year will be over $300,000 in a total $3 million operating budget for a student body of 750. This is a difficult burden for us to carry, but we feel that we must in order to continue competing for the caliber student we want at this liberal arts institution. About one out of three students at Mary Baldwin is on some form of financial aid, but under past measures only about $70,000 of this total financial aid budget is derived from Federally sponsored sources. The remainder has to be budgeted by the college, and this is becoming ever more difficult in an era of spiraling operational costs.

A recent editorial in The Washington Post commended your bill but suggested that the present version is "excessively favorable to small colleges". I strongly suspect this is not the case, but even if it were, I think a strong argument could be made in favor of additional support for many of the smaller, private colleges which are making such a determined effort to educate many deserving young men and women. They provide an important alternative for many students who can progress so much better in this kind of educational environment.

Again, I commend you and your colleagues for your splendid attempts to set forth an excellent bill.

With all best wishes for success in further discussion in the weeks ahead.

Sincerely,

WILLIAM W. KELLY.

BETHANY COLLEGE,
Bethany, W. Va., July 28, 1971.

Senator CLAIBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

DEAR SENATOR PELL: I have just read a brief summary of the higher education bill, "S659 As Reported". It looks like a fine bill and I commend your Committee on the proposal. May I have a copy of the completed bill for further study?

Sincerely yours,

ROBERT A. SANDERCOX,
Vice President and Dean of Students.

NORTHWESTERN MUTUAL LIFE INSURANCE CO., MILWAUKEE,
Yankton, S. Dak., July 29, 1971.

Re Senate education bill (S. 659 as reported).

Senator CLAIBORNE PELL,
Chairman, Subcommittee on Education,
Washington, D.C.

DEAR SENATOR PELL: Congratulations on developing the type of legislation which will be of some help to higher education efforts. Keep up the good work. I hope the unanimous support of the committee will be taken seriously by your fellow legislators.

Best regards.

ELTON E. BERTSCH.

Mr. PELL. Mr. President, in closing, I urge the Senate to support S. 659.

The PRESIDING OFFICER. Is all time yielded back?

Mr. PELL. I yield back the remainder of our time.

The PRESIDING OFFICER. The question is on final passage.

Mr. DOMINICK. I ask for the yeas and nays.

Mr. MANSFIELD. Would the Senator reconsider?

Mr. DOMINICK. Does the Senator mean we are going to vote on an $18 billion bill without a yea-and-nay vote?

Mr. MANSFIELD. Very well.

The PRESIDING OFFICER. There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded back. The question is, Shall the bill pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from NEVADA (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. SPARKMAN), the Senator from Georgia (Mr. TALMADGE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from Indiana (Mr. HARTKE), the Senator from New Hampshire (Mr. McINTYRE), and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. SPARKMAN), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Delaware (Mr. BOGGS), the Senator from Kentucky (Mr. COOK), the Senator from

Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senators from Kansas (Mr. PEARSON and Mr. DOLE), the Senator from Vermont (Mr. PROUTY), the Senator from Ohio (Mr. SAXBE), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. HRUSKA), the Senator from Idaho (Mr. JORDAN), 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 Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), and the Senator from Connecticut (Mr. WEICKER) would each vote "yea."

The result was announced—yeas 51, nays 0, as follows:

[No. 212 Leg.]

YEAS—51

Aiken	Gravel	Packwood
Allen	Griffin	Pastore
Allott	Gurney	Pell
Beall	Hansen	Proxmire
Bentsen	Hart	Randolph
Brooke	Hughes	Roth
Buckley	Humphrey	Schweiker
Byrd, Va.	Javits	Scott
Byrd, W. Va.	Jordan, N.C.	Smith
Case	Long	Spong
Cooper	Magnuson	Stennis
Curtis	Mansfield	Stevens
Dominick	Mathias	Symington
Eagleton	McClellan	Taft
Fannin	Metcalf	Thurmond
Fong	Miller	Tower
Fulbright	Nelson	Williams

NAYS—0

NOT VOTING—49

Anderson	Ellender	Montoya
Baker	Ervin	Moss
Bayh	Gambrell	Mundt
Bellmon	Goldwater	Muskie
Bennett	Harris	Pearson
Bible	Hartke	Percy
Boggs	Hatfield	Prouty
Brock	Hollings	Ribicoff
Burdick	Hruska	Saxbe
Cannon	Inouye	Sparkman
Chiles	Jackson	Stevenson
Church	Jordan, Idaho	Talmadge
Cook	Kennedy	Tunney
Cotton	McGee	Weicker
Cranston	McGovern	Young
Dole	McIntyre	
Eastland	Mondale	

So the bill (S. 659) was passed, as follows:

S. 659

An Act to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, Eight-first Congress, and related Acts, 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, with the following table of contents, may be cited as the "Education Amendments of 1971".

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GENERAL PROVISIONS

Sec. 2. (a) As used in this Act—

(1) the term "Secretary" means the Secretary of Health, Education, and Welfare; and

(2) the term "Commissioner" means the Commissioner of Education;

unless the context requires another meaning.

(b) Unless otherwise specified, the redesignation of a section, subsection, or other designation by any amendment in this Act shall include the redesignation of any reference to such section, subsection, or other designation in any Act or regulation, however styled.

(c)(1) Unless otherwise specified, in any case where an amendment made by this Act is to become effective after a date set herein, it shall be effective with the beginning of the day which immediately follows the date after which such amendment is effective.

(2) In any case where the effective date for an amendment made by this Act is expressly stated to be effective after June 30, 1971 such amendment shall be deemed to have been enacted on July 1, 1971.

TITLE I—HIGHER EDUCATION

PART A—COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) Section 101 of the Higher Education Act of 1965 is amended by striking out all that follows "authorized to be appropriated" and inserting in lieu thereof the following: "$60,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975.".

(b) The amendment made by subsection (a) shall be effective after June 30, 1971.

SPECIAL PROGRAMS AND PROJECTS RELATING TO NATIONAL AND REGIONAL PROBLEMS

SEC. 102. (a)(1) Sections 106, 107, 108, 109, 110, and 111 of the Higher Education Act of 1965, and all references thereto, are redesignated as sections 107, 108, 109, 110, 111, and 112, respectively. Title I of such Act is amended by inserting after section 105 the following new section:

"SPECIAL PROGRAMS AND PROJECTS RELATING TO NATIONAL AND REGIONAL PROBLEMS

"SEC. 106. (a) The Commissioner is authorized to reserve from the sums appropriated pursuant to section 101 for any fiscal year an amount not in excess of 10 per centum of the sums so appropriated for that fiscal year for grants pursuant to subsection (b).

"(b)(1) From the sums reserved under subsection (a), the Commissioner is authorized to make grants to, and contracts with, institutions of higher education (and combinations thereof) to assist them in carrying out special programs and projects, consistent with the purposes of this title, which are designed to seek solutions to national and regional problems relating to urbanization, technological and social changes, and environmental pollution.

"(2) No grant or contract under this section shall exceed 90 per centum of the cost of the program or project for which application is made.".

(2) Section 103(a) of such title I is amended by striking out that part of the language which precedes ", the Commissioner" and by inserting in lieu thereof "From the sums appropriated pursuant to section 101 for any fiscal year which are not reserved under section 106(a)".

(b) The amendments made by the second sentence of subsection (a) and by paragraph (2) of such subsection shall be effective after June 30, 1972, and then—

(1) only with respect to appropriations for title I of the Higher Education Act of 1965 for fiscal years beginning after June 30, 1972; and

(2) only to the extent that the allotment to any State under section 103(a) of such title is not less for any fiscal year than the allotment to that State under such section 103(a) for the fiscal year ending June 30, 1972.

METROPOLITAN AREA PROGRAMS

SEC. 103. (a) Sections 110, 111, and 112 (as so designated by section 102) of the Higher Education Act of 1965, and all references thereto, are redesignated as sections 111, 112, and 113, respectively. Title I of such Act is amended by inserting after section 109 the following new section:

"METROPOLITAN AREA PROGRAMS

"SEC. 110. (a) The Commissoner is authorized to make grants to institutions of higher education (and combinations thereof) which are located within, or adjacent to, Standard Metropolitan Statistical Areas to assist such institutions in planning, developing, and carrying out, consistent with the purposes of this title, comprehensive programs specifically designed to apply the resources of higher education to the problems of the urban communities within Standard Metropolitan Statistical Areas.

"(b) For the purposes of making grants under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975.".

(b) Section 1201 of the Higher Education Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(l) The term 'Standard Metropolitan Statistical Area' means the area in and around a city of fifty thousand inhabitants or more as defined by the Director of the Office of Management and Budget.".

(c) The amendments made by subsection (a) shall be effective after June 30, 1972.

EVALUATION OF ACTIVITIES

SEC. 104. (a) During the period beginning with the date of enactment of this Act and ending July 1, 1974, the Commissioner shall conduct a review of the programs and projects carried out with assistance under title I of the Higher Education Act of 1965 prior to July 1, 1973. Such review shall include an evaluation of specific programs and projects with a view toward ascertaining which of them show, or have shown (1) the greatest promise in achieving the purposes of such title, and (2) the greatest return for the resources devoted to them. Such review shall be carried out by direct evaluations by the Commissioner, by the use of other agencies, institutions, and groups, and by the use of independent appraisal units.

(b) Not later than March 31, 1973, and March 31, 1975, the Commissioner shall submit to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives a report on the review conducted pursuant to subsection (a). Such report shall include (1) an evaluation of the program authorized by title I of the Higher Education Act of 1965 and of specific programs and projects assisted through payments under such title, (2) a description and an analysis of programs and projects which are determined to be most successful, and (3) recommendations with respect to the means by which the most successful programs and projects can be expanded and replicated.

(c) Sums appropriated pursuant to section 401(c) of the General Education Provisions Act for the purposes of section 402 of such Act shall be available to carry out the purposes of this section.

PART B—COLLEGE LIBRARY PROGRAMS

AUTHORIZATION OF APPROPRIATIONS

SEC. 111. (a) Sections 201 and 221 of the Higher Education Act of 1965 are each amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each for the fiscal years ending June 30, 1971, and June 30, 1972".

(b)(1) Title II of the Higher Education Act of 1965 is amended by striking out "PART A—COLLEGE LIBRARY RESOURCES" and by striking out all of section 201 and inserting in lieu thereof the following:

"COLLEGE LIBRARY PROGRAMS; TRAINING; RESEARCH

"SEC. 201. (a) The Commissioner shall carry out a program of financial assistance—

"(1) to assist and encourage institutions of higher education in the acquisition of library resources, including law library resources, in accordance with part A; and

"(2) to assist with and encourage research and training persons in librarianship, including law librarianship, in accordance with part B.

"(b) For the purpose of making grants under parts A and B, there are authorized to be appropriated $130,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975. Of the sums appropriated pursuant to the preceding sentence for any fiscal year, 70 per centum shall be used for the purposes of part A and 30 per centum shall be used for the purposes of part B, except that the amount available for the purposes of part B for any fiscal year shall not be less than the amount appropriated for such purposes for the fiscal year ending June 30, 1972.

"(c) For the purposes of this title—

"(1) the term 'library resources' means books, periodicals, documents, magnetic tapes, phonograph records, audiovisual materials, and other related library materials, including necessary binding; and

"(2) the term 'librarianship' means the principles and practices of the library and information sciences, including the acquisition, organization, storage, retrieval and dissemination of information, and reference and research use of library and information resources.

"PART A—COLLEGE LIBRARY RESOURCES".

(2)(A) Section 202 of such title II is amended by striking out that part of the first sentence which precedes "institutions of higher education" and inserting in lieu thereof the following: "From the amount available for grants under this part pursuant to section 201 for any fiscal year, the Commissioner shall make basic grants for the purposes set forth in section 201(a)(1) to".

(B) Section 203 of such title II is amended by striking out that part of the first sentence which precedes "supplemental grants" and inserting in lieu thereof the following: "From that part of the sums appropriated pursuant to section 201 for the purposes of this part for any fiscal year which remains after making basic grants pursuant to section 202, and which is not reserved for the purposes of section 204, the Commissioner shall make", and by striking out "section 201" where it appears after "set forth in" and inserting in lieu thereof "section 201(a)(1)".

(C)(i) Section 204(a)(1) of such title II is amended to read as follows:

"(1) From the sums appropriated pursuant to section 201 for the purposes of this part for any fiscal year, the Commissioner is authorized to reserve not to exceed 25 per centum thereof for the purposes of this section.".

(ii) Section 204(a)(2) of such title II is amended by striking out that part of the first sentence which precedes "may be used to make" and inserting in lieu thereof "sums reserved pursuant to paragraph (1)".

(iii) Section 204(a) of such title II is amended by striking out paragraph (3).

(3)(A) Part B of such title II is amended by striking out sections 221 and 222 and inserting in lieu thereof the following:

"TRAINING AND RESEARCH PROGRAMS

"SEC. 221. From the amount available for grants under this part pursuant to section 201 for any fiscal year, the Commissioner shall carry out a program of making grants in accordance with sections 222 and 223. Of such amount, 66 per centum shall be avail-

able for the purposes of section 222 and 33⅓ per centum shall be available for the purposes of section 223.".

(B) Such part B is further amended by striking out section 225; and sections 223 and 224 of such part, and all references thereto (except those references thereto in section 221 of such part, as amended by subparagraph (A)), are redesignated as sections 222 and 223, respectively.

(c)(1) The amendments made by subsection (a) shall be effective on and after July 1, 1971.

(2) The amendments made by subsection (b) shall be effective after June 30, 1972, and only with respect to appropriations for the fiscal year ending June 30, 1973, and succeeding fiscal years.

WAIVER OF MAINTENANCE OF EFFORT REQUIREMENT

SEC. 112. (a) Section 202 of title II of the Higher Education Act of 1965 is amended by redesignating clauses (c) and (d), and all references thereto, as clauses (2) and (3), respectively, and by striking out clauses (a) and (b) and inserting in lieu thereof the following:

"(1) provides satisfactory assurance that the applicant will expend during the fiscal year for which the basic grant is sought, from funds other than funds received under this part—

"(A) for all library purposes (exclusive of construction), an amount not less than the average annual amount it expended for such purposes during the two fiscal years preceding the fiscal year for which assistance is sought under this part, and

"(B) for library resources, an amount not less than the average amount it expended for such resources during the two fiscal years preceding the fiscal year for which assistance is sought under this part,

except that, if the Commissioner determines, in accordance with regulations, that there are special and unusual circumstances which prevent the applicant from making the assurances required by this clause (1), he may waive that requirement for one or more of such assurances;".

(b)(1) The second sentence of such section 202 is amended by striking out "not exceed" and inserting in lieu thereof the following: ", for any fiscal year, be equal to the amount expended by the applicant for library resources during that year from funds other than funds received under this part, except that no basic grant shall exceed".

(2) Clause (1) of section 203(a) of such title II is amended by striking out that part thereof which follows "section 202" and inserting in lieu thereof a semicolon.

(c) The amendments made by this section shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1971.

INCREASE IN MAXIMUM AMOUNT OF SUPPLEMENTAL GRANTS

SEC. 113. (a) Section 203(a) of the Higher Education Act of 1965 is amended by striking out "$10" and inserting in lieu thereof "$15".

(b) Such section 203(a) is amended by striking out "$15" and inserting in lieu thereof "$20".

(c)(1) The amendment made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

(2) The amendment made by subsection (b) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1974.

AUTHORIZATION OF APPROPRIATIONS FOR COLLEGE AND RESEARCH LIBRARY RESOURCES

SEC. 114. (a) Section 231 of the Higher Education Act of 1965 is amended by striking out "and the succeeding fiscal year" and inserting in lieu thereof "and $15,000,000 for each of the succeeding fiscal years ending prior to July 1, 1974".

(b) Such section 231 is further amended by striking out "enable the Commissioner to transfer funds to".

(c) The amendments made by subsections (a) and (b) shall be effective after June 30, 1971.

EVALUATION AND REPORT

SEC. 115. (a) Part C of title II of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"EVALUATION AND REPORT

"SEC. 232. No later than March 31 of each calendar year, the Librarian of the Congress shall transmit to the Committees on Education and Labor and on Rules and Administration of the House of Representatives, and the Committees on Labor and Public Welfare and on Rules of the Senate, and to the respective Committees on Appropriations of the Congress, a report evaluating the results and effectiveness of acquisition and cataloging work done under this part, based to the maximum extent practicable on objective measurements, including costs, together with recommendations as to proposed legislative action.".

(b) The amendment made by subsection (a) shall be effective after June 30, 1971.

PART C—DEVELOPING INSTITUTIONS; EMERGENCY ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION

EXTENSION OF AUTHORIZATION FOR TITLE III

SEC. 121. (a) Section 301(b)(1) of the Higher Education Act of 1965 is amended by inserting "each" after "$91,000,000" and by inserting after "1971," the following: "and the fiscal year ending June 30, 1972,".

(b) The amendments made by subsection (a) shall be effective after June 30, 1971.

REVISION OF TITLE III (STRENGTHENING DEVELOPING INSTITUTIONS)

SEC. 122. (a) Title III of the Higher Education Act of 1965 is amended to read as follows:

"TITLE III—STRENGTHENING DEVELOPING INSTITUTIONS

"AUTHORIZATION

"SEC. 301. (a) The Commissioner shall carry out a program of special assistance to strengthen the academic quality of developing institutions which have the desire and potential to make a substantial contribution to the higher education resources of the Nation but which are struggling for survival and are isolated from the main currents of academic life and which enroll a significant proportion of students who have been educationally deprived or who have limited English speaking ability.

"(b)(1) For the purpose of carrying out this title, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and each of the succeeding fiscal years ending prior to July 1, 1975.

"(2) Of the sums appropriated pursuant to this subsection for any fiscal year, (A) 24 per centum shall be available only for carrying out the provisions of this title with respect to developing institutions which are junior or community colleges, and (B) not less than 50 per centum shall be available only for carrying out the provisions of this title with respect to developing institutions which the Commissioner determines meet the criterion set forth in clause (D)(iii) of section 302(a)(1).

"ELIGIBILITY FOR SPECIAL ASSISTANCE

"SEC. 302. (a)(1) For the purposes of this title, the term 'developing institution' means an institution of higher education in any State which—

"(A) is legally authorized to provide, and provides within the State, an educational program for which it awards a bachelor's degree, or is so authorized as a junior or community college;

"(B) is accredited by a nationally recognized accrediting agency or association determined by the Commissioner to be reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation;

"(C) except as is provided in paragraph (2), has met the requirement of clauses (A) and (B) during the five academic years preceding the academic year for which it seeks assistance under this title; and

"(D) meets such other requirements as the Commissioner shall, with the advice of the Council, prescribe by regulation, which requirements shall include at least a consideration of whether the institution—

"(i) is making a reasonable effort to improve the quality of its teaching and administrative staffs and of its student services,

"(ii) is, for financial or other reasons, struggling for survival and is isolated from the main currents of academic life, and

"(iii) enrolls a significant proportion of students who may have had inadequate secondary school preparation or who come from educationally, culturally, or economically deprived backgrounds.

"(2) The Commissioner is authorized to waive the requirements set forth in clause (C) of paragraph (1) in the case of applications for grants under this title by junior or community colleges, or such institutions located on or near an Indian reservation if the Commissioner determines that such action will increase the availability of higher education to Indians, except that grants pursuant to such applications for any fiscal year may not involve an expenditure of funds in excess of 10 per centum of the amount designated by clause (A) of paragraph (2) of section 301(b).

"(b) Any institution desiring special assistance under the provisions of this title shall submit an application for eligibility to the Commissioner at such time, in such form, and containing such information, as may be necessary to enable the Commissioner to evaluate the need of the applicant for such assistance and to determine its eligibility to be a developing institution for the purposes of this title. The Commissioner shall, with the advice of the Council, approve any application for eligibility under this subsection, which indicates that the applicant is a developing institution meeting the requirements set forth in subsection (a). Not later than thirty days after the beginning of any fiscal year ending after June 30, 1972, the Commission shall, on the basis of applications submitted pursuant to the first sentence of this subsection, establish a list of developing institutions eligible for special assistance under the provisions of this title. Such list of developing institutions shall be published in the Federal Register as soon as possible after its establishment each year.

"(c) For the purposes of clause (A) of paragraph (1) and of paragraph (2) of subsection (a) of this section and of paragraph (2) of section 301(b), the term 'junior or community college' means an institution of higher education—

"(1) which does not provide an educational program for which it awards a bachelor's degree (or an equivalent degree);

"(2) which admits as regular students only persons having a certificate of graduation from a school providing secondary education (or the recognized equivalent of such a certificate); and

"(3) which does—

"(A) provide an educational program of not less than two years which is acceptable for full credit toward such a degree, or

"(B) offer a two-year program in engineering, mathematics, or the physical or biological sciences, which program is designed to work as a technician and at the

semiprofessional level in engineering, scientific, or other technological fields, which fields require the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

"ADVISORY COUNCIL ON DEVELOPING INSTITUTIONS

"SEC. 303. (a) There is hereby established an Advisory Council on Developing Institutions (in this title referred to as the 'Council') consisting of nine members appointed by the Commission with the approval of the Secretary.

"(b) The Council shall, with respect to the program authorized by this title, carry out the duties and functions specified by part C of the General Education Provisions Act and, in particular, it shall assist the Commissioner—

"(1) in developing the criteria for defining developing institutions under clause (D) of section 302(a)(1);

"(2) in establishing the list described in section 302(b);

"(3) in identifying developing institutions through which the purposes of this title may be achieved; and

"(4) in establishing the priorities and criteria to be used in making grants under section 304(a).

"USE OF FUNDS: COOPERATIVE ARRANGEMENTS, NATIONAL TEACHING FELLOWSHIPS, AND PROFESSORS EMERITUS

"SEC. 304. (a) The Commissioner is authorized to make grants and awards, in accordance with the provisions of this title, for the purpose of strengthening developing institutions. Such grants and awards shall be used solely for the purposes set forth in subsection (b).

"(b) Fund appropriated pursuant to section 301(b) shall be available for—

"(1) grants to institutions of higher education to pay part of the cost of planning, developing, and carrying out cooperative arrangements between developing institutions and other institutions of higher education, and between developing institutions and other organizations, agencies, and business entities, which show promise as effective measures for strengthening the academic program and the administrative capacity of developing institutions, including such projects and activities as—

"(A) exchange of faculty or students, including arrangements for bringing visiting scholars to developing institutions,

"(B) faculty and administration improvement programs, utilizing training, education (including fellowships leading to advanced degrees), internships, research participation, and other means,

"(C) introduction of new curricula and curricular materials,

"(D) development and operation of cooperative education programs involving alternate periods of academic study and business or public employment, and

"(E) joint use of facilities such as libraries or laboratories, including necessary books, materials, and equipment;

"(2) National Teaching Fellowships to be awarded by the Commissioner to highly qualified graduate students and junior faculty members of institutions of higher education for teaching at developing institutions; and

"(3) Professors Emeritus Grants to be awarded by the Commissioner to professors retired from active service at institutions of higher education to encourage them to teach and to conduct research at developing institutions.

"(c)(1) An application for assistance for the purposes described in subsection (b)(1) shall be approved only if it—

"(A) sets forth a program for carrying out one or more of the activities described in subsection (b)(1), and set forth such policies and procedures for the administration of the program as will insure the proper and efficient operation of the program and the accomplishment of the purposes of this title;

"(B) sets forth such policies and procedures as will insure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds be made available for the purposes of the activities described in subsection (b)(1), and in no case supplant such funds;

"(C) sets forth policies and procedures for the evaluation of the effectiveness of the project or activity in accomplishing its purpose;

"(D) provides for such fiscal control and fund accounting procedures as may be necessary to insure proper disbursement of and accounting for funds made available under this title to the applicant; and

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

The Commissioner shall, after consultation with the Council, establish by regulation criteria as to eligible expenditures for which funds from grants for cooperative arrangements under clause (1) of subsection (b) may be used, which criteria shall be so designed as to prevent the use of such funds for purposes not necessary to the achievement of the purposes for which the grant is made.

"(2)(A) Applications for awards described in clauses (2) and (3) of subsection (b) may be approved only upon a finding by the Commissioner that the program of teaching and research set forth therein is reasonable in the light of the qualifications of the applicant and of the educational needs of the institution at which the applicant intends to teach.

"(B) No application for a National Teaching Fellowship or a Professors Emeritus Grant shall be approved for an award of such a fellowship or grant for a period exceeding two academic years, except that the award of a Professors Emeritus Grant may be for such period, in addition to such two-year period of award, as the Commissioner, upon the advice of the Council, may determine in accordance with policies of the Commissioner set forth in regulations.

"(C) Each person awarded a National Teaching Fellowship or a Professors Emeritus Grant shall receive a stipend for each academic year of teaching, as determined by the Commissioner upon the advice of the Council, plus an additional allowance for each such year for each dependent of such person.

"ASSISTANCE TO DEVELOPING INSTITUTIONS UNDER OTHER PROGRAMS

"SEC. 305. (a) Each institution which has been placed on the list of eligible developing institutions under section 302(b) shall be eligible for priority consideration and waivers in accordance with subsection (b).

"(b)(1) Subject to, and in accordance with, regulations promulgated for the purpose of this section, in the case of any application by a developing institution for assistance under any program specified in paragraph (2), the Commissioner is authorized, if such application is otherwise approvable, to waive any requirement for a non-Federal share of the cost of the program or project, or, to the extent not inconsistent with other law, to give, or require to be given, priority consideration of the application in relation to applications from institutions which are not developing institutions.

"(2) The provisions of this section shall apply to any program authorized by title II, IV, VI, or VII of this Act.

"(c) The Commissioner shall not waive, under subsection (b), the non-Federal share requirement for any program for applications which, if approved, would require the expenditure of more than 10 per centum of the appropriations for that program for any fiscal year.

"LIMITATION

"SEC. 306. None of the funds appropriated pursuant to section 301(b)(1) shall be used for a school or department of divinity or for any religious worship or sectarian activity.".

(b) The amendment made by subsection (a) shall be effective after, and only with respect to appropriations made for fiscal years beginning after, June 30, 1972.

EMERGENCY ASSISTANCE FOR INSTITUTIONS OF HIGHER EDUCATION

"SEC. 123. (a)(1) The Congress hereby finds and declares that—

(A) the Nation's institutions of higher education constitute a national resource which significantly contributes to the security, general welfare, and economy of the United States;

(B) considerable evidence has been advanced which indicates that many institutions of higher education are in financial distress resulting from many causes, including, among others, efforts on the part of such institutions to increase enrollments, to improve the quality of education and training, and to enlarge educational opportunities; and

(C) various proposals have been presented to the Congress, in response to such conditions of financial distress, for providing financial assistance to the Nation's institutions of higher education but, except for that necessary to justify payments provided for reimbursement for part of the cost of instruction under subpart 5 of part A of title IV of the Higher Education Act of 1965 as added by section 131(b) of this Act, insufficient information is available on the basis of which the Congress can determine, with any degree of certainty, the nature and causes of such financial distress or the most appropriate means with which present and future conditions of financial distress may be dealt.

(2) It is the purpose of this section (A) to provide to institutions of higher education, which are determined in accordance with this section to be in serious financial distress, interim emergency assistance to enable them to determine the nature and causes of such distress and the means by which such distress may be alleviated, and to improve their capabilities for dealing with financial problems using, to the extent appropriate, assistance authorized under the Higher Education Act of 1965 and all other sources of financial assistance, and (B) to authorize the Commissioner to obtain and make available to the Congress such information as may be necessary to enable the Congress to assess problems relating to financing of higher education, and to make decisions, to the extent that such problems exist, with respect to long-range solutions to such problems.

(b)(1) There is authorized to be appropriated for the period beginning with the date of enactment of this Act, and ending June 30, 1973, $150,000,000 for the purpose of making grants under this subsection. Sums so appropriated shall remain available for obligation and expenditure until expended.

(2)(A) The Commissioner is authorized to make grants to institutions of higher education which are in serious financial distress, as such term is defined in regulations of the Commissioner, in accordance with the provisions of this section.

(B) A grant under this subsection may be made only upon application therefor to the Commissioner. Such applications shall be submitted at such time, in such form, and

containing such information, assurances, policies, and procedures as the Commissioner may require in order to enable him to carry out his functions under this section. The Commissioner shall not approve any such application unless he finds that—

(i) in the case of a public institution of higher education, the institution has submitted its application for emergency assistance under this subsection to the appropriate State agency, as provided by the law of the State in which it is located and in accordance with regulations of the Commissioner, if any such agency exists with respect to such State, and such State agency has made a finding, in accordance with criteria established by the Commissioner, that such institution is in serious financial distress and (I) is in need of financial assistance under this section to continue its operation, or (II) will have to discontinue or substantially curtail its academic programs to the detriment of the quality of education available to its students;

(ii) in the case of a nonpublic institution of higher education, the institution either has complied with the procedure set forth in clause (i) for public institutions, or has submitted an application directly to the Commissioner and the Commissioner has determined that the institution meets the condition set forth in either clause (i)(I) or (i)(II), and has submitted a copy to the appropriate State agency, as determined under the law of the State in which it is located and in accordance with regulations of the Commissioner, for comment;

(iii) such institution has developed, adopted, and submitted a plan which the Commissioner determines provides reasonable assurance that, if the institution receives the grant for which it is applying, such institution will be able, during and after the period covered by such grant, to continue the educational services, programs, and activities with respect to which such grant is sought;

(iv) such institution is making a major contribution to the overall higher educational system of the area of the State in which it is located, or of the Nation; and

(v) such institution has included in such application such policies and procedures for the use of funds received under the grant as will insure that such funds will not be used for a school or department of divinity or for any religious worship or sectarian activity, and as will insure that such funds will be solely used for the purposes for which the grant is made.

(C) An application shall be approved under this subsection only if it includes such information, terms, and conditions as the Commissioner finds necessary and reasonable to enable him to carry out his functions under this section, and as he determines will be in the financial interest of the United States, and the applicant agrees—

(i) to disclose such financial information as the Commissioner determines to be necessary to determine the sources or causes of its financial distress and other information relating to its use of its financial resources.

(ii) to conduct a comprehensive cost analysis study of its operation, including income-cost comparisons and cost per credit hour of instruction for each department, in accordance with uniform standards prescribed by the Commissioner; and

(iii) to consider, and either implement or give adequate reasons in writing for not doing so, any financial or operational reform recommended by the Commissioner for the improvement of its financial condition.

(D) The Commissioner shall not approve an application for a grant under this section without first obtaining the advice and recommendations of a panel of specialists who are not regular, full-time employees of the Federal Government and who are competent to evaluate the applications as to the relative degree of financial distress of the applying institutions.

(c)(1) In order to give the States and the Nation the information needed to assess the dimensions of and extent of the financial crisis confronting the Nation's institutions of higher education, the Commissioner shall make, or arrange for, a study of the financial conditions of such institutions to determine the need, if any, the desirability, and the form that additional governmental and private assistance should take. Such study shall include (A) an analysis of the various proposals presented to the Congress that provide assistance to institutions of higher education, as well as other viable alternatives which, in the judgment of the Commissioner, merit inclusion in such a study; (B) the costs, advantages and disadvantages, and the extent to which each proposal would preserve the diversity and independence of such institutions; and (C) the extent to which each would advance the national goal of making higher education accessible to all individuals having the desire and ability to continue their education.

(2)(A) The Commissioner shall, at the earliest practicable date after he has had an opportunity to review the suggested national uniform standards referred to in clause (5) of section 140(c), but not later than July 1, 1973, prescribe national uniform standards for determining average per-student costs to institutions of higher education for providing postsecondary education for students in attendance at such institutions.

(B) After the Commissioner has prescribed the national uniform standard required by subparagraph (A), he shall require, as a condition of approval of any application of any institution of higher education for any funds under a grant or contract authorized by the Higher Education Act of 1965, that such institution supply cost-of-education data determined in accordance with such national uniform standards.

(3) The Commissioner shall report the results of the study required by this subsection to the President and the Congress not later than December 31, 1972.

(d)(1) The Commissioner is authorized to make grants to—

(A) institutions of higher education which are receiving emergency assistance under subsection (b) for the purpose of enabling them to improve their planning and management capabilities, and

(B) other institutions of higher education to assist them in conducting research and demonstration projects having national significance for improving the planning and management capabilities of instiutions of higher education.

(2) The maximum amount of a grant under this subsection, with respect to an institution for any fiscal year, shall not exceed—

(A) an amount equal to the full-time equivalent number of persons in enrollment at that institution multiplied by $5; or

(B) $15,000;

whichever is greater.

(3) There are authorized to be appropriated for the period beginning on the date of enactment of this Act, and ending June 30, 1974, such sums as may be necessary to carry out the purposes of this subsection.

(e) As used in this section—

(1) the term "institution of higher education" means an educational institution in any State which (A) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (B) is legally authorized within such State to provide a program of education beyond secondary education, (C) has been in existence for at least five years prior to the date upon which it makes application under this section, (D) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (E) is a public or other nonprofit institution, and (F) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution which is accredited, and, for the purpose of this clause, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered;

(2) the term "State" includes the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands; and

(3) the term "school or department of divinity" means an institution or a department or a branch of an institution the program of instruction of which is designed for the education of students (A) to prepare them to become ministers of religion or to enter upon some other religious vocation (or to provide continuing training for any such vocation), or (B) to prepare them to teach theological subjects.

PART D—STUDENT ASSISTANCE

REVISION OF PART A OF TITLE IV (EDUCATIONAL OPPORTUNITY GRANTS)

SEC. 131. (a)(1)(A) The first sentence of section 401(b) of the Higher Education Act of 1965 is amended by striking out that part which precedes "to enable the Commissioner" and inserting in lieu thereof: "There are hereby authorized to be appropriated $170,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975,".

(B) Section 408 of such Act is amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each for the succeeding fiscal years ending prior to June 30, 1975".

(2) The amendments made by paragraph (1) shall be effective after June 30, 1971.

(b)(1) Part A of title IV of such Act is amended to read as follows:

"PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

"STATEMENT OF PURPOSE; PROGRAM AUTHORIZATION

"SEC. 401. (a) It is the purpose of this part to assist in making available the benefits of postsecondary education to qualified students in institutions of higher education by—

"(1) providing basic educational opportunity grants (hereinafter referred to as 'basic grants') to all eligible students;

"(2) providing supplemental educational opportunity grants (hereinafter referred to as 'supplemental grants') to those students of exceptional need who, for lack of such a grant, would be unable to obtain the benefits of a postsecondary education;

"(3) providing for payments to the States to assist them in making financial aid available to such students;

"(4) providing for special programs and projects designed (A) to identify and encourage qualified youths with financial or cultural need with a potential for postsecondary education, (B) to prepare students from low-income families for postsecondary education, and (C) to provide remedial (in-

cluding remedial language study) and other services to students; and

"(5) providing for payments to institutions of higher education in connection with students receiving assistance pursuant to subpart 1 who are in attendance at such institutions.

"(b) The Commissioner shall, in accordance with subparts 1, 2, 3, 4, and 5, carry out programs to achieve the purposes of this part.

"Subpart 1—Basic Educational Opportunity Grants

"BASIC EDUCATIONAL OPPORTUNITY GRANTS: AMOUNT AND DETERMINATIONS; APPLICATIONS

"SEC. 411. (a) (1) The Commissioner shall, during the period beginning July 1, 1972, and ending June 30, 1975, pay to each student who has been accepted for enrollment in, or is in good standing at, an institution of higher education (according to the prescribed standards, regulations, and practices of that institution) for each academic year during which that student is in attendance at that institution, as an undergraduate, a basic grant in the amount for which that student is eligible, as determined pursuant to paragraph (2).

"(2) (A) (i) The amount of the basic grant for a student eligible under this subpart for any academic year shall be $1,400, less an amount equal to the amount determined under paragraph (3) to be the expected family contribution with respect to that student for that year.

"(ii) In any case where a student attends an institution of higher education on less than a full-time basis during any academic year, the amount of the basic grant to which that student is entitled shall be reduced in proportion to the degree to which that student is not so attending on a full-time basis, in accordance with a schedule of reductions established by the Commissioner for the purposes of this division. Such schedule of reductions shall be established by regulation and published in the Federal Register not later than February 1 of each year.

"(B) (i) The amount of a basic grant to which a student is entitled under this subpart for any academic year shall not exceed 50 per centum of the actual cost of attendance at the institution at which the student is in attendance for that year.

"(ii) For the purpose of this subparagraph the term 'actual cost of attendance' means, subject to regulations of the Commissioner, the actual per-student charges for tuition, fees, room and board (or expenses related to reasonable commuting), books, and an allowance for such other expenses as the Commissioner determines by regulation to be reasonably related to attendance at the institution at which the student is in attendance.

"(C) No basic grant shall be awarded to a student under this subpart if the amount of that grant for that student as determined under this paragraph for any academic year is less than $200. Pursuant to criteria established by the Commissioner by regulation, the institution of higher education may award a basic grant of less than $200 upon a determination that the amount of the basic grant is less than $200 because of the requirement of division (i) of subparagraph (B) and that due to exceptional circumstances the reduced grant should be made in order to enable the student to benefit from postsecondary education.

"(3) (A) (i) Not later than February 1 of each year the Commissioner shall publish in the Federal Register a schedule of expected family contributions for the succeeding academic year for various levels of family income, which, except as is otherwise provided in division (ii), together with any amendments thereto, shall become effective July 1 of that year. During the thirty-day period following such publication the Commission shall provide interested parties with an opportunity to present their views and make recommendations with respect to such schedule.

"(ii) The schedule of expected family contributions required by division (i) for each academic year shall be submitted to the President of the Senate and the Speaker of the House of Representatives not later than February 1 of that year. If either the Senate or the House of Representatives adopts, prior to May 1 of such year, a resolution of disapproval of such schedule, the Commissioner shall publish a new schedule of expected family contributions in the Federal Register not later than fifteen days after the adoption of such resolution of disapproval. Such new schedule shall take into consideration such recommendations as may be made in connection with such resolution and shall become effective, together with any amendments thereto, on July 1 of that year.

"(B) (i) for the purposes of this paragraph, the term 'family contribution' with respect to any student means the amount which the family of that student may be reasonable expected to contribute toward his postsecondary education for the academic year for which the determination under subparagraph (A) of paragraph (2) is made, as determined in accordance with regulations. In promulgating such regulations, the Commissioner shall follow the basic criteria set forth in division (ii) of this subparagraph.

"(ii) The basic criteria to be followed in promulgating regulations with respect to expected family contributions are as follows:

"(I) The amount of the effective income of the student or the effective family income of the student's family.

"(II) The number of dependents of the family of the student.

"(III) The number of dependents of the student's family who are in attendance in a program of postsecondary education and for whom the family may be reasonably expected to contribute for their postsecondary education.

"(IV) The amount of the assets of the student and those of the student's family.

"(V) Any unusual expenses of the student or his family, such as unusual medical expenses, and those which may arise from a catastrophe.

"(iii) For the purposes of clause (I) of division (ii) the term 'effective family income' with respect to a student means the annual adjusted family income, as determined in accordance with regulations prescribed by the Commissioner, received by the parents or guardian of that student (or the person or persons having an equivalent relationship to such student) minus Federal income tax paid or payable with respect to such income.

"(iv) For the purposes of this paragraph, one-half of veteran's benefits and payments under the Social Security Act received by a student or a student's family shall not be included in the determination of family contribution.

"(C) The Commissioner shall promulgate special regulations for determining the expected family contribution and effective family income in the case of students who are determined to be emancipated or self-supporting. Such special regulations shall be consistent with the basic criteria set forth in division (ii) of subparagraph (B).

"(4) (A) The period during which a student may receive basic grants shall be the period required for the completion of the undergraduate course of study being pursued by that student at the institution at which the student is in attendance, except that such period may not exceed four academic years unless—

"(i) the student is pursuing a course of study leading to a first degree in a program of study which is designed by the institution offering it to extend over five academic years; or

"(ii) the student is, or will be, unable to complete a course of study within four academic years because of a requirement of the institution of such course of study that the student enroll in a noncredit remedial course of study,

in either which case such period may be extended for not more than one additional academic year.

"(B) For the purposes of clause (ii) of subparagraph (A), a 'noncredit remedial course of study' is a course of study for which no credit is given toward an academic degree, and which is designed to increase the ability of the student to engage in an undergraduate course of study leading to such a degree.

"(b) (1) The Commissioner shall from time to time set dates by which students must file applications for basic grants under this subpart.

"(2) Each student desiring a basic grant for any year must file an application therefor containing such information and assurances as the Commissioner may deem necessary to enable him to carry out his functions and responsibilities under this subpart.

"(3) (A) Payments under this section shall be made in accordance with regulations promulgated by the Commissioner for such purpose, in such manner as will best accomplish the purposes of this section.

"(B) If, during any period of any fiscal year, the funds available for payments under this subpart are insufficient to fully satisfy all entitlements under this subpart, the amount paid with respect to each such entitlement shall be ratably reduced. When sufficient funds become available for such purpose, the amount of payment to be applied to each holder of a basic grant shall be equal to the difference between the amount paid to that holder under the first sentence of this subparagraph and the amount determined under subsection (a) to be that to which that holder is entitled for that year. No method of computing or manner of distribution of payments shall be used which is inconsistent with this subparagraph.

"Subpart 2—Supplemental Educational Opportunity Grants

"PURPOSE; APPROPRIATIONS AUTHORIZED

"SEC. 413A. (a) It is the purpose of this subpart to provide, through institutions of higher education, supplemental grants to assist in making available the benefits of postsecondary education to qualified students who, for lack of financial means, would be unable to obtain such benefits without such a grant.

"(b) (1) For the purpose of enabling the Commissioner to make payments to institutions of higher education which have made agreements with the Commissioner in accordance with section 413C(b), for use by such institutions for payments to undergraduate students for the initial academic year of a supplemental grant awarded to them under this subpart, there are authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975. Funds appropriated pursuant to this paragraph shall be appropriated separate from any funds appropriated pursuant to paragraph (2).

"(2) In addition to the sums authorized to be appropriated by paragraph (1), there are authorized to be appropriated such sums as may be necessary for payment to institutions of higher education for use by such institutions for making continuing supplemental grants under this subpart, except that no appropriation may be made pursuant to this paragraph for any fiscal year beginning more than three years after the last fiscal year for which an appropriation

is authorized under paragraph (1). Funds appropriated pursuant to this paragraph shall be appropriated separate from any funds appropriated pursuant to paragraph (1).

"(3) Sums appropriated pursuant to this subsection for any fiscal year shall be available for payments to institutions until the end of the fiscal year succeeding the fiscal year for which they were appropriated.

"(4) For the purposes of this subsection, payment for the first year of a supplemental grant shall not be considered as an initial year payment if the grant was awarded for the continuing education of a student who—

"(A) had been previously awarded a supplemental grant under this subpart (whether by another institution or otherwise), and

"(B) had received payment for any year of that supplemental grant.

"AMOUNT AND DURATION OF GRANTS

"SEC. 413B. (a)(1) An institution which awards a supplemental grant to a student under this subpart shall, for the duration of the grant, pay, from the funds received under this subpart by such institution for such purpose, to that student, for each academic year during which he is in need of such grant to pursue a course of study at that institution, an amount determined pursuant to paragraph (2).

"(2)(A)(i) The amount of the payment to any student pursuant to paragraph (1) shall be equal to the amount determined by the institution to be needed by that student to enable him to pursue a course of study at the institution, except that such amount shall not exceed—

"(I) $1,000, or

"(II) one-half the sum of the total amount of student financial aid provided to such student by such institution,

whichever is the lesser.

"(ii) The $1,000 limitation set forth in clause (I) of division (1) shall be increased to $1,200 in the case of a student who, during the preceding academic year, is determined in accordance with regulations to have ranked in the upper half of his class at an institution of higher education

"(iii) For the purpose of clause (II) of division (1), the term 'student financial aid' includes assistance payments to the student under subpart 1 of this part and parts C and E of this title, and any assistance provided to a student under any scholarship program established by a State or a private institution or organization, as determined in accordance with regulations, shall be deemed to be aid provided such student by the institution.

"(B) If the amount determined under division (1) of subparagraph (A) with respect to a student for any academic year is less than $200, no payment shall be made to that student for that year.

"(C) Subject to subparagraphs (A) and (B), the Commissioner shall prescribe, for the guidance of institutions, basic criteria and schedules for the determination of the amount of need to be determined under division (i) of subparagraph (A). Such criteria and schedules shall take into consideration the objective of limiting assistance under this subpart to students of financial need, and such other factors related to determining the need of students for financial assistance as the Commissioner deems relevant.

"(b)(1)(A) The duration of a supplemental grant awarded to a student under this subpart shall be the period required for the completion of the undergraduate course of study being pursued by the student to whom the grant is awarded at the institution awarding the grant.

"(B) The period of the duration of a supplemental grant under this subpart shall not exceed four academic years, less any such period with respect to which that student has previously received payments under this subpart pursuant to a prior award of a supplemental grant, whether such payments were made by the same or another institution, except that in the case of a student—

"(i) who is pursuing a course of study leading to a first degree in a program of study which is designed by the institution offering it to extend over five academic years, or

"(ii) who is, or will be, unable to complete a course of study within four academic years because of a requirement of the institution offering such course of study that the student enroll in a noncredit remedial course of study,

such period may be extended for not more than one additional academic year. For the purposes of clause (ii), a 'noncredit remedial course of study' is a course of study for which no credit is given toward an academic degree, and which is designed to increase the ability of the student to engage in an undergraduate course of study leading to such a degree.

"(2) A supplemental grant awarded under this subpart shall entitle the student to whom it is awarded to payments pursuant to such grant only if—

"(A) that student is maintaining satisfactory progress in the course of study he is pursuing, according to the standards and practices of the institution awarding the grant, and

"(B) that student is devoting at least half-time to that course of study, during the academic year, in attendance at that institution.

Failure to be in attendance at the institution during vacation periods or periods of military service, or during other periods during which the Commissioner determines, in accordance with regulations, that there is good cause for his nonattendance, shall not render a student ineligible for a supplemental grant; but no payments may be made to a student during any such period of failure to be in attendance or period of nonattendance.

"SELECTION OF RECIPIENTS; AGREEMENTS WITH INSTITUTIONS

"SEC. 413C. (a)(1) An individual shall be eligible for the award of a supplemental grant under this subpart by an institution of higher education which has made an agreement with the Commissioner pursuant to subsection (b), if the individual makes application at the time and in the manner prescribed by that institution, in accordance with regulations of the Commissioner.

"(2) From among those who are eligible for supplemental grants through an institution which has an agreement with the Commissioner under subsection (b) for each fiscal year, the institution shall, in accordance with such agreement under subsection (b), and within the amount allocated to the institution for that purpose for that year under section 413D(b) select individuals who are to be awarded such grants and determine, in accordance with section 413B, the amounts to be paid to them. An institution shall not award a supplemental grant to an individual unless it determines that—

"(A) he has been accepted for enrollment as an undergraduate student at such institution or, in the case of a student already attending such institution, is in good standing there as an undergraduate;

"(B) he shows evidence of academic or creative promise and capability of maintaining good standing in this course of study;

"(C) he is of exceptional financial need; and

"(D) he would not, but for a supplemental grant, be financially able to pursue a course of study at such institution.

"(b) An institution of higher education which desires to obtain funds for supplemental grants under this subpart shall enter into an agreement with the Commissioner. Such agreement shall—

"(1) provide that funds received by the institution under this subpart will be used by it solely for the purposes specified in, and in accordance with, the provisions of this subpart and of section 463;

"(2) provide that, in determining whether an individual meets the requirements of clause (C) of paragraph (2) of subsection (a), the institution will—

"(A) consider the source of such individual's income and that of any individual or individuals upon whom he relies primarily for support, and

"(B) make appropriate review of the assets of the student and of such individuals;

"(3) provide that the institution, in cooperation with other eligible institutions where appropriate, will make vigorous efforts to identify qualified youths of exceptional financial need, and to encourage them to continue their education beyond secondary school through such programs and activities as—

"(A) establishing or strengthening close working relationships with secondary school principals and guidance and counseling personnel, with a view toward motivating students to complete secondary school and to pursue postsecondary school educational opportunities, and

"(B) making, to the extent feasible, conditional commitments for student financial aid by such institution to qualified secondary school students enrolled in grade 11 or lower grades who show evidences of academic or creative promise;

"(4) provide that the institution will meet the requirements of section 464;

"(5) include provisions designed to make grants under this subpart reasonally available, to the extent of available funds, to all eligible students in attendance at the institution;

"(6) include such other provisions as may be necessary to protect the financial interest of the United States.

"APPORTIONMENT AND ALLOCATION OF FUNDS

"SEC. 413D. (a)(1)(A) From the sums appropriated pursuant to section 413A(b)(1) for any fiscal year, the Commissioner shall apportion to each State an amount which bears the same ratio to such sums as the number of persons enrolled full-time and the full-time equivalent of the number of persons enrolled part time in institutions of higher education in such State bears to the total number of such persons in all the States.

"(B) If the Commissioner determines that the sums apportioned to any State under subparagraph (A) for any fiscal year exceed the aggregate of the amounts that he determines to be required under subsection (b) for that fiscal year for institutions of higher education in that State, the Commissioner shall reapportion such excess, from time to time, on such date or dates as he shall fix, to other States in such manner as the Commissioner determines will best assist in achieving the purposes of this subpart.

"(2) Sums appropriated pursuant to section 413A(b)(2) for any fiscal year shall be apportioned among the States in such manner as the Commissioner determines will best achieve the purposes for which such sums were appropriated.

"(b)(1)(A) The Commissioner shall, from time to time, set dates before which institutions in any State must file applications for allocation, to such institutions, of supplemental grant funds from the apportionment to that State (including any reapportionment thereto) for any fiscal year pursuant to subsection (a)(1).

"(B)(i) From the sums apportioned (or reapportioned) to any State, the Commissioner shall allocate amounts to institutions which have submitted applications pursuant to subparagraph (A).

"(ii) Allocations under division (i) by the Commissioner to such institutions shall

be made in accordance with equitable criteria established by the Commissioner by regulation. Such criteria shall be designed to achieve such distribution of supplemental grant funds among such institutions within a State as will most effectively carry out the purposes of this subpart.

"(2) The Commissioner shall, in accordance with regulations, allocate to such institutions in any State, from funds apportioned or reapportioned pursuant to subsection (a)(2), funds to be used as the supplemental grants specified in section 413A(b)(2).

"(3) Payments shall be made from allocations under this subsection as needed.

"Subpart 3—Grants to States for State Scholarship Incentives

"PURPOSE; APPROPRIATIONS AUTHORIZED

"SEC. 415A. (a) It is the purpose of this subpart to make grants available to the States to assist them in providing student incentive grants to eligible students in attendance at institutions of higher education.

"(b)(1) There are hereby authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975, for payments to the States for student incentive grants to individuals who have not previously been awarded such grants.

"(2) In addition to the sums authorized to be appropriated pursuant to paragraph (1), there is authorized to be appropriated such sums as may be necessary for making grants to individuals who have been awarded student incentive grants for previous years.

"(3) Sums appropriated pursuant to paragraph (1) for any fiscal year shall remain available for payments to States for the award of student incentive grants under this subpart until the end of the fiscal year succeeding the fiscal year for which such sums were appropriated.

"(4) For the purposes of this subsection, a payment on the first year of a student incentive grant with respect to any student who has not been awarded a student incentive grant during any previous year shall be considered, subject to regulations of the Commissioner, an initial award to be paid from appropriations pursuant to paragraph (1).

"ALLOTMENT AMONG STATES

"SEC. 415B. (a)(1)(A) From the sums appropriated pursuant to section 415A(b)(1) for any fiscal year, the Commissioner shall allot to each State an amount which bears the same ratio to such sums as the number of students in attendance at institutions of higher education in such State bears to the total number of such students in such attendance in all the States.

"(B) For the purposes of this paragraph, the number of students in attendance at institutions of higher education in a State and in all the States shall be determined by the Commissioner for the most recent year for which satisfactory data are available to him.

"(2) If the Commissioner determines that the amount allotted to any State under paragraph (1) for any fiscal year exceeds the amount he determines to be required for that fiscal year for the student incentive grant program of that State, such excess shall be reallotted among the other States, from time to time, on such date or dates as he shall fix, in such manner as he determines will best assist in achieving the purposes of his subpart.

"(b) Sums appropriated pursuant to section 415(A)(b)(2) for any fiscal year shall be allotted among the States in such manner as the Commissioner determines will best achieve the purposes for which such sums were appropriated.

"APPLICATIONS FOR STUDENT INCENTIVE GRANT PROGRAMS

"SEC. 415C. (a) A State which desires to obtain a payment under this subpart for any fiscal year shall submit an application therefor through the State agency administering its program of student incentive grants, at such time or times, and containing such information as may be required by, or pursuant to, regulation for the purpose of enabling the Commissioner to make the determinations required under this subpart.

"(b) From a State's allotment under this subpart for any fiscal year the Commissioner is authorized to make payments to such State for paying 50 per centum of the amount of student incentive grants pursuant to a State program which—

"(1) is administered by a single State agency;

"(2) provides that such grants will be in amounts not in excess of $1,500 per academic year for attendance on a full-time basis as an undergraduate at an institution of higher education;

"(3) provides for the selection of recipients of such grants on the basis of substantial financial need determined on the basis of criteria established by the Commissioner;

"(4) provides for the payment of the non-Federal portion of such grants from funds supplied by such State which represent an additional expenditure for such year by such State for grants for students attending institutions of higher education over the amount expended by such State for such grants during the second fiscal year preceding the fiscal year in which such State initially received funds under this subpart; and

"(5) provides (A) for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State agency under this subpart, and (B) for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this subpart.

"(c) Upon his approval of any application for a payment under this subpart, the Commissioner shall reserve from the applicable allotment (including any applicable reallotment) available therefor, the amount of such payment, which (subject to the limits of such allotment or reallotment) shall be equal to the Federal share of the cost of the student incentive grants covered by such application. The Commissioner shall pay such reserved amount, in advance or by way of reimbursement, and in such installments as he may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of the student incentive grants with respect to which such reservation was made, and in the event of an upward revision of such estimated cost approved by him he may reserve the Federal share of the added cost only from the applicable allotment (or reallotment) available at the time of such approval.

"ADMINISTRATION OF STATE PROGRAMS; JUDICIAL REVIEW

"SEC. 415D. (a)(1) The Commissioner shall not finally disapprove any application for a State program submitted under section 415C, or any modification thereof, without first affording the State agency submitting the program reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering a State program approved under this subpart, finds—

"(A) that the State program has been so changed that it no longer complies with the provisions of this subpart, or

"(B) that in the administration of the program there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State agency that the State will not be regarded as eligible to participate in the program under this subpart until he is satisfied that there is no longer any such failure to comply.

"(b)(1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State program submitted under this subpart or with his final action under subsection (a), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

"(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

"Subpart 4—Special Programs for Students From Disadvantaged Backgrounds

"PROGRAM AUTHORIZATION

"SEC. 417A. (a) The Commissioner shall, in accordance with the provisions of this subpart, carry out a program designed to identify qualified students from low-income families, to prepare them for a program of postsecondary education, and to provide special services for such students who are pursuing programs of postsecondary education.

"(b) For the purpose of enabling the Commissioner to carry out this subpart, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975.

"AUTHORIZED ACTIVITIES

"SEC. 417B. (a) The Commissioner is authorized (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)) to make grants to, and contracts with, institutions of higher education, including institutions with vocational and career education programs, combinations of such institutions, public and private nonprofit agencies and organizations (including professional and scholarly associations), and, in exceptional cases, secondary schools and secondary vocational schools, for planning, developing, or carrying out within the State one or more of the services described in section 417A(a).

"(b) Services provided through grants and contracts under this subpart shall be specifically designed to assist in enabling youths from low-income families who have academic potential, but who may lack adequate secondary school preparation or who may be handicapped, to enter, continue, or resume a program of postsecondary education, including—

"(1) programs, to be known as 'Talent Search,' designed to—

"(A) identify qualified youths of financial or cultural need with an exceptional potential for postsecondary educational training and encourage them to complete secondary school and undertake postsecondary educational training,

"(B) publicize existing forms of student financial aid, including aid furnished under this title, and

"(C) encourage secondary-school or college dropouts of demonstrated aptitude to reenter educational programs, including postsecondary-school programs;

"(2) programs, to be known as 'Upward Bound', (A) which are designed to generate skills and motivation necessary for success in education beyond high school and (B) in which enrollees from low-income backgrounds and with inadequate secondary-school preparation participate on a substantially full-time basis during all or part of the program;

"(3) programs, to be known as 'Special Services for Disadvantaged Students,' of remedial and other special services for students with academic potential (A) who are enrolled or accepted for enrollment at the institution which is the beneficiary of the grant or contract, and (B) who, by reason of deprived educational, cultural, or economic background, or other handicap, are in need of such services to assist them to initiate, continue, or resume their postsecondary education; and

"(4) a program of paying up to 75 per centum of the cost of establishing and operating Educational Opportunity Centers which—

"(A) serve areas with major concentrations of low-income populations by providing, in coordination with other applicable programs and services—

"(i) information with respect to financial and academic assistance available for persons in such areas desiring to pursue a program of postsecondary education;

"(ii) assistance to such persons in applying for admission to institutions, at which a program of postsecondary education is offered, including preparing necessary applications for use by admission and financial aid officers; and

"(iii) counseling services and tutorial and other necessary assistance to such persons while attending such institutions; and

"(B) serve as recruiting and counseling pools to coordinate resources and staff efforts of institutions of higher education and of other institutions offering programs of postsecondary education, in admitting educationally disadvantaged persons.

The portion of the cost of any project assisted under clause (4) in the preceding sentence which is borne by the applicant shall represent an increase in expenditure by such applicant for the purposes of such project.

"Subpart 5—Payments to institutions of higher education for cost of instruction

"COST-OF-INSTRUCTION ALLOWANCES

"SEC. 419. (a) Each institution of higher education at which a student who is the recipient of a basic grant under subpart 1 is in attendance, shall be entitled for each fiscal year to a cost-of-instruction allowance (hereinafter in this section referred to as 'allowance'), in accordance with the provisions of this section.

"(b)(1)(A) The amount of the allowance to which an institution shall be entitled under this section for a fiscal year shall be determined on the basis of the total number of students in attendance at the institution, and the number of students who are in attendance at such institution and who are also recipients of basic grants under this part, and shall be determined in accordance with the following table:

"If the total number of students in attendance is—	The amount of the grant is—
Not over 1,000	$500 for each recipient.
Over 1,000 but not over 2,500.	$400 for each recipient or, if the number of recipients is at least 100, $50,000, plus $400 for each recipient in excess of 100.
Over 2,500 but not over 5,000.	$300 for each recipient or, if the number of recipients is at least 250, $110,000, plus $300 for each recipient in excess of 250.
Over 5,000 but not over 10,000.	$200 for each recipient or, if the number of recipients is at least 500, $185,000, plus $200 for each recipient in excess of 500.
Over 10,000	$100 for each recipient or, if the number of recipients is at least 1,000, $235,000, plus $100 for each recipient in excess of 1,000.

"(B) In any case where a recipient of a basic grant under subpart 1 attends an institution receiving an allowance under this subpart on less than a full-time basis, the amount of the allowance to that institution with respect to that student shall be reduced in proportion to the degree to which that student is not attending on a full-time basis.

"(C) The Commissioner shall make a separate determination of the number of students in attendance at an institution of higher education and the number of recipients of basic grants at any such institution at each branch or separate campus of that institution located in a different community from the principal campus of that institution pursuant to criteria established by him.

"(2) An institution of higher education may receive an allowance in accordance with this section only upon application therefor. An application under this section shall be submitted at such time or times, in such manner, and containing such information as the Commissioner determines necessary to carry out his functions under this title, and shall—

(A) set forth such policies, assurances, and procedures as will insure that—

"(i) the funds received by the institution under this section will be used solely to defray instructional expenses in academically related programs of the applicant;

"(ii) except as is authorized in paragraph (3), the applicant will not increase tuition with respect to the recipients of basic grants under this part above the rate charged by the applicant for undergraduate students for the academic year 1970–1971;

"(iii) the funds received by the institution under this section will not be used for a school or department of divinity or for any religious worship or sectarian activity;

"(iv) the applicant will expend, during the academic year for which a grant is sought, for all academically related programs of the institution, an amount equal to at least the average amount so expended during the three years preceding the year for which the grant is sought; and

"(v) the applicant will submit to the Commissioner such reports as the Commissioner may require by regulation; and

"(B) contain such other statement of policies, assurances, and procedures as the Commissioner may require by regulation in order to protect the financial interests of the United States.

"(3) In accordance with criteria established by regulations promulgated for the purposes of this paragraph, the Commissioner is authorized to permit increases in tuition in cases where failure to do so would result in undue hardship for an institution. Such criteria shall, among other factors, take into consideration increases in the cost-of-living index established by the Department of Labor.

"(c)(1) The Commissioner shall pay to each institution of higher education for each fiscal year the amount to which it is entitled under this section.

"(2) If during any period of any fiscal year the funds available for payments for entitlements established under this subpart are insufficient to fully satisfy all such entitlements the amount paid with respect to each such entitlement shall be ratably reduced. When sufficient funds become available for such period for such purpose the amount of payment from such funds to be applied to the entitled of each institution shall be equal to the difference between the amount paid to that institution under the first sentence of this paragraph and the amount of the entitlement for that institution as determined under paragraph (1) of subsection (a). No method of computing or no distribution of payments under this subpart shall be used which is inconsistent with this paragraph.".

(2) The amendment made by paragraph (1) shall be effective after June 30, 1972.

(3) There are authorized to be appropriated for each of the fiscal years ending prior to July 1, 1975, such sums as may be necessary for payment to institutions which have in effect agreements with the Commissioner entered into under section 407 of the Higher Education Act of 1965 before July 1, 1972, for use by such institutions for making educational opportunity grants under part A of title IV of such Act, as such part A is in effect on June 30, 1972, to undergraduate students for academic years other than the initial year of their educational opportunity grant under such part A.

(c) Section 461 of the Higher Education Act of 1965 is amended by striking out subsection (b) thereof and inserting in lieu thereof the following:

"(b)(1) For the purposes of this title, except for subpart 5 of part A, the term 'institution of higher education' includes any school of nursing; and any proprietary institution of higher education which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this title has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

"(2) For the purposes of this subsection—

"(A) The term 'school of nursing' means a public or other nonprofit collegiate or associate degree school of nursing.

"(B) The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively an accredited program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing.

"(C) The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively an accredited two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree.

"(D) The term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies approved for such purpose by the Commissioner.

"(3) For the purposes of this subsection, the term 'proprietary institution of higher education' means a school (A) which provides not less than a six-month program of training to prepare students for gainful employment in a recognized occupation, (B) which meets the requirements of clauses (1)

and (2) of section 1201(a), (C) which does not meet the requirement of section clause (4) of section 1201(a), (D) which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, and (E) which has been in existence for at least two years. For purposes of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"(c) For the purposes of this title—

"(1) the term 'academic year' shall be defined by the Commissioner by regulations; and

"(2) the term 'in attendance', when applied to a student, means a student who attends an institution of higher education at least on a half-time basis, as defined by the Commissioner by regulation.".

(d)(1) Section 1201 of the Higher Education Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(m) The term 'school or department of divinity' means an institution or a department or a branch of an institution the program of instruction of which is designed for the education of students (A) to prepare them to become ministers of religion or to enter upon some other religious vocation (or to provide continuing training for any such vocation), or (B) to prepare them to teach theological subjects.".

(2) The Higher Education Act of 1965 is amended by striking out the following provisions:

(A) The second sentence of section 113;

(B) The second sentence of section 207;

(C) The second sentence of section 526;

(D) The second sentence of section 609; and

(E) The second sentence of section 923.

(e) No payments shall be paid on the basis of entitlements created by subpart 5 of part A of title IV of the Higher Education Act of 1965 for any fiscal year in which—

(1) the appropriations available for payments on the basis of entitlements created by subpart 1 of such part are insufficient to pay in full the amounts to which all students are entitled under such subpart 1 for that fiscal year; or

(2) the appropriation for grants under subpart 2 of such part for that fiscal year does not at least equal the appropriation for the purposes of part A of title IV of the Higher Education Act of 1965 for the fiscal year ending June 30, 1972; or

(3) the appropriation for grants under part C of such title IV for that fiscal year does not at least equal the appropriation for such part C for the fiscal year ending June 30, 1972; or

(4) the appropriation pursuant to section 461 of the Higher Education Act of 1965 (as added by section 137(b) of this Act) for that fiscal year does not at least equal the appropriation for contributions to loan funds under title II of the National Defense Education Act of 1958 for the fiscal year ending June 30, 1972.

INSURED STUDENT LOANS—EXTENSION OF PROGRAM

SEC. 132A. (a)(1) Section 424(a) of the Higher Education Act of 1965 is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

(2) Such section 424(a) is further amended by striking out "June 30, 1975" and inserting in lieu thereof "June 30, 1979".

(b) Paragraph (4) of section 428(a) of such Act is amended (A) by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1979" and (B) by striking out "shall end at the close of June 30, 1975" and inserting in lieu thereof "shall end at the close of June 30, 1979".

(c) Section 433(c) of such Act is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

(d) The amendments made by this section shall be effective after June 30, 1971.

INCREASE IN LOAN LIMITATION IN EXCEPTIONAL CASES

SEC. 132B. (a)(1) Section 425(a) of the Higher Education Act of 1965 is amended by inserting before the period at the end of the first sentence the following: ", except when the financial aid officer of the institution in which such student is enrolled or at which he has been accepted for enrollment determines (in accordance with general criteria prescribed by the Commissioner) that such student is in need of a larger total to continue his education, in which case such total may not exceed whichever is the lesser, $2,500 or such larger total".

(2) Section 428(b)(1)(A) of each Act is amended by inserting after "$1,500" the following: "(except when the financial aid officer of the institution in which such student is enrolled or at which he has been accepted for enrollment determines, in accordance with general criteria prescribed by the Commissioner, that such student is in need of a larger amount to continue his education, in which case such total may not exceed whichever is the lesser, $2,500 or such larger amount)".

(b) The amendments made by subsection (a) shall be effective with respect to loans made after the enactment of this Act, and insured by the Commissioner under part B of title IV of the Higher Education Act of 1965, or by a State or non-profit private institution or organization with which the Commissioner has an agreement under section 428(b) of such part.

ELIGIBILITY OF INSTITUTIONS

SEC. 132C. (a) Part B of title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"ELIGIBILITY OF INSTITUTIONS

"SEC. 438. Notwithstanding any other provision of this part, the Commissioner is authorized to prescribe such regulations as may be necessary to provide for—

"(1) a fiscal audit of an eligible institution with regard to any funds obtained from a student who has received a loan insured under this part, or insured by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b);

"(2) the establishment of reasonable standards of financial responsibility and appropriate institutional capability for the administration by an eligible institution of a program of student financial aid with respect to funds obtained from a student who has received a loan insured under this part, or insured by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b);

"(3) the limitation, suspension, or termination of the eligibility under this part of any otherwise eligible institution, whenever the Commission has determined, after notice and affording an opportunity for hearing, that such institution has violated or failed to carry out any regulation prescribed under this part".

(b) The amendment made by subsection (a) shall be effective on and after the sixtieth day following the enactment of this Act.

STUDENT LOAN MARKETING ASSOCIATION

SEC. 133. (a)(1) Part B of title IV of the Higher Education Act of 1965 is further amended by adding at the end thereof the following new section:

"STUDENT LOAN MARKETING ASSOCIATION

"SEC. 439. (a) The Congress hereby declares that it is the purpose of this section to establish a Government-sponsored private corporation which will be financed by private capital and which will serve as a secondary market and warehousing facility for insured student loans, insured by the Commissioner under this part or by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b), and which will provide liquidity for student loan investments.

"(b)(1) There is hereby created a body corporate to be known as the Student Loan Marketing Association (hereinafter referred to as the 'Association'). The Association shall have succession until dissolved. It shall maintain its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. Officers may be established by the Association in such other place or places as it may deem necessary or appropriate for the conduct of its business.

"(2) The Association, including its franchise, capital, reserves, surplus, mortgages, or other security holdings, and income shall be exempt from all taxation now or hereafter imposed by any State, territory, possession, Commonwealth, or dependency of the United States, or by the District of Columbia, or by any county, municipality, or local taxing authority, except that any real property of the Association shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

"(3) There is hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare $5,000,000 for making advances for the purpose of helping to establish the Association. Such advances shall be repaid within such period as the Secretary may deem to be appropriate in light of the maturity and solvency of the Association. Such advances shall bear interest at a rate not less than (A) a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such advances, adjusted to the nearest one-eighth of 1 per centum, plus (B) an allowance adequate in the judgment of the Secretary to cover administrative costs and probable losses. Repayments of such advances shall be deposited into miscellaneous receipts of the Treasury.

"(c)(1) The Association shall have a Board of Directors which shall consist of twenty-one persons, one of whom shall be designated Chairman by the Board members.

"(2) An interim Board of Directors shall be appointed by the President, one of whom he shall designate as interim Chairman. The interim Board shall consist of twenty-one members, seven of whom shall be representative of banks or other financial institutions which are insured lenders pursuant to this section, seven of whom shall be representative of educational institutions, and seven of whom shall be representative of the general public. The interim Board shall arrange for an initial offering of common and preferred stocks and take whatever other actions are necessary to proceed with the operations of the Association.

"(3) When in the judgment of the President, sufficient common stock of the Association has been purchased by educational institutions and banks or other financial institutions, the holders of common stock which are educational institutions shall elect seven members of the Board of Directors and the holders of common stock which are banks or other financial institutions shall elect seven members of the Board of Direc-

tors. The President shall appoint the remaining seven directors.

"(4) At the time the events described in paragraph (3) have occurred, the interim Board shall turn over the affairs of the Association to the regular Board so chosen or appointed.

"(5) The directors appointed by the President shall serve at the pleasure of the President and until their successors have been appointed and have qualified. The remaining directors shall each be elected for a term ending on the date of the next annual meeting of the common stockholders of the Association, and shall serve until their successors have been elected and have qualified. Any appointive seat on the Board which becomes vacant shall be filled by appointment of the President. Any elective seat on the Board which becomes vacant after the annual election of the directors shall be filled by the Board, but only for the unexpired portion of the term.

"(6) The Board of Directors shall meet at the call of its chairman. The Board shall determine the general policies which shall govern the operations of the Association. The Chairman of the Board shall, with the approval of the Board, select, appoint, and compensate qualified persons to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Association and shall discharge all such executive functions, powers, and duties.

"(d)(1) The Association is authorized, subject to the provisions of this section, pursuant to commitments or otherwise, to make advances on the security of, purchase, service, sell, or otherwise deal in, at prices and on terms and conditions determined by the Association, student loans which are insured by the Commissioner under this part or by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b).

"(2) Any warehousing advance made under paragraph (1) of this subsection shall not exceed 80 per centum of the face amount of an insured loan. The proceeds from any such advance shall be invested in additional insured student loans.

"(e) The Association, pursuant to such criteria as the Board of Directors may prescribe, shall make advances on security, purchase, service, sell, warehouse, or otherwise deal in student loans pursuant to subsection (d) only after the Association is assured in each instance—

"(1) that the lender (A) did not discriminate against any particular class or category of students by (i) requiring that, as a candidate to the receipt of a loan, the student or his family maintain a business relationship with the lender, except that in the case of a loan made by a Federal credit union pursuant to this part, nothing contained in this section shall be construed to limit the customary obligation of membership in such credit union and (ii) refusing to make loans to such students for their freshman year of study, and (B) did not discriminate on the basis of sex, color, creed, or national origin; and

"(2) that the lender's institution is in the geographical vicinity of the student's legal residence, or the loan was obtained only after the student had exercised reasonable efforts to obtain a loan from eligible lenders in the geographical vicinity of the student's legal residence, or the student obtained the loan with a lender outside the geographical vicinity of the student's legal residence because the lender maintained a business relationship with the student or his family.

"(f)(1) The Association shall have common stock having a par value of $100 per share which may be issued only to lenders under this part, pertaining to guaranteed student loans, who are qualified as insured lenders under this part.

"(2) Each share of common stock shall be entitled to one vote with rights of cumulative voting at all elections of directors. Voting shall be by classes as described in subsection (c)(3).

"(3) The common stock of the Association shall be transferable only as may be prescribed by regulations of the Secretary of Health, Education, and Welfare, and, as to the Association, only on the books of the Association. The Secretary of Health, Education, and Welfare shall prescribe the maximum number of shares of common stock the Association may issue and have outstanding at any one time.

"(4) To the extent that net income in earned and realized, subject to subsection (g)(2), dividends may be declared on common stock by the Board of Directors. Such dividends as may be declared by the Board shall be paid to the holders of outstanding shares of common stock, except that no such dividend shall be payable with respect to any share which has been called for redemption past the effective date of such call.

"(g)(1) The Association is authorized with the approval of the Secretary of Health, Education, and Welfare, to issue nonvoting preferred stock with a par value of $100 per share. Any preferred share issued shall be freely transferable, except that, as to the Association, it shall be transferred only on the books of the Association.

"(2) The holders of the preferred shares shall be entitled to such rate of cumulative dividends and such shares shall be subject to such redemption or other conversion provisions, as may be provided for at the time of issuance. No dividends shall be payable on any share of common stock at any time when any dividend is due on any share of preferred stock and has not been paid.

"(3) In the event of any liquidation, dissolution, or winding up of the Association's business, the holders of the preferred shares shall be paid in full at par value thereof, plus all accrued dividends, before the holders of the common shares receive any payment.

"(h)(1) The Association is authorized with the approval of the Secretary of Health, Education, and Welfare and the Secretary of the Treasury to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Association. Such obligations may be redeemable at the option of the Association before maturity in such manner as may be stipulated therein.

"(2) The Secretary of Health, Education, and Welfare is authorized, within such limitations as may be specified in appropriations Acts, to guarantee payment when due of principal and interest on obligations issued by the Association in an aggregate amount determined by the Secretary in consultation with the Secretary of the Treasury.

"(3) To enable the Secretary of Health, Education, and Welfare to discharge his responsibilities under guarantees issued by him, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of Health, Education, and Welfare with the approval of the Secretary of the Treasury but only in such amounts as may be specified from time to time in appropriations Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the months preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. There is hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare such sums as may be necessary to pay the principal and interest on the notes or obligations issued by him to the Secretary of the Treasury.

"(i) The Association shall have power—

"(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel;

"(2) to adopt, alter, and use the corporate seal, which shall be judicially noticed;

"(3) to adopt, amend, and repeal by its board of directors, bylaws, rules, and regulations as may be necessary for the conduct of its business;

"(4) to conduct its business, carry on its operations, and have officers and exercise the power granted by this section in any State without regard to any qualification or similar statute in any State;

"(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

"(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Association;

"(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

"(8) to appoint such officers, attorneys, employees, and agent as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them and fix the penalty thereof; and

"(9) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

"(j)(1) The financial transactions of the Association shall be audited annually by the Secretary of the Treasury in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as he may prescribe. The audit shall be conducted at the place or places where the accounts are normally kept. The representatives of the Secretary shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Association and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians.

"(2) The expenses of any audit performed under this section shall be borne out of appropriations to the Treasury Department, and appropriations in such sums as may be necessary are authorized. The Association shall reimburse the Department for the full cost of such audit as billed therefor by the Secretary, and the Department shall deposit the sums as reimbursed into the Treasury as miscellaneous receipts.

"(k) A report of each such audit for a fiscal year shall be made by the Secretary of the Treasury to the President and to the Congress not later than six months following the close of such fiscal year. The report shall set forth the scope of the audit and shall include a statement (showing intercorporate relations) of assets and liabilities, capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the President and the Congress informed of the operations and financial condition of the Association, together with such recommendations with respect thereto as the Secretary may deem advisable, including a report of any impairment of capital or lack of sufficient capital noted in the audit. A copy of each report shall be furnished to the Secretary of Health, Education, and Welfare and to the Association.

"(l) All obligations issued by the Association shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All stock and obligations issued by the Association pursuant to this section shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are direct obligations of, or obligations guaranteed as to principal or interest by, the United States. The Association shall, for the purposes of section 14(b)(2) of the Federal Reserve Act, be deemed to be an agency of the United States.

"(m) In order to furnish obligations for delivery by the Association, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Board of Directors may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Association. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Association shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

"(n) The Association shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress a report of its operations and activities during each year.".

(2) The authority of the Student Loan Marketing Association to make advances on the security of, purchase, service, sell, or otherwise deal in, student loans and to issue obligations shall terminate five years after the enactment of the Education Amendments of 1971. Upon the termination provided in this subsection, the Board of Directors of the Association shall proceed to liquidate its assets and take whatever other action is necessary to wind up its affairs. Thereupon the Association shall notify the President and the Congress that it is dissolved.

(b)(1) The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations or other instruments or securities of the Student Loan Marketing Association," immediately after "or obligations, participation, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

(2) Section 5200 of the Revised Statutes, as amended (12 U.S.C. 84), is amended by adding at the end thereof the following new paragraph:

"(14) Obligations of the Student Loan Marketing Association shall not be subject to any limitation based upon such capital and surplus.".

(3) The first paragraph of section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)), is amended by inserting "or in obligations or other instruments or securities of the Student Loan Marketing Association;" in the second proviso immediately after "any political subdivision thereof".

(4) Section 8(8)(E) of the Federal Credit Union Act, amended (12 U.S.C. 1757(8)(E)), is amended by inserting before the semicolon at the end thereof the following: ", or in obligations or other instruments or securities of the Student Loan Marketing Association".

EXTENSION OF THE EMERGENCY INSURED STUDENT LOAN ACT OF 1969

SEC. 134. (a) Section 2(a)(7) of the Emergency Insured Student Loan Act of 1969 is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1973".

(b) The amendment made by subsection (a) shall be effective on and after July 1, 1971.

COLLEGE WORK STUDY PROGRAM—EXTENSION AND SELECTION OF STUDENTS FOR EMPLOYMENT

SEC. 135. (a)(1) Section 441(b) of the Higher Education Act of 1965 is amended by striking out "the fiscal year ending June 30, 1971" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

(2) The amendment made by subsection (a) shall be effective after June 30, 1971.

(b)(1) Clause (3)(A) of section 444(a) of the Higher Education Act of 1965 is amended by inserting immediately after "such institution" the following: "(taking into consideration the actual cost of attendance at such institution)".

(2) The amendment made by subsection (a) shall be effective on and after July 1, 1971, with respect to appropriations for fiscal years beginning on and after July 1, 1971.

COOPERATIVE EDUCATION

SEC. 136 (a)(1) Section 451(a) of the Higher Education Act of 1965 is amended by striking out "the fiscal year ending June 30, 1971" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

(2) Section 451(b) of such Act is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

(b) The amendments made by subsection (a) shall be effective after June 30, 1971.

DIRECT LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

SEC. 137. (a)(1) Section 201 of the National Defense Education Act of 1958 is amended by inserting "each" after $375,000,000", and by inserting after "June 30, 1971," the following: "and for the fiscal year ending June 30, 1972,".

(2) The amendments made by paragraph (1) shall be effective after June 30, 1971.

(b) Title IV of the Higher Education Act of 1965 is amended by striking out part F. Part E and sections 461, 462, 463, 464, and 469 of such title IV, and all references thereto (except the reference to section 461 in section 131 (e)(4)), are redesignated as part F and sections 491, 492, 493, 494, and 499, respectively. Such title IV is further amended by inserting after part D the following new parts:

"PART E—DIRECT LOAN TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

"APPROPRIATIONS AUTHORIZED

"SEC. 461. (a) The Commissioner shall carry out a program of stimulating and assisting in the establishment and maintenance of funds at institutions of higher education for the making of low-interest loans to students in need thereof to pursue their courses of study in such institutions.

"(b)(1) For the purpose of enabling the Commissioner to make contributions to students loan funds established under this part, there are hereby authorized to be appropriated $375,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975.

"(2) In addition, there are hereby authorized to be appropriated such sums for the fiscal year ending June 30, 1976, and each of the three succeeding fiscal years as may be necessary to enable students who have received loans for academic years ending prior to July 1, 1975, to continue or complete courses of study.

"(c) Any sums appropriated pursuant to subsection (b) for any fiscal year shall be available for apportionment pursuant to section 462 and for payments of Federal capital contributions therefrom to institutions of higher education which have agreements with the Commission under section 463. Such Federal capital contributions and all contributions from such institutions shall be used for the establishment, expansion, and maintenance of student loan funds.

"APPORTIONMENT OF APPROPRIATIONS

"SEC. 462. (a)(1) From the sums appropriated pursuant to section 461(b)(1) for any fiscal year, the Commissioner shall apportion to each State an amount which bears the same ratio to the amount so appropriated as the number of persons enrolled on a full-time basis in institutions of higher education, as determined by the Commissioner for the most recent year for which satisfactory data are available to him, in such State bears to the total number of persons so enrolled in all the States.

"(2) Any sums appropriated pursuant to section 461(b)(2) for any fiscal year shall be apportioned among institutions of higher education in such a manner as the Commissioner determines will best accomplish the purpose for which they were appropriated.

"(b(1) Any institution of higher education desiring to receive payments of Federal capital contributions from the apportionment of the State in which it is located for any fiscal year shall make an agreement under section 463 and shall submit an application therefor to the Commissioner, in accordance with the provisions of this part. The Commissioner shall, from time to time, set dates before which such institutions must file applications under this section.

"(2) The Commissioner shall pay to each applicant under this subsection which has an agreement with him under section 463, from the amount apportioned to the State in which it is located, the amount requested in such application. Such payment may be made in such installments as the Commissioner determines will not result in unused accumulations of capital in the student loan fund of the applicant established under its agreement under section 463.

"(c)(1)(A) If the total amount of Federal capital contributions requested in the applications from a State for any fiscal year exceeds the amount apportioned to that State, the request from each institution shall be reduced ratably.

"(B) In case additional amounts become available for payments to student loan funds in a State in which requests have been ratably reduced under subparagraph (A), such requests shall be increased on the same basis as they were reduced, except that no request shall be increased above the request submitted under subsection (b)(1).

"(2) If the amount of an apportionment to a State for any fiscal year exceeds the total amount of Federal capital contributions requested in applications from that State, such excess shall be available for reapportionment from time to time on such date or dates as the Commissioner shall fix. From the aggregate of such excess for any fiscal year, the Commissioner shall reapportion to each State in which requests were

reduced under subparagraph (A) of paragraph (1) an amount which bears the same ratio to such aggregate as the total amount of such reduction in that State bears to the total amount of such reductions in all the States.

"(d) The aggregate of the amounts of Federal capital contributions paid under this section for any fiscal year to proprietary institutions of higher education may not exceed the amount by which the sums appropriated pursuant to section 461(b)(1) for that fiscal year exceed $190,000,000.

"AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION

"SEC. 463. (a) An agreement with any institution of higher education for the payment of Federal capital contributions under this part shall—

"(1) provide for the establishment and maintenance of a student loan fund for the purposes of this part;

"(2) provide for the deposit in such fund of—

"(A) the Federal capital contributions,

"(B) a capital contribution by such institution in an amount equal to not less than one-ninth of the amount of such Federal contributions,

"(C) collections of principal and interest on student loans made from such fund,

"(D) charges collected pursuant to regulations under section 464(c)(1)(G), and

"(E) any other earnings of the fund;

"(3) provide that such student loan fund shall be used only for—

"(A) loans to students, in accordance with the provisions of this part,

"(B) administrative expenses, as provided in subsection (b),

"(C) capital distributions, as provided in section 466, and

"(D) costs of litigation, and other collection costs authorized by the Commissioner by regulation in connection with the collection of a loan from the fund (and interest thereon) or a charge assessed pursuant to regulations under section 464(c)(1)(G); and

"(4) include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this part as are agreed to by the Commissioner and the institution.

"(b) An institution which has entered into an agreement under subsection (a) shall be entitled, for each fiscal year during which it makes student loans from a student loan fund established under such agreement, to a payment in lieu of reimbursement for its expenses in administering its student loan program under this part during such year. Such payment shall be made in accordance with section 493.

"TERMS OF LOANS

"SEC. 464. (a)(1) Loans from any student loan fund established pursuant to an agreement under section 463 to any student by any institution shall, subject to such conditions, limitations, and requirements as the Commissioner shall prescribe by regulation, be made on such terms and conditions as the institution may determine.

"(2) The total of such loans for any academic year made by institutions from student loan funds assisted under this part shall not exceed—

"(A) $2,500, in the case of any graduate student or professional student (as defined by regulation); or

"(B) $1,500, in the case of any other student. The aggregate of the loans for all years from such funds shall not exceed $10,000, in the case of any such graduate or professional student, or $7,500, in the case of any other student.

"(3) Regulations of the Commissioner under paragraph (1) shall be designed to prevent the impairment of the capital of student loan funds to the maximum extent practicable.

"(b) A loan from a student loan fund assisted under this part may be made only to a student who—

"(1) is in need of the amount of the loan to pursue a course of study at such institution;

"(2) is capable, in the opinion of the institution, of maintaining good standing in such course of study;

"(3) has been accepted for enrollment as an undergraduate, graduate, or professional student in such institution or, in the case of a student already in attendance at such institution, is in good standing; and

"(4) is carrying at least one-half the normal academic workload, as determined by the institution.

In any case in which a student has been determined to be eligible for a loan under the preceding sentence, and such student thereafter fails to maintain good standing, the eligibility of such student shall be suspended, and further payments to, or on behalf of, such student shall not be made until such student regains good standing.

"(c)(1) Any agreement between an institution and a student for a loan from a student loan fund assisted under this part—

"(A) shall be evidenced by a note or other written instrument which, except as is provided in paragraph (2), provides for repayment of the principal amount of the loan, together with interest thereon, in installments over a period (i) beginning nine months after the student ceases to carry at least one-half the normal full-time academic workload at an institution of higher education and (ii) ending ten years and nine months after such date;

"(B) shall include provision for acceleration of repayment of the whole, or any part, of such loan, at the option of the borrower;

"(C) may provide, at the option of the institution in accordance with regulations of the Commissioner, that during the repayment period of the loan, payments of principal and interest by the borrower with respect to all outstanding loans made to him from student loan funds assisted under this part shall be at a rate equal to not less than $30 per month;

"(D) shall provide that the loan shall bear interest, on the unpaid balance of the loan, at the rate of 3 per centum per annum, except that no interest shall accrue (i) prior to the beginning date of repayment determined under clause (A)(i), or (ii) during any period in which repayment is suspended by reason of paragraph (2);

"(E) unless the borrower is a minor and the note or other evidence of obligation executed by him would not, under applicable law, create a binding obligation, shall provide that the loan shall be made without security and without endorsement;

"(F) shall provide that no note or evidence of obligation may be assigned by the lender, except upon the transfer of the borrower to another institution participating under this part (or, if not so participating, is eligible to do so and is approved by the Commissioner for such purpose), to such institution; and

"(G) may, pursuant to regulations of the Commissioner, provide for an assessment of a charge with respect to the loan for failure of the borrower (i) to pay all or part of an installment when it is due or (ii) to file timely and satisfactory evidence of an entitlement of the borrower to a deferment of repayment benefit or a cancellation benefit provided under this part.

"(2)(A) No repayment of principal of, or interest on, any loan from a student loan fund assisted under this part shall be required during any period in which the borrower—

"(i) is carrying at least one-half the normal full-time academic workload at an institution of higher education or at a comparable institution outside the United States which is approved for this purpose by the Commissioner;

"(ii) is a member of the Armed Forces of the United States;

"(iii) is in service as a volunteer under the Peace Corps Act; or

"(iv) is in service as a volunteer under title VIII of the Economic Opportunity Act of 1964.

The period during which repayment may be deferred by reason of clause (ii), (iii), or (iv) shall not exceed three years.

"(B) Any period during which repayment is deferred under subparagraph (A) shall not be included in computing the ten-year maximum period provided for in clause (A) of paragraph (1).

"(3) The Commissioner is authorized, when good cause is shown, to extend, in accordance with regulations, the ten-year maximum repayment period provided for in clause (A) of paragraph (1) with respect to individual loans.

"(4) The amount of any charge under clause (G) of paragraph (1) shall not exceed—

"(A) in the case of a loan which is repayable in monthly installments, $1 for the first month or part of a month by which such installment or evidence is late and $2 for each such month or part of a month thereafter; and

"(B) in the case of a loan which has a bimonthly or quarterly repayment interval, $3 and $6, respectively, for each such interval or part thereof by which such installment or evidence is late.

The institution may elect to add the amount of any such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the institution not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

"(d) An agreement under this part for payment of Federal capital contributions shall include provisions designed to make loans from the student loan fund established pursuant to such agreement reasonably available (to the extent of the available funds in such funds) to all eligible students in such institution in need thereof.

"CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE

"SEC. 465. (a)(1) The per centum specified in paragraph (3) of this subsection of the total amount of any loan made after June 30, 1972, from a student loan fund assisted under this part shall be canceled for each complete year of service after such date by the borrower under circumstances described in paragraph (2).

"(2) Loans shall be canceled under paragraph (1) for service—

"(A) as a full-time teacher in a public or other nonprofit elementary or secondary school in a State, in an institution of higher education, or in an elementary or secondary school overseas of the Armed Forces of the United States;

"(B) as a full-time teacher in a public or other nonprofit elementary or secondary school in the school district of a local educational agency receiving assistance under title I of the Elementary and Secondary Education Act of 1965 if such school is determined (according to criteria established by regulation which shall permit such determination with respect to not more than 50 per centum of such schools in any State) to be serving an attendance area in which there is a high concentration of children from low-income families;

"(C) as a full-time teacher of handicapped children in a public or other nonprofit elementary or secondary school system; or

"(D) as a member of the Armed Forces of the United States.

For the purposes of this paragraph, (i) the term 'handicapped children' means children who are mentally retarded, hard of hearing, deaf, speech-impaired, visually handicapped, seriously emotionally disturbed, or other health-impaired children who by reason thereof require special education, and (ii) the term 'children from low-income families' means children from families with a family income which is not in excess of the low-income factor determined under section 103 of title I of the Elementary and Secondary Education Act of 1965.

"(3)(A) The per centum of a loan which shall be canceled under paragraph (1) of this subsection is—

"(i) in the case of service described in clause (A) of paragraph (2), not to exceed a total of 50 per centum of such loan at the rate of 10 per centum for each year of such service;

"(ii) in the case of service described in clause (B) or (C) of paragraph (2), 15 per centum for the first or second year of such service, 20 per centum for the third or fourth year of such service, and 30 per centum for the fifth year of such service; and

"(iii) in the case of service described in clause (D) of paragraph (2), not to exceed a total of 50 per centum of such loan at the rate of 12½ per centum for each year of consecutive service.

"(B) If a portion of a loan is canceled under this subsection for any year, the entire amount of interest on such loan which accrues for such year shall be canceled.

"(C) Nothing in this subsection shall be construed to authorize refunding any repayment of a loan.

"(4) For the purposes of this subsection, the term 'year' where applied to service as a teacher means academic year as defined by the Commissioner.

"(b) The Commissioner shall pay to each institution for each fiscal year an amount equal to the aggregate of the amounts of loans from its student loan fund which are canceled pursuant to this section for each year. None of the funds appropriated pursuant to section 461(b) shall be available for payments pursuant to this subsection.

"DISTRIBUTION OF ASSETS FROM STUDENT LOAN FUNDS

"SEC. 406. (a) After June 30, 1980, and not later than December 31, 1980, there shall be a capital distribution of the balance of the student loan fund established under this part by each institution of higher education as follows:

"(1) The Commissioner shall first be paid an amount which bears the same ratio to the balance in such fund at the close of June 30, 1980, as the total amount of the Federal capital contributions to such fund by the Commissioner under this part bears to the sum of such Federal contributions and the institution's capital contributions to such fund.

"(2) The remainder of such balance shall be paid to the institution.

"(b) After December 31, 1980, each institution with which the Commissioner has made an agreement under this part, shall pay to the Commissioner the same proportionate share of amounts received by the institution after June 30, 1974, in payment of principal and interest on student loans made from the student loan fund established pursuant to such agreement (which amount shall be determined after deduction of any costs of litigation incurred in collection of the principal or interest on loans from the fund and not already reimbursed from the fund or from such payments of principal or interest), as was determined for the Commissioner under subsection (a).

"(c) Upon a finding by the institution or the Commissioner prior to July 1, 1980, that the liquid assets of a student loan fund established pursuant to an agreement under this part exceed the amount required for loans or otherwise in the foreseeable future, and upon notice to such institution or to the Commissioner, as the case may be, there shall be, subject to such limitations as may be included in regulations of the Commissioner or in such agreement, a capital distribution from such fund. Such capital distribution shall be made as follows:

"(1) The Commissioner shall first be paid an amount which bears the same ratio to the total to be distributed as the Federal capital contributions by the Commissioner to the student loan fund prior to such distribution bear to the sum of such Federal capital contributions and the capital contributions to the fund made by the institution.

"(2) The remainder of the capital distribution shall be paid to the institution.".

(c)(1) Upon enactment of this Act, the program authorized by part E of title IV of the Higher Education Act of 1965 as added by subsection (b) is, and shall be deemed to be, a continuation of the program authorized by title II of the National Defense Education Act of 1958. In accordance with regulations of the Commissioner, all right, privileges, duties, functions, and obligations under such title II prior to the enactment of this Act shall be deemed to be vested, as the Commissioner determines to be appropriate, under such part E. Any student loan fund established under an agreement under such title II shall, in accordance with regulations, be deemed to have been established under such part E; and any assets of any such student loan fund of any institution shall be deemed to be the assets of a student loan fund established under an agreement of that institution with the Commissioner under such part E.

(2) Title II of the National Defense Education Act of 1958 is amended by striking out section 206.

ELIGIBILITY FOR STUDENT ASSISTANCE

SEC. 138. (a) Part F of title IV of the Higher Education Act of 1965 is amended by inserting after section 494, the following new section:

"ELIGIBILITY FOR STUDENT ASSISTANCE

"SEC. 495. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by a court of record of any crime which was committed after June 30, 1972, and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized under this title. If an institution denies an individual assistance under the authority or the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any program authorized by this title.

"(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after June 30, 1972, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any program authorized by this title.

"(c)(1) Nothing in this section shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under this title to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

"(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

"(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.".

(b) Effective July 1, 1972, section 504 of Public Law 90–575 is repealed.

AFFIDAVIT OF EDUCATIONAL PURPOSE REQUIRED

SEC. 139. (a) Part F of title IV of the Higher Education Act of 1965 is amended by inserting after section 495 the following new section:

"AFFIDAVIT OF EDUCATIONAL PURPOSE REQUIRED

"SEC. 496. (a) Notwithstanding any other provision of law, no grant, loan, or loan guarantee authorized under this title may be made unless the student to whom the grant, loan, or loan guarantee is made has filed with the institution of higher education which he intends to attend, or is attending, an affidavit stating that the money attributable to such grant, loan, or loan guarantee will be used solely for expenses related to attendance or continued attendance at such institution.

"(b) Whenever the institution of higher education determines, after notice and opportunity for hearing, that any student has violated the affidavit required by subsection (a) of this section, that student shall be obligated to return any assistance subject to the violation and shall not be eligible for any further assistance received under this title after the date of the violation.

"(c) Nothing in this section shall be construed to invalidate any loan guarantee made under this title.".

(b) The amendment made by subsection (a) of this section shall become effective after the sixteenth day after the date of enactment of this Act.

POSTSECONDARY EDUCATION STUDY

SEC. 140. (a) It is the purpose of this section to authorize a study of the impact of past, present, and anticipated private, local, State, and Federal support for postsecondary education, the appropriate role for the States in support of higher education (including the application of State law upon postsecondary educational opportunities), alternative student assistance programs, and the potential Federal, State, and private participation in such programs.

(b) The Secretary shall conduct a thorough study and investigation of the impact of past and present support and the appropriate level of future support for higher education from private sources and from Federal, State, and local governments.

(c) In conducting such investigation and study, the Secretary shall consider—

(1) alternative models of State and local support for postsecondary education;

(2) new Federal initiatives to complement alternative State and local programs; and

(3) alternative forms of student assistance, including—

(A) loan programs based on income contingent lending;

(B) loan programs which utilized fixed, graduated repayment schedules; and

(C) loan programs which provide for cancellation or deferment of part or all of repayment in any given year based on a certain level of a borrower's income;

(4) the potential Federal, State, local, and private participation in such programs; and

(5) suggested national uniform standards for determining the annual per student costs of providing postsecondary education for students in attendance at various types and classes of institutions of higher education.

(d) In order to carry out the provisions of this section, the Secretary is authorized to—

(1) enter into contracts with institutions of higher education and other appropriate individuals, public agencies and private organizations;

(2) appoint and fix the compensation of such personnel as may be necessary;

(3) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) utilize, with their consent, the services, personnel, information, and facilities of other Federal, State, local, and private agencies with or without reimbursement; and

(5) consult with the heads of such Federal agencies as he deems appropriate.

(e) Not later than December 31, 1972, the Secretary shall report to the President and Congress the results of the investigation and study authorized by this section, together with such recommendations, including recommendations for legislation, as he deems appropriate.

(f) There are authorized to be appropriated such sums, not to exceed $5,000,000, as may be necessary to carry out the provisions of this section.

PART E—EDUCATION PROFESSIONS DEVELOPMENT

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC 141. (a) (1) Title V of the Higher Education Act of 1965 is amended—

(A) in section 511(b), by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each for the fiscal years ending June 30, 1971, and June 30, 1972";

(B) in sections 504(b), 518(b), 528, 532, and 543, by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1972" in each instance.

(2) The amendments made by paragraph (1) shall be effective after June 30, 1971.

(b) (1) Section 501 of the Higher Education Act of 1965 is amended by inserting "(a)" after "SEC. 501." and by adding at the end thereof the following new subsection:

"(b) For the purpose of carrying out the provisions of this title, there are authorized to be appropriated $600,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975, of which—

"(1) not less than $500,000 shall be for the purposes of section 504;

"(2) not less than 25 per centum or $37,500,000, whichever is greater, shall be for the purposes of subpart 1 of part B;

"(3) not less than 5 per centum shall be for the purposes of part C;

"(4) not less than 5 per centum shall be for the purposes of part D;

"(5) not less than 5 per centum shall be for the purposes of part E;

"(6) not less than 10 per centum shall be for the purposes of part F; and

"(7) not less than 5 per centum of the amounts available for the purposes of part C or part D shall be used for the training of teachers for service in programs for children with limited English speaking ability.".

(2) The amendments made by paragraph (1) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

(c) (1) Effective on and after July 1, 1972, title V of the Higher Education Act of 1965 is amended by striking out the following provisions:

(A) Section 502(f);

(B) Section 504(b);

(C) Section 511(b) and "(a)" where it appears after "SEC. 511.";

(D) Section 518(b) and "(a)" where it appears after "SEC. 518.";

(E) Section 528;

(F) Section 532;

(G) Section 543; and

(H) Section 555.

(2) (A) (i) The caption head of section 518 of such title V is amended to read as follows: "PROGRAM AUTHORIZED".

(ii) Such section 518 is amended by striking out "during the fiscal year ending June 30, 1969, and the succeeding fiscal year,".

(B) Effective on and after July 1, 1972, section 519(a) of such title V is amended by striking out that part of the first sentence which precedes ", the Commissioner" and inserting in lieu thereof the following: "From the amount available for grants under this subpart for any fiscal year".

(3) Section 525(b) of such Act is amended by striking out all that follows "federally supported programs" and inserting in lieu thereof a period.

(4) The Department of Health, Education, and Welfare shall, under the authority of section 401(c) and of part C of the General Education Provisions Act, submit to the Congress an estimate of the sums necessary to carry out section 502 of such title V.

FUNCTIONS OF, AND COMPENSATION FOR, THE DIRECTOR OF THE TEACHER CORPS

SEC. 142. (a) The second sentence of section 512 of the Higher Education Act of 1965 is amended to read as follows: "The Teacher Corps shall be headed by a Director who shall be compensated at the rate prescribed for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code, and a Deputy Director who shall be placed in grade 17 of such General Schedule; and such positions shall be in addition to the number of positions placed in those grades under setcion 5108 of such title 5.".

(b) The third sentence of such section 512 is amended by inserting before the period at the end thereof the following: ", except that (1) the Commissioner may delegate his functions under this subpart only to the Director, and (2) the Director and Deputy Director shall not be given any function authorized by law other than that granted by this subpart".

RETRAINING OF TEACHERS AND EMPLOYMENT OF TUTORS AND INSTRUCTIONAL ASSISTANTS

SEC. 143. (a) (1) Section 518 of the Higher Education Act of 1965 is amended (1) by striking out "to (1)" and inserting in lieu thereof "(1) to", (2) by striking out "and (2)" and inserting in lieu thereof "(2) to", and (3) and by adding the following before the period: ", (3) to employ high school and college students as tutors or instructional assistants for educationally disadvantaged children, (4) to compensate such tutors and instructional assistants at such rates as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported work-study programs, and (5) to provide necessary training to teachers to enable them to teach other grades or other subjects in which such agencies have a teacher shortage".

(2) Section 520(a)(2) of such Act is amended (A) by striking out "and (C)" and inserting in lieu thereof "(C) programs of such agencies to employ high school and college students as tutors or instructional assistants for educationally disadvantaged children, (D) programs of such agencies to compensate such tutors and instructional assistants at such rates as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported work-study programs, (E) programs of such agencies to provide necessary training to teachers to enable them to teach other grades or other subjects in which such agencies have a teacher shortage, and (F)".

(3) Section 520(a)(3) of such Act is amended by inserting "or for the retraining of teachers" immediately before the semicolon at the end thereof.

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

PROVISION FOR ADMINISTRATIVE EXPENSES FOR OPERATION OF STATE PLAN

SEC. 144. (a) Section 520(a)(2) of the Higher Education Act of 1965 is amended, in clause (F) thereof, by (1) striking out "3" and inserting in lieu thereof "5", and (2) by inserting before the semicolon: "or, $20,000, whichever is greater".

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

ELIMINATION OF CEILING ON EXPENDITURES FOR TEACHING AIDES

SEC. 145. (a) Section 520(a) of the Higher Education Act of 1965 is amended by striking out clause (5) thereof. Clauses (6) through (9) of such section 520(a), and all references thereto, are redesignated as clauses (5) through (8), respectively.

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

TRAINING FOR TEACHERS AND AIDES IN PRIVATE SCHOOLS

SEC. 146. (a) Clause (5) of section 520(a) of the Higher Education Act of 1965 is amended by inserting "is teaching, or" after "because he".

(b) The amendment made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

IMPROVING TRAINING PROGRAMS FOR THE EDUCATION OF TEACHERS AND RELATED EDUCATIONAL PERSONNEL

SEC. 147. (a) (1) Section 531(b) of the Higher Education Act of 1965 is amended by striking out the period at the end thereof and inserting in lieu thereof "; and", and by adding at the end thereof the following new clause:

"(11) programs or projects (including cooperative arrangements or consortia between institutions of higher education, junior and community colleges, or between such institutions and State or local educational agencies and nonprofit education associations) for the improvement of undergraduate programs for preparing educational personnel, including design, development, and evaluation of exemplary undergraduate training programs, introduction of high quality and more effective curricula and curricular materials, and the provision of increased opportunities for practical teaching experience for prospective teachers in elementary and secondary schools."

(2) Section 531(c) of such Act is amended by striking out the "or" at the end of clause (1) and the period at the end of clause (2), by inserting a semicolon and "or" at the end of clause (2), and by adding the following new clause:

"(3) projects or programs to improve undergraduate or other programs for training educational personnel.".

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

SUPPORT OF TUTORS AND INSTRUCTIONAL ASSISTANTS

SEC. 148. (a) (1) Section 531(b) of the Higher Education Act of 1965 is amended by striking out the period at the end of clause

(11) and inserting in lieu there of a semicolon and the word "and", and by adding the following new clause:

"(12) programs or projects to employ tutors or instructional assistants in preschool, elementary school, or secondary school classes, especially for educationally disadvantaged children, and children with limited English speaking ability".

(2) Section 531(c) of such Act is amended by striking out "or" at the end of clause (2), by striking out the period at the end of clause (3) and inserting a semicolon and the word "or" in lieu thereof, and by adding the following clause:

"(4) compensating tutors and instructional assistants at such rates as the Commisioner may determine to be conistent with the prevailing practices under comparable federally supported work-study programs.".

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

PROGRAMS FOR TEACHERS OF MIGRANT CHILDREN

SEC. 149. (a)(1) Section 531(b) of the Higher Education Act of 1965 is further amended by striking out the word "and" after clause (11) and by striking out the period at the end of clause (12) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following new clause:

"(13) programs and projects designed to meet the need for the training of teachers for participation in education programs for migratory children of migratory agricultural workers, including teacher exchange programs.".

(2) Section 531(c) of such Act is amended by striking out "or" at the end of clause (3), by striking out the period at the end of clause (4) and inserting in lieu thereof a semicolon and the word "or", and by adding at the end thereof the following new clause (5):

"(5) such activities as may be necessary to carry out the purposes of clause (13) of subsection (b), to the extent that such activities are not inconsistent with the other provisions of this part.".

(b) The amendments made by subsection (a) shall be effective after June 30, 1972.

PART F—INSTRUCTIONAL EQUIPMENT

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 151. (a) Subsections (b) and (c) of section 601 and the Higher Education Act of 1965 are each amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

(b) The amendments made by subsection (a) of this section shall be effective after June 30, 1971.

PART G—ACADEMIC FACILITIES

TRANSFER OF THE PROVISIONS OF THE HIGHER EDUCATION FACILITIES ACT OF 1963

SEC. 161. (a) Title VII of the Higher Education Act of 1965 is amended to read as follows:

"TITLE VII—CONSTRUCTION OF ACADEMIC FACILITIES

"PART A—GRANTS FOR THE CONSTRUCTION OF UNDERGRADUATE ACADEMIC FACILITIES

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 701. (a) The Commissioner shall carry out a program of grants to institutions of higher education for the construction of academic facilities in accordance with this part.

"(b) For the purpose of making grants under this part, there are hereby authorized to be appropriated $936,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975.

"(c) Of the sums appropriated pursuant to section 701(b), not less than 24 per centum nor more than 33⅓ per centum, shall be reserved by the Commissioner and allotted among the States under section 702. The remainder of such sums shall be available for allotment among the States under section 703.

"PUBLIC COMMUNITY COLLEGES AND PUBLIC TECHNICAL INSTITUTES

"SEC. 702. (a) Sums reserved pursuant to the first sentence of section 701(c) shall be available for allotments to States for providing academic facilities for public community colleges and public technical institutes.

"(b) From the sums available for any fiscal year for the purposes of this section, the Commissioner shall allot to each State an amount which bears the same ratio to such sums as the product of—

"(1) the number of high school graduates of the State, and

"(2) the State's allotment ratio,

bears to the sum of the corresponding products for all the States, except that the amount allowed to any State shall not be less than $50,000.

"(c)(1) Except as is provided in paragraph (2), the amount allotted to a State under this section shall be available for the payment of the Federal share of the development cost of approved projects for the construction of academic facilities within such State for public community colleges and public technical institutes.

"(2) Any portion of a State's allotment under this section for any fiscal year for which applications from an institution qualified to receive grants under this section have not been received by the State Commission prior to January 1 of such fiscal year, shall, if the State Commission so requests, be available for payment of the Federal share of the development cost of approved projects under section 703.

"(d) All amounts alloted under this section for any fiscal year which are not reserved as provided in section 701(c) by the close of the fiscal year for which they are allotted shall be reallotted by the Commissioner, on the basis of such factors as he determines to be equitable and reasonable, among the States which, as determined by the Commissioner, are able to use without delay any amounts so realloted for the purpose set forth in subsection (c)(1). Amounts reallotted under this subsection shall be available for reservation until the close of the fiscal year next succeeding the fiscal year for which they were originally allotted.

"(e) For the purposes of clause (2) of subsection (b), the 'allotment ratio' for any State shall be 1.00 less the product of (A) 0.50 and (B) the quotient obtained by dividing the income per person for the State by the income per person for all the States (not including Puerto Rico, the Virgin Islands, American Samoa, and Guam), except that (i) the allotment ratio shall in no case be less than 0.33⅓ or more than 0.66⅔, (ii) the allotment ratio for Puerto Rico, the Virgin Islands, American Samoa, and Guam shall be 0.66⅔, and (iii) the allotment ratio of any State shall be 0.50 for any fiscal year if the Commission finds that the cost of school construction in such State exceeds twice the median of such costs in all the States as determined by him on the basis of statistics and data as the Commissioner shall deem adequate and appropriate. The allotment ratios shall be promulgated by the Commissioner as soon as possible after June 30, 1972, and annually thereafter, on the basis of the average of the incomes per person of the State and of all the States for the three most recent consecutive calendar years for which satisfactory data are available from the Department of Commerce.

"INSTITUTIONS OF HIGHER EDUCATION OTHER THAN PUBLIC COMMUNITY COLLEGES AND PUBLIC TECHNICAL INSTITUTES

"SEC. 703. (a) Sums appropriated pursuant to section 701(b) which remain after the reservation provided for in the first sentence of section 701(c) for any fiscal year shall be available for allotments to States for providing academic facilities for institutions of higher education other than institutions eligible for grants under section 702.

"(b) Sums available for the purposes of this section for any fiscal year shall be allotted among the States as follows:

"(1) The Commissioner shall allot to each State an amount which bears the same ratio to 50 per centum of such sums as the number of students enrolled in institutions of higher education in such States bears to the number of students so enrolled in all the States; and

"(2) The Commissioner shall allot to each State an amount which bears the same ratio to 50 per centum of such sums as the number of students enrolled in grades nine through twelve (both inclusive) of schools in such State bears to the total number of students so enrolled in all the States.

The amount allotted to any State under the perceding sentence for any fiscal year shall not be less than $50,000.

"(c)(1) Any amount allotted to a State under this section for any fiscal year shall, except as provided in paragraph (2), be available, in accordance with the provisions of this title, for payment of the Federal share of the development cost of approved projects for the construction of academic facilities within such State for institutions of higher education which are not eligible for grants under section 702.

"(2) Any portion of a State's allotment under this section for any fiscal year for which applications from an institution qualified to receive grants under this section have not been received by the State Commission prior to January 1 of such fiscal year, shall, if the State Commission so requests, be available for payment of the Federal share of the development cost of approved projects under section 702.

"STATE PLANS

"SEC. 704. (a) Any State desiring to participate in the grant program authorized by this part for any fiscal year shall submit for that year to the Commissioner through the State Commission a State plan for such participation. Such plan shall be submitted at such time, in such manner, and containing such information as may be necessary to enable the Commissioner to carry out his functions under this part and shall—

"(1) provide that it shall be administered by the State Commission;

"(2) set forth objective standards and methods, which are consistent with basic criteria prescribed by regulations pursuant to section 706, for—

"(A) determining the relative priorities of eligible projects submitted by institutions of higher education within the State for the construction of academic facilities, and

"(B) determining the Federal share of the development cost of each such project;

"(3) provide that the funds apportioned for any fiscal year under section 702 or 703 shall be used only for the purposes set forth therein;

"(4) provide for—

"(A) assigning priorities solely on the basis of such criteria, standards, and methods to eligible projects submitted to the State Commission and found by it otherwise approvable under the provisions of this part, and

"(B) approving and recommending to the Commissioner, in the order of such priority, applications covering such eligible projects, and for certifying to the Commissioner the Federal share of the development cost of the project involved;

"(5) provide for affording to every applicant which has submitted a project to the State Commission an opportunity for a fair hearing before the State Commission as to the priority assigned to such project, or as to any other determination of the State

Commission adversely affecting such applicant; and

"(6) provide for—

"(A) such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State Commission under this part, and

"(B) making such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this part.

"(b) The Commissioner shall approve any State plan submitted under this section if he determines that it complies with the provisions of this section and other appropriate provisions of this title.

"ELIGIBILITY FOR GRANTS

"SEC. 705. (a) Except as is provided in subsection (b), an institution of higher education shall be eligible for a grant under this part only if the State Commission determines, in accordance with criteria prescribed by regulation, that the construction project for which assistance is sought will, either alone or together with other construction to be undertaken within a reasonable time, result in—

"(1) a substantial expansion of, or

"(2) the creation of,

urgently needed (A) enrollment capacity, (B) the capacity to provide student health care or other student services, or (C) capacity to carry out extension and continuing education programs on the campus of such institution.

"(b) If the Commission determines, in accordance with criteria established by regulation, that the student enrollment capacity of an institution of higher education would decrease if an urgently needed academic facility is not constructed, the construction of such a facility may be considered, for the purposes of this section, to result in an expansion of the institution's student enrollment capacity.

"BASIC CRITERIA FOR DETERMINING PRIORITIES AND FEDERAL SHARE

"SEC. 706. (a) (1) The Commissioner shall, by regulation, prescribe basic criteria to which the provisions of State plans setting forth standards and methods for determining relative priorities of eligible construction projects, and the application of such standards and methods to such projects under such plans, shall be subject.

"(2) Such basic criteria shall, at least—

"(A) be such as will best tend to achieve the objectives of this part, while leaving opportunity and flexibility to State Commissions for the development of State plan standards and methods that will best accommodate the varied needs of institutions in the several States;

"(B) give special consideration to the expansion of undergraduate enrollment capacity; and

"(C) give consideration to the expansion of capacity to provide needed health care to students.

"(3) Subject to paragraph (2), such regulations may establish additional and appropriate basic criteria, including—

"(A) provision for considering the degree to which applicant institutions are effectively utilizing existing facilities;

"(B) provision for allowing State plans to group, or to allow grouping, in a reasonable manner, facilities or institutions according to functional or educational type for priority purposes; and

"(C) in view of the national objectives of this title, provision for considering the degree to which applicant institutions serve students from two or more States or from outside the United States.

"(4) In no event shall such basic criteria permit the readiness of an institution to admit out-of-State students to be considered as a priority adverse to such institution.

"(b) (1) The Commissioner shall prescribe, by regulation, the basic criteria for determining the Federal share of the development cost of any eligible project under this part within a State, to which criteria the applicable standards and methods set forth in the State plan for such State shall conform.

"(2) In no case shall such basic criteria permit the Federal share to exceed 50 per centum of the development cost of a project, except in the case of a developing institution approved pursuant to section 302(b) in which case such percentage may not be in excess of 66⅔ per centum.

"(c) Section 553 of title V, United States Code, shall apply to the prescription of regulations under this section, notwithstanding clause (2) of subsection (a) thereof.

"APPLICATIONS FOR GRANTS; AMOUNT OF GRANTS

"SEC. 707. (a) (1) Any institution of higher education which desires to receive a grant under this part shall submit an application therefor at such time or times, in such manner, and containing such information as the Commissioner shall prescribe by regulation.

"(2) The Commissioner shall approve an application for a construction project under this part if he determines that—

"(A) it meets the requirements prescribed under paragraph (1);

"(B) the project for which assistance is sought is an eligible project under section 705;

"(C) such project has been submitted through, and been approved and recommended by, the appropriate State Commission;

"(D) such State Commission has certified to the Commissioner, in accordance with the State plan, the Federal share of the development cost of the project, and sufficient funds to pay such Federal share are available from the applicable apportionment of the State;

"(E) such project has, pursuant to the State plan, been assigned a priority that is higher than that assigned to all other projects within the State which are chargeable to the same apportionment, and meet the requirements of this section, and for which Federal funds have not yet been reserved;

"(F) the construction to be carried out under the application shall be undertaken in a timely and economic manner and will not be of elaborate or extravagant design or materials;

"(G) in the case of a student health care facility, no assistance will be provided for such facility under title IV of the Housing Act of 1950; and

"(H) the application contains assurances or is supported by satisfactory assurances—

"(i) that title to the site is in accordance with regulations of the Commissioner relating thereto,

"(ii) that Federal funds received by the applicant will be solely used for defraying the development cost of the project covered by the application,

"(iii) that sufficient funds will be available to meet the non-Federal portion of such cost and to provide for the effective use of the academic facility upon completion,

"(iv) that the facility will be used as an academic facility for at least the period of the Federal interest therein, as provided in section 781, and

"(v) that the plans for such facilities comply with such standards as the Secretary may prescribe, or approve, in order to insure that facilities constructed with the use of Federal funds appropriated under this part shall be, to the extent appropriate in view of the uses to be made of the facility, accessible to, and usable by, handicapped persons.

"(b) Amendments to applications submitted under this section shall, except as the Commissioner may otherwise provide by regulations, be subject to approval in the same manner as original applications.

"(c) (1) Upon his approval of any application under this section, the Commissioner shall reserve from the applicable allotment available therefor, the amount of such grant, which shall be equal to the Federal share of the development cost of the project covered by the application, and, in accordance with regulations, shall pay the amount reserved to the applicant.

"(2) Upon approval of an amendment of an application, or revision of the estimated development cost of a project, for which there has been a reservation made under paragraph (1), the Commissioner may adjust the amount so reserved, accordingly. If an adjustment under the first sentence of this paragraph results in a greater amount being reserved, he may reserve the Federal share of the added cost only from the applicable allotment available at the time of such approval.

"ADMINISTRATION OF STATE PLANS; JUDICIAL REVIEW

"SEC. 708. (a) (1) The Commissioner shall not finally disapprove any State plan submitted under this part, or any modification thereof, without first affording the State Commission submitting the plan reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State Commission administering a State plan approved under this part, finds—

"(A) that the State plan has been so changed that it no longer complies with the provisions of section 704, or

"(B) that in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State Commission that the State will not be regarded as eligible to participate in the program under this part until he is satisfied that there is no longer any such failure to comply.

"(b) (1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under section 704, or with his final action under subsection (a), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

"(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

"PART B—GRANTS FOR CONSTRUCTION OF GRADUATE ACADEMIC FACILITIES

"AUTHORIZATION

"SEC. 721. (a) The Commissioner shall carry out a program of making grants to institutions of higher education to assist them in improving existing graduate schools and cooperative graduate centers, and in

establishing graduate schools and cooperative graduate centers of excellence, in order to increase the supply of highly qualified personnel needed by communities, industries, and governments and for teaching and research.

"(b) For the purpose of making grants under this part, there are authorized to be appropriated $60,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, and $90,000,000 for each of the succeeding fiscal years ending prior to July 1, 1975.

"APPLICATION FOR, AND AMOUNT OF, GRANTS

"SEC. 722. (a) (1) Any institution of higher education desiring to receive a grant under this part shall submit an application therefor at such time, in such manner, and containing such information as the Commissioner may require.

"(2) In determining whether to approve applications under this section, the order in which to approve such applications, and the amount of grants, the Commissioner shall give consideration to the extent to which the projects for which assistance is sought will contribute toward achieving the objectives of this part, and the extent to which they will aid in attaining a wider distribution of graduate schools and cooperative graduate centers throughout the States. In no case shall the total of the payments from appropriations for any fiscal year pursuant to section 721 made with respect to projects in any State exceed an amount equal to 12½ per centum of such appropriations.

"(3) For the purposes of this section, the term 'institution of higher education' includes cooperative graduate center boards.

"(b) The Commissioner shall not approve any application under this section until he has obtained the advice and recommendations of a panel of specialists who are not regular full-time employees of the Federal Government and who are competent to evaluate such application.

"(c) No grant under this part may be in an amount in excess of 50 per centum of the development cost of the project covered by the application.

"PART C—LOANS FOR CONSTRUCTION OF ACADEMIC FACILITIES

"AUTHORIZATION

"SEC. 741. (a) (1) The Commissioner shall carry out a program of making and insuring loans, in accordance with the provisions of this part.

"(2) The Commissioner is authorized to make loans to institutions of higher education and to higher education building agencies, which, in the case of undergraduate facilities, have submitted approvable applications, under part A, for the construction of academic facilities and to insure loans.

"(b) For the purpose of making payments into the fund established under section 744, there are hereby authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975. Sums appropriated pursuant to this subsection for any fiscal year shall be available without fiscal year limitations.

"ELIGIBILITY CONDITIONS, AMOUNTS, AND TERMS OF LOANS

"SEC. 742. (a) No loan pursuant to this part shall be made unless the Commissioner finds (1) that not less than 20 per centum of the development cost of the facility will be financed from non-Federal sources, (2) that the applicant is unable to secure the amount of such loan from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this part, (3) that the construction will be undertaken in an economical manner and that it will not be of elaborate or extravagant design or materials, and (4) that, in the case of a project to construct an infirmary or other facility designed to provide primarily for outpatient care of students and institutional personnel, no financial assistance will be provided such project under title IV of the Housing Act of 1950.

"(b) A loan pursuant to this part shall be secured in such manner and shall be repaid within such period not exceeding fifty years, as may be determined by the Commissioner; and it shall bear interest at (1) a rate determined by the Commissioner which shall not be less than a per annum rate that is one-quarter of 1 percentage point above the average annual interest rate on all interest-bearing obligations of the United States forming a part of the public debt as computed at the end of the preceding fiscal year, adjusted to the nearest one-eighth of 1 per centum, or (2) the rate of 3 per centum per annum, whichever is the lesser.

"GENERAL PROVISION FOR LOAN PROGRAM

"SEC. 743. (a) Financial transactions of the Commissioner under this part, except with respect to administrative expenses, shall be final and conclusive on all officers of the Government and shall not be reviewable by any Court.

"(b) In the performance of, and with respect to, the functions, powers, and duties vested in him by this part, the Commissioner may—

"(1) prescribe such rules and regulations as may be necessary to carry out the purposes of this part;

"(2) sue and be sued in any court of record of a State having general jurisdiction or in any district court of the United States, and such district courts shall have jurisdiction of civil actions arising under this part without regard to the amount in controversy, and any action instituted under this subsection by or against the Commissioner shall survive notwithstanding any change in the person occupying the office of Commissioner or any vacancy in such office; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Commissioner or property under his control, and nothing herein shall be construed to except litigation arising out of activities under this part from the application of sections 507(b) and 517 and 2679 of title 28, United States Code;

"(3) foreclose on any property or commence any action to protect or enforce any right conferred upon him by any law, contract, or other agreement, and bid for and purchase at any foreclosure or any other sale any property in connection with which he has made a loan pursuant to this part; and, in the event of any such acquisition (and notwithstanding any other provisions of law relating to the acquisition, handling, or disposal of real property by the United States), complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property; except that (1) such action shall not preclude any other action by him to recover any deficiency in the amounts loaned and (2) any such acquisition of real property shall not deprive any State or political subdivison thereof of its civil or criminal jurisdiction in and over such property or impair the civil rights under the State or local laws of the inhabitants on such property;

"(4) sell or exchange at public or private sale, or lease, real or personal property, and sell or exchange any securities or obligations, upon such terms as he may fix;

"(5) subject to the specific limitations in this part, consent to the modification, with respect to the rate of interest, time of payment of any installment of principal or interest, security, or any other term of any contract or agreement to which he is a party or which has been transferred to him pursuant to this section; and

"(6) include in any contract or instrument made pursuant to this part such other covenants, conditions, or provisions (including provisions designed to assure against use of the facility, constructed with the aid of a loan under this part, for purposes described in section 782(1)), as he may deem necessary to assure that the purpose of this part will be achieved.

"REVOLVING LOAN FUND AND INSURANCE FUND

"SEC. 744. (a) There is hereby created within the Treasury a separate fund for higher education academic facilities loans and loan insurance (hereafter in this section called the 'fund') which shall be available to the Commissioner without fiscal year limitation as a revolving fund for the purposes of making loans and insuring loans under this part.

"(b) (1) The Commissioner shall transfer to the fund available appropriations provided under section 741(b) to provide capital for the fund. All amounts received by the Commissioner as interest payments or repayments of principal on loans, and any other moneys, property, or assets derived by him from his operations in connection with this part, including any moneys derived directly or indirectly from the sale of assets, or beneficial interests or participations in assets of the fund, shall be deposited in the fund.

"(2) All loans, expenses, and payments pursuant to operations of the Commissioner under this part shall be paid from the fund, including (but not limited to) expenses and payments of the Commissioner in connection with sale, under section 302(c) of the Federal National Mortgage Association Charter Act, of participations in obligations acquired under this part. From time to time, and at least at the close of each fiscal year, the Commissioner shall pay from the fund into the Treasury as miscellaneous receipts interest on the cumulative amount of appropriations paid out for loans under this part or available as capital to the fund, less the average undisbursed cash balance in the fund during the year. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the average market yield during the month preceding each fiscal year on outstanding Treasury obligations of maturity comparable to the average maturity of loans made from the fund. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. If at any time the Commissioner determines that moneys in the fund exceed the present and any reasonably prospective future requirements of the fund, such excess shall be available for the purposes of part A and shall be deemed to have been appropriated pursuant to section 701(b).

"ANNUAL INTEREST GRANTS

"SEC. 745. (a) To assist institutions of higher education and higher education building agencies, which, in the case of undergraduate facilities, have an approvable application submitted under part A, to reduce the cost of borrowing from other sources for the construction of academic facilities, the Commissioner may make annual interest grants to such institutions and agencies.

"(b) Annual interest grants to an institution of higher education or higher education building agency with respect to any academic facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the construction of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were the maximum rate specified in section 744(b)(2). The amount

on which such grant is based shall be approved by the Secretary.

"(c) (1) There are hereby authorized to be appropriated to the Commissioner such sums as may be necessary for the payment of annual interest grants to institutions of higher education and higher education building agencies in accordance with this section.

"(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants which may be paid to institutions of higher education and higher education building agencies in any year pursuant to contracts entered into under this section shall not exceed $5,000,000 which amount shall be increased by $6,750,000 on July 1, 1969, and by $13,500,000 on July 1, 1970 and on July 1 of each of the four succeeding years.

"(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

"(e) No annual interest grant pursuant to this section shall be made unless the Commissioner finds (1) that not less than 10 per centum of the development cost of the facility will be financed from non-Federal sources, (2) that the applicant is unable to secure a loan in the amount of the loan with respect to which the annual interest grant is to be made, from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this title, and (3) that the construction will be undertaken in an economical manner and that it will not be of elaborate or extravagant design or materials. For purposes of this section, a loan with respect to which an interest grant is made under this section shall not be considered financing from a non-Federal source. For purposes of the other provisions of this title, such a loan shall be considered financing from a non-Federal source.

"ACADEMIC FACILITIES LOAN INSURANCE

"SEC. 746. (a) (1) In order to assist institutions of higher education and higher education building agencies to procure loans for the construction of academic facilities, the Commissioner may insure the payment of interest and principal on such loans if such institutions and agencies meet, with respect to such loans, criteria prescribed by or under section 745 for the making of annual interest grants under such section.

"(2) No loan insurance under paragraph (1) may apply to so much of the principal amount of any loan as exceeds 90 per centum of the development cost of the academic facility with respect to which such loan was made.

"(b) (1) The United States shall be entitled to recover from any institution or agency to which loan insurance has been issued under this section the amount of any payment made pursuant to that insurance, unless the Commissioner for good cause waives its right of recovery. Upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payment with respect to which the payment was made.

"(2) Any insurance issued by the Commissioner pursuant to subsection (a) shall be incontestable in the hands of the institution or agency on whose behalf such insurance is issued, and as to any agency, organization, or individual who makes or contracts to make a loan to such institution or agency in reliance thereon, except for fraud or misrepresentation on the part of such institution or agency or on the part of the agency, organization, or individual who makes or contracts to make such loan.

"(c) Insurance may be issued by the Commissioner under subsection (a) only if he determines that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Commissioner determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States. The Commissioner may charge a premium for such insurance in an amount reasonably determined by him to be necessary to cover administrative expenses and probable losses under subsections (a) and (b). Such insurance shall be subject to such further terms and conditions as the Commissioner determines to be necessary.

"PART D—ASSISTANCE IN MAJOR DISASTER AREA

"AUTHORIZATION

"SEC. 761. (a) The Commissioner shall carry out a program of financial assistance to public institutions of higher education, in accordance with the provisions of this part.

"(b) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this part.

"ASSISTANCE FOR CONSTRUCTION OF ACADEMIC FACILITIES

"SEC. 762. (a) If the Director of the Office of Emergency Planning determines that a public institution of higher education is, in whole or in part, within an area which, after June 30, 1971, and before July 1, 1975, has suffered a disaster which is a major disaster, and if the Commissioner determines with respect to such institution that—

"(1) the academic facilities of such institution have been destroyed or seriously damaged as a result of the disaster;

"(2) such institution is exercising due diligence in availing itself of State and other financial assistance available for restoration or replacement of such facilities; and

"(3) the institution does not have sufficient funds available from such other sources, including proceeds of insurance on the facilities, to provide for the restoration or replacement of such facilities;

the Commissioner is authorize to provide such assistance to such institution as is provided in subsection (b).

"(b) (1) Assistance under this section shall be a grant to an eligible institution, as determined under subsection (a), of an amount necessary to enable the institution to carry out the construction necessary to restore or replace the academic facilities determined under clause (1) of subsection (a) to be damaged or destroyed.

"(2) The maximum amount of a grant under this section shall not exceed the cost of construction incident to the restoration or replacement of the facilities determined to be damaged or destroyed under clause (1) of subsection (a) less the amount of additional assistance determined under clause (3) of subsection (a) to be available.

"(c) (1) Assistance under this section may include a grant of an amount necessary to enable the institution to lease, or otherwise obtain the use of, such facilities as are needed to replace, temporarily, facilities which have been made unavailable as a result of a major disaster.

"(2) An institution shall be eligible for assistance under this subsection if it qualifies for assistance under subsection (a), whether or not it receives assistance under subsection (b).

"EQUIPMENT AND SUPPLIES

"SEC. 763. If an institution is eligible for assistance under section 762(a), the Commissioner is authorized, whether or not such institution receives assistance under section 762(b), to make a grant to such institution of not in excess of an amount he determines necessary to replace equipment, maintenance supplies, and instructional supplies (including books, and curricular and program materials) destroyed or seriously damaged as a result of the major disaster.

"REPAYABLE ASSISTANCE IN LIEU OF A GRANT

"SEC. 764. If the Commissioner's determinations under clauses (2) and (3) of section 762(a) indicate that financial resources will become available to an institution otherwise qualified for assistance under section 762 at some future date or dates, he is authorized, subject to such terms and conditions as may be in the public interest, to extend assistance to such institution under section 762(b), 762(c), or 763 (or all such sections) with an agreement with such institution which provides that the institution will repay part or all of the funds received by it under this part.

"APPLICATIONS

"SEC. 765. No payment may be made to a public institution of higher education for academic facilities under this part unless an application therefor is submitted through the appropriate State Commission and is filed with the Commissioner in accordance with regulations prescribed by him. In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the institutions which have submitted approvable applications. No payment may be made under section 762(b) unless the Commissioner finds, after consultation with the State Commission, that the project or projects with respect to which it is made are not inconsistent with overall State plans, submitted under section 704(a), for the construction of academic facilities. All determinations made by the Commissioner under this part shall be made only after consultation with the appropriate State Commission.

"DEFINITIONS

"SEC. 766. For the purposes of this part—

"(1) the term 'major disaster' means a disaster determined to be a major disaster as defined in section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)); and

"(2) an institution of higher education shall be deemed to be a 'public institution of higher education' if such institution is found by the Commissioner to be under public supervision and control.

"PART E—GENERAL

"RECOVERY OF PAYMENTS

"SEC. 781. (a) The Congress hereby finds and declares that, if a facility constructed with the aid of a grant or grants under part A or B of this title is used as an academic facility for twenty years following completion of such construction, the public benefit accruing to the United States from such use will equal in value the amount of such grant or grants. The period of twenty years after completion of such construction shall therefore be deemed to be the period of Federal interest in such facility for the purposes of this Act.

"(b) If, within twenty years after completion of construction of an academic facility which has been constructed in part with a grant or grants under part A or B of this title—

"(1) the applicant (or its successor in title or possession) ceases or fails to be a public or nonprofit institution, or

"(2) the facility ceases to be used as an academic facility, or the facility is used as a facility excluded from the term 'academic facility',

the United States shall be entitled to recover from such applicant (or successor) an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal grant or grants bore to the development cost

of the facility financed with the aid of such grant or grants. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

"(c) Notwithstanding the provisions of subsections (a) and (b), no facility constructed with assistance under this title shall ever be used for religious worship or a sectarian activity or for a school or department of divinity.

"DEFINITIONS

"SEC. 782. The following definitions apply to terms used in this title:

"(1)(A) Except as provided in subparagraph (B) of this paragraph, the term 'academic facilities' means structures suitable for use as classrooms, laboratories, libraries, and related facilities necessary or appropriate for instruction of students, or for research, or for administration of the educational or research programs, of an institution of higher education, and maintenance, storage, or utility facilities essential to operation of the foregoing facilities. For purposes of parts A, C, and D, such term includes infirmaries or other facilities designed to provide primarily for outpatient care of students and instructional personnel.

"(B) The term 'academic facilities' shall not include (i) any facility intended primarily for events for which admission is to be charged to the general public, or (ii) any gymnasium or other facility specially designed for athletic or recreational activities, other than for an academic course in physical education or where the Commissioner finds that the physical integration of such facilities with other academic facilities included under this title is required to carry out the objectives of this title, or (iii) any facility used or to be used for sectarian instruction or as a place for religious worship, or (iv) any facility which (although not a facility described in the preceding clause) is used or to be used primarily in connection with any part of the program of a school or department of divinity, or (v) any facility used or to be used by a school of medicine, school of dentistry, school of osteopathy, school of pharmacy, school of optometry, school of podiatry, or school of public health as these terms are defined in section 724 of the Public Health Service Act, or a school of nursing as defined in section 843 of that Act.

"(2) The term 'construction' means (A) erection of new or expansion of existing structures, and the acquisition and installation of initial equipment therefor; or (B) acquisition of existing structures not owned by the institution involved; or (C) rehabilitation, alteration, conversion, or improvement (including the acquisition and installation of initial equipment, or modernization or replacement of built-in equipment) of existing structures; or (D) a combination of any two or more of the foregoing. For the purposes of the preceding sentence, the term 'equipment' includes, in addition to machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, all other items necessary for the functioning of a particular facility as an academic facility, including necessary furniture, except books, curricular and program materials, and items of current operating expense such as fuel, supplies, and the like; the term 'initial equipment' means equipment acquired and installed in connection with construction as defined in paragraph (2) (A) or (B) or, in cases referred to in paragraph (2)(C), equipment acquired and installed as part of the rehabilitation, alteration, conversion, or improvement of an existing structure, which structure would otherwise not be adequate for use as an academic facility; and the terms 'equipment', 'initial equipment', and 'built-in equipment' shall be more particularly defined by the Commissioner by regulation. For the purposes of clause (C) in the first sentence of this paragraph, the term 'rehabilitation, alteration, conversion, or improvement' includes such action as may be necessary to provide for the architectural needs of or to remove architectural barriers to, handicapped persons with a view toward increasing the accessibility to, and use of, academic facilities by such persons.

"(3)(A) The term 'development cost', with respect to an academic facility, means the amount found by the Commissioner to be the cost, to the applicant for a grant or loan under this title, of the construction involved and the cost of necessary acquisition of the land on which the facility is located and of necessary site improvements to permit its use for such facility. There shall be excluded from the development cost—

"(i) in determining the amount of any grant under part A or B, an amount equal to the sum of (I) any Federal grant which the institution has obtained, or is assured of obtaining, under any law other than this title, with respect to the construction that is to be financed with the aid of a grant under part A or B, and (II) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant; and

"(ii) in determining the amount of any loan under part C, an amount equal to the amount of any Federal financial assistance which the institution has obtained, or is assured of obtaining, under any law other than this title, with respect to the construction that is to be financed with the aid of a loan under part C.

"(B) In determining the development cost with respect to an academic facility, the Commissioner may include expenditures for works of arts for the facility of not to exceed 1 per centum of the total cost (including such expenditures) to the applicant of construction of, and land acquisition and site improvements for, such facility.

"(4) The term 'Federal share' means, except as provided in section 706(b)(2), in the case of any project a percentage (as determined under the applicable State plan) not in excess of 50 per centum of its development cost.

"(5) The term 'higher education building agency' means (A) an agency, public authority, or other instrumentality of a State authorized to provide, or finance the construction of, academic facilities for institutions of higher education (whether or not also authorized to provide or finance other facilities for such or other educational institutions, or for their students or faculty), or (B) any corporation (no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual) (I) established by an institution of higher education for the sole purpose of providing academic facilities for the use of such institution, and (II) upon dissolution of which, all title to any property purchased or built from the proceeds of any loan made under part C will pass to such institution.

"(6) The term 'public community college and public technical institute' means an institution of higher education which is under public supervision and control, and is organized and administered principally to provide a two-year program which is acceptable for full credit toward a bachelor's degree, or a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge; and the term includes a branch of an institution of higher education offering four or more years of higher education which is located in a community different from that in which its parent institution is located.

"(7) The term 'cooperative graduate center' means an institution or program created by two or more institutions of higher education which will offer to the students of the participating institutions of higher education graduate work which could not be offered with the same proficiency or economy (or both) at the individual institution of higher education. The center may be located or the program carried out on the campus of any of the participating institutions or at a separate location.

"(8) The term 'cooperative graduate center board' means a duly constituted board established to construct and maintain the cooperative graduate center and coordinate academic programs. The board shall be composed of representatives of each of the institutions of higher education participating in the center and of the community involved. At least one-third of the board's members shall be community representatives. The board shall elect by a majority vote a chairman from among its membership.".

(b)(1) The programs authorized by title VII of the Higher Education Act of 1965 shall be deemed to be a continuation of the comparable programs authorized by the Higher Education Facilities Act of 1963.

(2) Effective July 1, 1972, the Higher Education Facilities Act of 1963 is amended by striking out titles I and II thereof.

(3) Effective July 1, 1971, such Act is amended by striking out section 306 thereof.

(4) The revolving fund created by section 744 of the Higher Education Act of 1965 shall be deemed to be a continuation of the revolving fund created by section 305 of the Higher Education Facilities Act of 1963. Any sums in the fund for higher education academic facilities created by such section 305 on the date of enactment of this Act shall be transferred to the fund created by section 744 of the Higher Education Act of 1965, and all such funds shall be deemed to have been made available for such fund. Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this sentence, any sums appropriated pursuant to section 303(c) of the Higher Education Facilities Act of 1963 for any fiscal year ending prior to July 1, 1972, which have not been loaned under title III of that Act of 1963 shall be deemed to have been appropriated pursuant to section 741(b) of the Higher Education Act of 1965 for the fiscal year ending June 30, 1972.

EXTENSION OF AUTHORIZATIONS OF APPROPRIATIONS FOR THE HIGHER EDUCATION FACILITIES ACT OF 1963

SEC. 162. (a) Sections 101(b), 201, 303(c), and 408(a) of the Higher Education Facilities Act of 1963 are each amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1972".

(b) The amendments made by subsection (a) of this section shall be effective after June 30, 1971.

STATE HIGHER EDUCATION COMMISSIONS

SEC. 163. (a) Section 1202 of the Higher Education Act of 1965, having been superseded by section 425 of the General Education Provisions Act, is hereby repealed.

(b) Title XII of such Act is amended by adding after section 1201 the following new section:

"STATE HIGHER EDUCATION COMMISSIONS

"SEC. 1202. (a)(1) Any State desiring to participate, after June 30, 1972, in any program authorized by this Act which requires the use of a State Commission in the administration thereof shall designate, for such purpose, a State agency which is broadly representative of the public and of the public and private institutions of higher education (including public community colleges and public technical institutes) in the State. If, in the case of any State, no such State agency exists, such State shall create such an agency.

"(2) Each State Commission shall be authorized to, and shall carry out, such functions as may be required or authorized with respect to the program in which the State is participating. The Commissioner shall pay to each State Commission the amount necessary for the proper and efficient administration by such Commission of each State plan which is approved by him under a program authorized by this Act which requires the use of a State Commission in the administration of such program.

"(3) The Commissioner is authorized to make grants, upon such terms and conditions as the Commissioner determines will best further the purposes of title VII, to State Commissions for conducting comprehensive planning to determine construction needs of institutions of higher education.

"(b)(1) The Commissioner is authorized to make grants to State commissions to enable them to make comprehensive inventories of, and studies with respect to, the postsecondary educational resources in the States and means by which such resources may be better planned and coordinated, improved, expanded, or altered in order to insure that all persons within the States who desire, and who can benefit from, postsecondary education may have an opportunity to do so.

"(2) The Commissioner is further authorized to make grants to State Commissions to enable them to conduct comprehensive planning for statewide postsecondary education systems which will achieve the purpose set forth in paragraph (1). Such planning shall include a consideration of a system of comprehensive public community colleges as a means of achieving such purpose.

"(c) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.".

(c)(1) Unless a State otherwise creates or designates a State Commission for the purposes of section 1202 of the Higher Education Act of 1965 prior to June 30, 1972, the State Commission of any State, designated or established pursuant to that part of section 105(a) of the Higher Education Facilities Act of 1963 which precedes clause (1) thereof, which exists on June 30, 1972, shall become, and be deemed to be, the State Commission of that State pursuant to section 1202 of the Higher Education Act of 1965 for the purposes of such section 1202 (a). The State Commissions under such section 1202 shall be successor State Commissions to those designated or established under such part of such section 105(a) for the purposes of such section 1202(a).

(2) On July 1, 1972, all functions, powers, duties, and responsibilities vested in any State Commission established pursuant to such part of such section 105(a) on June 30, 1972, shall be vested in their successor State Commissions.

(3) All orders, determinations, rules, procedures, or other decisions of State Commissions under such part of such section 105(a), which are in effect on June 30, 1972, shall continue to be in effect and shall be deemed to be orders, determinations, rules, procedures, or other decisions of their successor State Commissions until changed or modified, in accordance with law, by such successor State Commissions.

(4) All personnel, assets, liabilities, contracts, property, and records as are determined by the Commissioner to be necessary for the transitions required under this section, are, effective July 1, 1972, transferred to successor State Commissions.

(5) No successor State Commission under this subsection shall be eligible to receive a grant under section 1202(b) of the Higher Education Act of 1965, prior to sixty days after the end of the first legislative session of the State legislature of the State for which it is the State Commission which begins after the date of enactment of this Act.

PART H—NETWORKS FOR KNOWLEDGE EXTENSION

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 171. Section 802 of the Higher Education Act of 1965 is amended by inserting before the period at the end thereof "and for each of the succeeding fiscal years ending prior to July 1, 1975".

INCLUSION OF LAW AND GRADUATE PROFESSIONAL SCHOOLS

SEC. 172. (a)(1) Section 801(a) of the Higher Education Act of 1965 is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "The Commissioner shall carry out a program of encouraging institutions of higher education (including law and other graduate professional schools) to share, to the optional extent, their technical and other educational and administrative facilities and resources in accordance with this title. The Commissioner is authorized to make grants to, and contracts with, institutions of higher education to pay all or part of the cost of cooperative arrangements and of pilot or demonstration projects designed to accomplish the purpose set forth in the first sentence of this subsection.".

(2) Clause (1)(A) of section 801(b) of such Act is amended by inserting after "libraries" a comma and "including law libraries", and by inserting after "collections" a comma and "including law library collections,".

(b) The amendments made by subsection (a) shall be effective after June 30, 1972.

PART I—GRADUATE PROGRAMS AND COMMUNITY COLLEGE PROGRAMS

EXTENSION OF TITLES IX AND X OF THE HIGHER EDUCATION ACT OF 1965

SEC. 181. (a)(1) The first sentence of section 925 of the Higher Education Act of 1965 is amended to read as follows: "There is authorized to be appropriated $13,000,000 for the fiscal year ending June 30, 1972.".

(2) The amendment made by paragraph (1) shall be effective after June 30, 1971.

(b)(1) Section 1002 of the Higher Education Act of 1965 is amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each for the fiscal years ending June 30, 1971, and June 30, 1972".

(2) The amendment made by paragraph (1) shall be effective after June 30, 1971.

NEW TITLE IX OF THE HIGHER EDUCATION ACT OF 1965 (GRADUATE PROGRAMS)

SEC. 182. (a) The Higher Education Act of 1965 is amended by striking out title IX and inserting in lieu thereof the following:

"TITLE IX—GRADUATE PROGRAMS

"PART A—GRANTS TO INSTITUTIONS OF HIGHER EDUCATION

"PURPOSES; AUTHORIZATION

"SEC. 901. (a) It is the purpose of this part to make financial assistance available to institutions of higher education—

"(1) to strengthen and improve the quality of graduate and professional programs leading to an advanced degree in such institutions and to increase the number of such programs;

"(2) to establish, strengthen, and support graduate centers for the study of the languages and cultures of foreign countries, areas, or regions;

"(3) to establish, strengthen, and support graduate centers to serve as national and international resources for research and training in international studies;

"(4) to establish, strengthen, and improve programs designed to prepare graduate and professional students for public service; and

"(5) to assist in strengthening undergraduate program of instruction in the areas described in clauses (2), (3), and (4), whenever the Commissioner determines that strengthened undergraduate programs of instruction will contribute to the purposes of such clauses.

"(b) The Commissioner shall carry out a program of making grants to institutions of higher education to carry out the purposes set forth in subsection (a).

"(c) There are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975, for the purposes of this part.

"APPLICATIONS FOR GRANTS

"SEC. 902. (a) The Commissioner is authorized to make grants to institutions of higher education in accordance with the provisions of this part. An institution of higher education desiring to receive a grant under this part shall submit to the Commissioner an application therefor at such time or times, in such manner, and containing such information as the Commissioner may prescribe by regulation. Such application shall set forth a program of activities for carrying out one or more of the purposes set forth in section 901(a) in such detail as will enable the Commissioner to determine the degree to which such program will accomplish such purpose or purposes, and such other policies, procedures, and assurances as the Commisioner may require by regulation.

"(b) The Commissioner shall approve an application only if he determines—

"(1) that the application sets forth a program of activities which are likely to make substantial progress toward achieving the purposes of this part; and

"(2) that the approval of the application will result in a wider distribution of the programs described in section 901(a) throughout the States.

"AUTHORIZED ACTIVITIES

"SEC. 903. (a) The funds appropriated pursuant to section 901(c) may be used for such purposes as the Commissioner determines will best accomplish the purposes of this part.

"(b) Such funds may be used solely for the purposes set forth in an application approved under section 902 and solely for the purpose of accomplishing the purposes stated in section 901(a), and to that end such funds may be used for—

"(1) faculty improvement;

"(2) the expansion of graduate and professional programs of study;

"(3) the acquisition of appropriate instructional equipment and materials;

"(4) cooperative arrangements among graduate and professional schools; and

"(5) the strengthening of graduate and professional school administration.

"RESEARCH AND STUDIES

"SEC. 904. The Commissioner is authorized, directly or by contract, to conduct studies and research activities in connection with the need for, and improvement of, graduate programs in various fields of study in institutions of higher education throughout the United States.

"PART B—FEDERAL FELLOWSHIPS

"PROGRAM AUTHORIZED

"SEC. 921. (a) It is the purpose of this part to provide grants, to be known as Federal fellowships, to assist graduate students of exceptional ability, who also demonstrate a financial need, and graduate and professional students of ability who are from economically disadvantaged backgrounds, to complete their study toward an advanced degree, to the end that the flow of highly trained individuals from universities may be speeded. The demonstration of financial need shall be determined in accordance with regulations prescribed by the Commissioner.

"(b) (1) The Commissioner is authorized to award under the provisions of this part not to exceed 13,200 fellowships for the fiscal year ending June 30, 1973, 19,200 fellowships for the fiscal year ending June 30, 1974, and 25,200 fellowships for the fiscal year ending June 30, 1975.

"(2) In addition to the number of fellowships authorized to be awarded by paragraph (1), the Commissioner is authorized to award fellowships equal to the number previously awarded during any fiscal year under this part but vacated prior to the end of the period for which they were awarded, except that each fellowship awarded under this paragraph shall be for such period of graduate or professional work or research, not in excess of the remainder of the period for which the fellowship which it replaces was awarded, as the Commissioner may determine.

"(c) (1) Fellowships awarded under this part shall be for graduate and professional study leading to an advanced degree or research incident to the presentation of a doctoral dissertation. Such fellowships may be awarded for graduate and professional study and research at any institution of higher education, library, archive, or any other research center approved for such purpose by the Commissioner. Such fellowships shall be awarded for such periods as the Commissioner may determine, but not to exceed three years.

"(2) Fellowships awarded under this part shall be among others—

"(A) for persons who are (i) interested in teaching, planning to teach, or continuing to teach, in institutions of higher education, and (ii) pursuing, or intending to pursue, a course of study leading to a degree of doctor of philosophy, or an equivalent degree; or

"(B) for graduate or professional study for persons who plan to pursue environmental careers, in such fields as ecology, hydrology, chemistry, biology, and engineering related to the protection of the environment and the control of environmental pollution; or

"(C) for persons planning to pursue a career in the public service, which term 'public service' means service as an officer or employee in any branch of local, State, or Federal Government;

"(D) for persons undertaking advanced study or training in any modern foreign language and in fields needed for a full understanding of the area, region, or country in which such language is commonly used;

"(E) for persons from disadvantaged backgrounds, as determined by the Commissioner, undertaking graduate or professional study in fields to which their backgrounds are particularly relevant; or

"(F) for persons undertaking advanced study in domestic mining, and mineral and mineral fuel conservation, including oil, gas, coal, oil shale, and uranium.

"AWARD OF FELLOWSHIPS

"SEC. 922. Recipients of fellowships under this part shall be—

"(1) persons who have been accepted by an institution of higher education for graduate study leading to an advanced degree or for a professional degree, or

"(2) persons who have completed all course work required for granting of a doctoral degree or an equivalent degree (except such course work credited on the dissertation) and comprehensive examinations where appropriate, and whose doctoral dissertation (or other equivalent dissertation) proposal has been approved by appropriate officials of an institution of higher education.

"DISTRIBUTION OF FELLOWSHIPS

"SEC. 923. In awarding fellowships under the provisions of this part, the Commissioner shall endeavor to provide an equitable distribution of such fellowships throughout the Nation, except that, to the extent he deems proper, to provide for those who are in greatest financial need of such fellowships.

"STIPENDS AND INSTITUTION OF HIGHER EDUCATION ALLOWANCES

"SEC. 924. (a) The Commissioner shall pay to persons awarded fellowships under this part such stipends as he may determine to be consistent with prevailing practices under comparable federally supported programs, except that the stipend shall not be less than $2,800 for each academic year of study. An additional amount of $300 for each such year shall be paid to each such person on account of each of his dependents, not to exceed the amount of $1,500 per academic year.

"(b) In addition to the amount paid to persons pursuant to subsection (a) there shall be paid to the institution of higher education at which each such person is pursuing his course of study an amount equal to 150 per centum of the amount paid to such person, less the amount paid on account of each of such person's dependents, to such person, less any amount charged such person for tuition.

"(c) The Commissioner shall reimburse any person awarded a fellowship pursuant to this part for actual and necessary traveling expenses of such person and his dependents from his ordinary place of residence to the institution of higher education, library, archive, or other research center where he will pursue his studies under such fellowship, and to return to such residence.

"LIMITATION

"SEC. 925. No fellowship shall be awarded under this part for study at a school or department of divinity.

"FELLOWSHIP CONDITIONS

"SEC. 926. (a) A person awarded a fellowship under the provisions of this part shall continue to receive the payments provided in section 924(a) only during such periods as the Commissioner finds that he is maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, in an institution of higher education, and is not engaging in gainful employment other than part-tme employment in teaching, research, or similar activities, approved by the Commissioner.

"(b) The Commissioner is authorized to require reports containing such information in such form and to be filed at such times as he determines necessary from any person awarded a fellowship under the provisions of this part. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, library, archive, or other research center approved by the Commissioner, stating that such person is making satisfactory progress in, and is devoting essentially full time to, the program for which the fellowship was awarded.

"APPROPRIATIONS AUTHORIZED

"SEC. 927. There are authorized to be appropriated such sums as may be necessary for the purposes of this part.".

(b) Of the sums appropriated pursuant to section 901(c) of the Higher Education Act of 1965 for any fiscal year at least $18,000,000 shall be for the purposes of sections 901(a) (2) and (3) of such Act.

(c) The amendment made by subsection (a) shall be effective after June 30, 1972.

INTERNS FOR POLITICAL LEADERSHIP PROGRAM

SEC. 182A. (a) Title IX of the Higher Education Act of 1965 is amended by adding at the end thereof the following new part:

"PART C—INTERNS FOR POLITICAL LEADERSHIP

"PROGRAM AUTHORIZED

"SEC. 931. The Commissioner is authorized to plan, develop, and carry out an internship program under which students will be provided practical political involvement with elected officials in the performance of their duties at all levels of government through internships in their offices. Such internship program shall be carried out through arrangements with such nonprofit agencies as are appropriate, with institutions of higher education, and with State and local governments. Under such program the interns, who are students in their third and fourth years of study at any institution of higher education will be assigned duties in offices of State and local elected officials, which will give them an insight into the problems and operations of the different levels of government, as well as an opportunity for research and for involvement in the policymaking process. Such arrangements shall provide for coordination between the on-campus educational programs of the persons selected and their activities as interns, with commensurate credit given for their work and achievement as interns. Such internship program shall also provide opportunities for students who have participated in the internship program at State and local levels to become interns in the offices of Members of Congress, who wish to participate, for up to three months during the first year following the receipt of their bachelor's degree.

"SELECTION OF STUDENTS FOR PARTICIPATION

"SEC. 932. The students who are to participate in the internship program provided for in this part shall be selected from among students whose names are proposed by participating institutions of higher education. Internships shall be distributed among the States so that insofar as practicable the number for each State bears the same ratio to the total number as the number of Members of Congress from that State bears to the total number of Members of Congress.

"FEDERAL SHARE

"SEC. 933. The Federal share of the cost of carrying out the program provided for in this part may not exceed 50 per centum.

"ADMINISTRATION

"SEC. 934. The Commissioner shall prescribe the stipends to be paid to the interns participating in the program provided for in this part, and the duration and other terms and conditions of such internships. The cost of administration of a program may be paid by the Commissioner.

"APPROPRIATIONS AUTHORIZED

"SEC. 935. There is authorized to be appropriated to carry out this part the sum of $10,000,000 for the fiscal year 1972 and for each of the two succeeding fiscal years.

"DEFINITION

"SEC. 936. For the purpose of this part, the term 'State' as used in this part means the fifty States, Puerto Rico, and the District of Columbia. For purposes of the distribution of internships among the States, in determining the number of Members of Congress for purposes of section 932, the Resident Commissioner for Puerto Rico and the Delegate from the District of Columbia shall be considered Members of Congress, and interns in the offices of Members of Congress shall be attributed to the State of the Member in whose office they are serving."

(b) The amendment made by subsection (a) shall be effective after June 30, 1972.

IMPROVEMENT OF COMMUNITY COLLEGES

SEC. 183. (a) (1) Title X of the Higher Education Act of 1965 is amended to read as follows:

"TITLE X—IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES THROUGH COMMUNITY COLLEGES

"PART A—STATEWIDE PLANS FOR COMMUNITY COLLEGES

"STATE PLANS

"SEC. 1001. (a) Each State commission (established under section 1202) shall establish a committee, hereinafter in this section re-

ferred to as the committee, the membership of which shall include representatives of—

"(1) all State agencies having responsibility for, or an interest in postsecondary education;

"(2) the community colleges in the State and local agencies having responsibility for supervision or control of such colleges; and

"(3) the general public.

At least one-half of the members of the committee shall be persons with direct responsibility for the operation of a community college; one of which persons shall be designated by the Governor of the State as chairman of the committee.

"(b)(1) The committee shall develop and adopt a statewide plan for the expansion and improvement of postsecondary education programs in community colleges. Such plan shall—

"(A) designate areas of the State in which residents do not have access to at least two years of tuition-free or low-tuition postsecondary education within reasonable commuting distance;

"(B) designate areas of the State in which existing community colleges cannot meet the postsecondary educational needs of the residents;

"(C) set forth a comprehensive statewide plan for the establishment, expansion, and improvement of community colleges in order to achieve the goal of making available, within reasonable commuting distance, to all residents of the State an opportunity to attend a community college;

"(D) establish priorities for the use of financial and other resources in achieving the goal set forth in clause (C);

"(E) make recommendations with respect to adequate State and local financial support, within the priorities set forth pursuant to clause (D), for community colleges;

"(F) set forth a statement analyzing the duplications of postsecondary educational programs and make recommendations for coordination of such programs in order to eliminate such duplications;

"(G) set forth a plan for the use of existing new educational resources in the State in order to achieve the goal set forth in clause (C), including recommendations for the modification of State plans for federally assisted vocational education, community services, and academic facilities as they may affect community colleges.

"(2) Each plan developed and adopted pursuant to paragraph (1) shall be submitted, through the State Commission of the State for which it is developed, to the Commissioner for his approval. The Commissioner shall not approve a plan submitted pursuant to this paragraph unless he determines that (A) the plan has been developed on the basis of hearings conducted throughout the State in which all interested parties have been given an opportunity to present their views and (B) each State and local agency responsible for postsecondary education has had an opportunity to review, and make recommendations with respect to, the plan.

"(c)(1) There is hereby authorized to be appropriated $15,700,000 during the period beginning July 1, 1972 and ending July 1, 1974, to carry out the provisions of this section.

"(2) Sums appropriated pursuant to paragraph (1) shall be allotted by the Commissioner equally among the States, except that the amount allotted to Guam, American Samoa, and the Virgin Islands shall not exceed $100,000 each. Such sums shall remain available until expended.

"(d) The State plan for federally assisted vocational education, community services, or academic facilities of each State shall be modified by June 30, 1976, in accordance with the plan the Commissioner has approved from that State submitted pursuant to subsection (b).

"PART B—ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLEGES

"PURPOSE

"SEC. 1011. It is the purpose of this title to encourage and assist the States and localities in establishing and expanding community colleges in communities throughout the States in order that every American will have an opportunity to attend a community college within reasonable commuting distance of his residence.

"PROGRAM AUTHORIZATION

"SEC. 1012. (a) The Commissioner shall carry out a program of making grants to community colleges in order to improve educational opportunities through community colleges as provided in this title.

"(b) For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $75,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 3, 1975.

"APPORTIONMENTS

"SEC. 1013. (a) From the sums appropriated pursuant to section 1012(b) for each fiscal year the Commissioner shall apportion not more than 5 per centum thereof among Puerto Rico, Guam, American Samoa, and the Virgin Islands according to their respective needs. From the remainder of such sums the Commissioner shall apportion to each State an amount which bears the same ratio to such remainder as the population aged eighteen and over in such State bears to the total of such population in all States. For the purpose of the second sentence of this subsection, the term 'State' does not include Puerto Rico, Guam, American Samoa, and the Virgin Islands.

"(b) The portion of any State's apportionment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such apportionment is available, for carrying out the purposes of this part shall be available for reapportionment from time to time, on such dates during such period as the Commissioner shall fix, to other States in proportion to the original apportionments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period for carrying out such portion of its State application approved under this part, and the total of such reductions shall be similarly reapportioned among the States whose proportionate amounts are not so reduced. Any amount reapportioned to a State under this subsection during a year shall be deemed part of its apportionment under subsection (a) for such year.

"ESTABLISHMENT GRANTS

"SEC. 1014. (a) The Commissioner is authorized to make grants to new community colleges to assist them in planning, developing, establishing, and conducting initial operations of new community colleges in areas of the States in which there are no existing community colleges or in which existing community colleges cannot adequately provide postsecondary educational opportunities for all of the residents thereof who desire and can benefit from postsecondary education.

"(b) For the purposes of subsection (a), the term 'new community college' means a board of trustees or other governing board (or its equivalent) which is established by, or pursuant to, the law of a State, or local government, for the purpose of establishing a community college, as defined in section 1019 or any existing board so established which has the authority to create, and is in the process of establishing, a new community college.

"EXPANSION GRANTS

"SEC. 1015. The Commissioner is authorized to make grants to existing community colleges to assist them—

"(1) in expanding their enrollment capacities,

"(2) in establishing new campuses, and

"(3) in altering or modifying their educational programs,

in order that they may (A) more adequately meet the needs, interests, and potential benefits of the communities they serve, or (B) provide educational programs especially suited to the needs of educationally disadvantaged persons residing in such communities.

"APPLICATIONS; FEDERAL SHARE

"SEC. 1016. (a)(1) Grants under sections 1014 and 1015 may be made only upon application to the Commissioner. Applications for assistance under such sections shall be submitted at such time, in such manner and form, and containing such information as the Commissioner shall require by regulation.

"(2) No application submitted pursuant to paragraph (1) shall be approved unless the Commissioner determines that it is consistent with the plan approved by him from the State in which the applicant is located under section 1001.

"(b)(1) No application for assistance under section 1014 or 1015 shall be approved for a period of assistance in excess of four years.

"(2) The Federal share of carrying out the project for which assistance is sought in an application submitted pursuant to this section shall not exceed—

"(A) 40 per centum of such cost for the first year of assistance;

"(B) 30 per centum thereof for the second year of assistance;

"(C) 20 per centum thereof for the third year of assistance; and

"(D) 10 per centum thereof for the fourth year of assistance.

"(c)(1) Funds appropriated pursuant to section 1012 and granted under section 1014 or 1015 shall, subject to paragraph (2), be available for those activities the Commissioner determines to be necessary to carry out the purposes of such sections.

"(2) Such funds may be used (A) to remodel or renovate existing facilities, or (B) to equip new and existing facilities, but such funds may not be used for the construction of new facilities or the acquisition of existing facilities.

"LEASE OF FACILITIES

"SEC. 1017. (a) The Commissioner is authorized to make grants to community colleges to enable them to lease facilities, for a period of not to exceed five years, in connection with activities carried out by them under section 1014 or section 1015.

"(b) The Federal share of carrying out a project through a grant under this section shall not exceed—

"(1) 90 per centum of the cost of such project for the first year of assistance under this section;

"(2) 70 per centum thereof for the second such year;

"(3) 50 per centum thereof for the third such year;

"(4) 30 per centum thereof for the fourth such year; and

"(5) 20 per centum thereof for the fifth such year.

"PAYMENTS

"SEC. 1018. From the amount apportioned to each State pursuant to section 1013, the Commissioner shall pay to each applicant from that State which has had an application for assistance approved under this part the Federal share of the amount expended under such application.

"DEFINITION

"SEC. 1019. As used in this title, the term 'community college' means any junior college, technical institute, or any other eductaional institution (which may include a four-year institution of higher education or a branch thereof) in any State which—

"(1) is legally authorized within such State to provide a program of education beyond secondary education;

"(2) admits as regular students high school graduates or equivalent, or persons at least eighteen years of age;

"(3) provides a two-year postsecondary educational program leading to an associate degree, or acceptable for credit toward a bachelor's degree, and also provides programs of postsecondary vocational, technical, occupational, and specialized education;

"(4) is a public or other nonprofit institution;

"(5) is accredited as an institution by a nationally recognized accrediting agency or association, or if not so accredited—

"(A) is an institution that has obtained recognized preaccreditation status from a nationally recognized accrediting body, or

"(B) is an institution whose credits are accepted on transfer, by not less than three accredited institutions, for credit on the same basis as if transferred from an institution so accredited.

"COMMUNITY COLLEGE UNIT

"SEC. 1020. (a) There is established, in the Office of Education, a Community College Unit (hereinafter in this section referred to as the 'Unit') which shall have the responsibility for coordinating all programs administered by the Commissioner which affect, or can benefit, community colleges, including those authorized by this Act, and the Vocational Education Act of 1963.

"(b) The Unit shall be headed by a Director who shall be placed in grade 17 of the General Schedule set forth in section 5332 of title 5, United States Code.".

(2) The position created by section 1020 of the Higher Education Act of 1965 shall be in addition to the number of positions placed in that grade under section 5108 of title 5, United States Code.

(b) The amendment made by subsection (a) shall be effective after June 30, 1972.

EXTENSION OF TITLES IV AND VI OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958 AND OF THE INTERNATIONAL EDUCATION ACT OF 1966

SEC. 184. (a) (1) Section 402(a) of the National Defense Education Act of 1958 is amended by striking out "seven succeeding fiscal years" and inserting in lieu thereof "eight succeeding fiscal years".

(2) (A) The first sentence of section 601 of such Act is amended by striking out "during the period beginning July 1, 1958, and ending with the close of June 30, 1971,".

(B) Section 603 of such Act is amended by striking out "for the fiscal year ending June 30, 1971," and inserting in lieu thereof "for each of the fiscal years ending June 30, 1971, and June 30, 1972,".

(b) The second sentence of section 105(a) of the International Education Act of 1966 is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1972".

The amendments made by subsections (b) and (c) shall be effective after June 30, 1971.

PART J—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

AMENDMENTS TO TITLE XI OF THE HIGHER EDUCATION ACT OF 1965

SEC. 191. (a) Title XI of the Higher Education Act of 1965 is amended by inserting "grant or" before "contract", and "grants or" before "contracts" wherever they appear.

(b) (1) Section 1101(a) of such Act is amended by striking out "The" where it appears at the beginning of such section, and inserting in lieu thereof the following: "In order to provide law students with experience, based on effective experimental programs, in dealing directly with the problems of the disadvantaged and other individuals and groups in society adversely affected by circumstances beyond their capacity to control, the".

(2) Such section 1101(a) is amended by inserting "for students" before "clinical", and striking out "to students in the practice of law, with preference being given to programs providing such experience, to the extent practicable, in", and inserting in lieu thereof "in providing legal services and advice, including".

(c) Clause (5) of section 1101(b) of such Act is amended to read as follows:

"(5) equipment and library resources; and".

(d) Section 1101(d) of such Act is amended by striking out all that follows "association", and inserting in lieu thereof "listed by the Commissioner as a nationally recognized accrediting agency."

(e) Section 1103 of such Act is amended by striking out "$340,000 for the fiscal year ending June 30, 1969", and by striking out "fiscal years ending June 30, 1970, and June 30, 1971", and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975". Such section is further amended by striking out the second sentence.

(f) The amendments made by this section shall be effective after June 30, 1971.

TITLE II—VOCATIONAL EDUCATION

SPECIAL PROGRAMS FOR THE DISADVANTAGED

SEC. 201. Section 102(b) of the Vocational Education Act of 1963 is amended by inserting after "1972," the following: "and for the succeeding fiscal years ending prior to July 1, 1975,".

BUREAU OF OCCUPATIONAL AND ADULT EDUCATION

SEC. 202. (a) (1) The Vocational Education Act of 1963 is amended by inserting after section 104 the following new section:

"FEDERAL ADMINISTRATION

"SECTION 105. (a) There is established within the Office of Education Bureau of Occupational and Adult Education, hereinafter in this section referred to as the 'Bureau', which shall be responsible for carrying out those responsibilities of the Commissioner which he is authorized to delegate under this Act, the Adult Education Act, and any other Act vesting authority in the Commissioner for vocational, occupational, or career education (including manpower training) or for adult or continuing education.

"(b) (1) The Bureau shall be headed by an Associate Commissioner, who shall be appointed by the Commissioner and who shall be compensated at the rate specified for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code.

"(2) Additional positions are created for, and shall be assigned to, the Bureau as follows:

"(A) Three positions to be placed in grade 17 of such General Schedule, one of which shall be filled by a person with broad experience in the field of junior and community college education.

"(B) Seven positions to be placed in grade 16 of such General Schedule, at least two of which shall be filled by persons with broad experience in the field of postsecondary-occupational education in community and junior colleges, at least one of which shall be filled by a person with broad experience in education in private proprietary institutions, and at least one of which shall be filled by a person with professional experience in occupational guidance and counseling.

"(c) The Commission is authorized to delegate any of his functions under this Act or under the Adult Education Act, except the approval of State plans under section 123 of this Act and section 306 of the Adult Education Act, to the Associate Commissioner.".

(2) The positions created by section 105(b) of the Vocational Education Act of 1963, as amended by paragraph (1), shall be in addition to the number of positions placed in the appropriate grades under section 5108 of title 5, United States Code.

(b) The amendment made by subsection (a) shall be effective July 1, 1972.

CLARIFICATION OF DEFINITION OF VOCATIONAL EDUCATION WITH RESPECT TO INDUSTRIAL ARTS PROGRAMS; INCLUSION OF VOLUNTEER FIREMEN

SEC. 203. (a) Section 108(1) of the Vocational Education Act of 1963 is amended by inserting at the end thereof the following new sentence: "Such term includes industrial arts education programs in cases where the Commissioner determines by regulation that such programs will accomplish or facilitate one or more of the purposes of the first sentence of this paragraph.".

(b) Such section 108(1) is further amended by inserting immediately after the word "employment" the first time it appears in such section the following: "(including volunteer firemen".

EXEMPLARY PROGRAMS AND PROJECTS

SEC. 204. Section 142(a) of the Vocational Education Act of 1963 is amended by striking out "two" and inserting in lieu thereof "five".

RESIDENTIAL VOCATIONAL SCHOOLS

SEC. 205. (a) Section 151(b) of the Vocational Education Act of 1963 is amended by striking out "the succeeding fiscal year" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

(b) Section 152(a) (1) of such Act is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1975".

(c) Section 153(d) (2) of such Act is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1 of each of the four succeeding fiscal years".

CONSUMER AND HOMEMAKING EDUCATION

SEC. 206. (a) Section 161(a) (1) of the Vocational Education Act of 1963 is amended by striking out "the fiscal year ending June 30, 1972" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

(b) Section 161(c) of such Act is amended by striking out "and the two succeeding" and inserting in lieu thereof "and the five succeeding".

COOPERATIVE VOCATIONAL EDUCATION

SEC. 207. Section 172(a) of the Vocational Education Act of 1963 is amended by striking out "the fiscal year ending June 30, 1972" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

WORK-STUDY PROGRAMS

SEC. 208. Section 181(a) of the Vocational Education Act of 1963 is amended by inserting after "June 30, 1972," the following: "and for each of the succeeding fiscal years ending prior to July 1, 1975,".

CURRICULUM DEVELOPMENT

SEC. 209. Section 191(b) of the Vocational Education Act of 1963 is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1975".

NATIONAL ADVISORY COUNCIL

SEC. 210. Section 104(a) (4) of the Vocational Education Act of 1963 is amended by striking out "two" and inserting in lieu thereof "five".

TITLE III—ESTABLISHMENT OF A NATIONAL FOUNDATION FOR POSTSECONDARY EDUCATION AND A NATIONAL INSTITUTE OF EDUCATION

AMENDMENT TO THE GENERAL EDUCATION PROVISIONS ACT

SEC. 301. (a) The General Education Provisions Act (title IV of Public Law 90-247) is amended—

(1) by redesignating parts A, B, and C thereof, and all references thereto, as parts B, C, and D and redesignating sections 401, 402, 403, 404, 405, 406, 411, 412, 413, 414, 415, 416, 417, 421, 422, 423, 424, 425, 426, 431, 432, 433, 434, 435, 436, 437, 438, and all references thereto, as sections 400, 411, 412, 413, 414, 415, 421, 422, 423, 424, 425, 426, 427 431, 432, 433, 434, 435, 436, 441, 442, 443, 444, 445, 446, 447, and 448, respectively; and

(2) by inserting after section 400 (as so redesignated by clause (1)) the following new part:

"PART A—EDUCATION DIVISION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

"THE EDUCATION DIVISION

"SEC. 401. There shall be, within the Department of Health, Education, and Welfare, an Education Division which shall be composed of the Office of Education, the National Foundation for Postsecondary Education, and the National Institute of Education, and shall be headed by the Commissioner of Education.

"THE OFFICE OF EDUCATION

"SEC. 402. (a) The purpose and duties of the Office of Education shall be to collect statistics and facts showing the condition and progress of education in the United States, and to disseminate such information respecting the organization and management of schools and school systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country. Nothing in this section, or any other provision of law, shall be construed to grant the Office of Education any authority which is not expressly provided for by statute or implied therein

"(b)(1) The management of the Office of Education shall, subject to the direction and supervision of the Secretary, be entrusted to a Commissioner of Education, who shall be appointed by the President by and with the advice and consent of the Senate, and who shall serve at the pleasure of the President.

"(2) There shall be a Deputy Commissioner of Education (referred to in this section as 'Deputy Commissioner') who shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President, and who shall perform such duties as the Commissioner may prescribe by regulation. The Deputy Commissioner shall serve as Commissioner during the absence or disability of the Commissioner or in the event of a vacancy in the Office of the Commissioner.

"(3) Persons holding the offices created by paragraphs (1) and (2) shall be compensated at the following rates specified for the Executive Schedule in subchapter II of title 5, United States Code:

"(A) The Commissioner shall be compensated at the rate provided for level IV under section 5315 thereof.

"(B) The Deputy Commissioner shall be compensated at the rate provided for level V under section 5316 thereof.

"(4) The Commissioner and the Deputy Commissioner may not engage in any other business, vocation, or employment while serving in any such position; nor may either of them, except with the express approval of the President in writing, hold any office in, or act in any capacity for, or have a financial interest in, any organization, agency, or institution to which the Office of Education makes a grant or with which it makes a contract or other financial arrangement.

"(5) There are hereby created six additional positions within the Office of Education which shall be placed in grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code; and such positions shall be in addition to the number of positions placed in that grade under section 5108 of such title.

"NATIONAL FOUNDATION FOR POSTSECONDARY EDUCATION

"SEC. 403. (a)(1) The National Foundation for Postsecondary Education (referred to in this section as the 'Foundation'), shall consist of a Postsecondary Education Board (referred to in this section as the 'Board') and a Director. The Foundation shall have only such authority as may be vested therein by this section or delegated thereto by the Commissioner and shall be subject to the general regulations of the Commissioner promulgated for its management.

"(2) It shall be the purpose of the Foundation—

"(A) to encourage excellence, innovation, and reform in postsecondary education;

"(B) to provide assistance for the design and establishment of innovative structures for providing postsecondary education and innovative modes of teaching and learning therein;

"(C) to expand the ways and patterns of acquiring postsecondary education and to open opportunities for such education to individuals of all ages and circumstances;

"(D) to strengthen the autonomy, individuality, and sense of mission of postsecondary educational institutions, and to support programs which are distinctive or of special value to American society; and

"(E) to encourage postsecondary educational institutions to develop policies, programs, and practices responsive to social needs, and to provide an organization concerned with the rationalization of public policies toward postsecondary education.

"(b)(1) The Board shall consist of fifteen members, at least one of whom shall be a student at the time of his appointment, appointed by the President, by and with the advice and consent of the Senate, the Director, and such other ex officio members who are officers of the United States as the President may designate. Eight members (excluding ex officio members) shall constitute a quorum. The Chairman of the Board shall be designated by the President from among its appointed members. Ex officio members shall not have a vote on the Board.

"(2) The term of office of members of the Board (other than ex officio members) shall be six years, except that (A) any member appointed to fill a vacancy shall serve only such portion of a term as shall not have been expired at the time of such appointment, and (B) in the case of initial members, five shall serve for terms of four years and five for terms of two years. Any person, whose term of office is subject to this paragraph, who has been a member of the Board for six consecutive years shall thereafter be ineligible for appointment to the Board during the two-year period following the expiration of such sixth year.

"(3) Subject to general regulations of the Commissioner, promulgated for the management of the Foundation, the Board shall—

"(A) establish general policies for, and review the conduct of, the Foundation;

"(B) meet at the call of the Chairman of the Board, except that it shall meet (i) at least four times during each fiscal year, or (ii) whenever one-third of the members request a meeting in writing, in which event one-third of the members (excluding ex officio members) shall constitute a quorum;

"(C) submit an annual report to the President on the activities of the Foundation and the status of postsecondary education in the United States, which (i) shall include such recommendations and comments as the Board may deem appropriate, and (ii) shall be submitted to the Congress not later than March 31 of each year;

"(D) make and submit to the President and the Congress such other reports as it may deem necessary.

The Board shall have the responsibility for the general policies with respect to the powers, duties, and authorities vested in the Foundation under this section. The Director shall make available to the Board such information and assistance as may be necessary to enable the Board to carry out its functions.

"(c)(1) The Director of the Foundation (referred to in this section as the 'Director') shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code, and shall perform such duties and exercise such powers as the Board, subject to general regulations of the Commissioner, may prescribe.

"(2) There shall be a Deputy Director of the Foundation (referred to in this section as the 'Deputy Director') who shall be appointed by the President and shall serve at the pleasure of the President. The Deputy Director shall be compensated at the rate provided for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code. The Deputy Director shall exercise such powers as the Director may prescribe and Deputy Director shall serve as Director during the absence or disability of the Director or in the event of a vacancy in the Office of Director. The position created by this paragraph shall be in addition to the number of positions placed in grade 18 of the General Schedule under section 5108 of title 5, United States Code.

"(3) There are hereby created three additional positions within the Foundation which shall be placed in grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code; and such positions shall be in addition to the number of positions placed in that grade under section 5108 of such title.

"(d) The Foundation is authorized to make grants to, and contracts with, institutions of higher education (including combinations of such institutions) and other public and private educational institutions and agencies (except that no grant shall be made to an educational institution or agency other than a nonprofit institution or agency) to improve postsecondary educational opportunities by providing assistance for—

"(1) encouraging the reform, innovation, and improvement of postsecondary education, and providing equal educational opportunity for all;

"(2) the creation of institutions and programs involving new paths to career and professional training, and new combinations of academic and experiential learning;

"(3) the establishment of institutions and programs based on the technology of communications;

"(4) the carrying out in postsecondary educational institutions of changes in internal structure and operations designed to clarify institutional priorities and purposes;

"(5) the design and introduction of cost-effective methods of instruction and operation;

"(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering institutions and pursuing programs of study tailored to individual needs;

"(7) the introduction of reforms in graduate education, in the structure of academic professions, and in the recruitment and retention of faculties; and

"(8) the creation of new institutions and programs for examining and awarding credentials to individuals, and the introduction of reforms in current institutional practices related thereto;

"(e) In carrying out this section, the Director shall have the authority—

"(1) to enter into contracts without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

"(2) to make advance, progress, and other payments without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

"(3) to receive money and other property donated, bequeathed, or devised to the Foundation with or without a condition or restriction, including a condition that the Foundation use other funds for the purposes of the gift; and to use, sell, or otherwise dispose of such property for the purposes of this section;

"(4) to publish or arrange for the publication of information without regard to the provisions of section 501 of title 44, United States Code;

"(5) to accept and utilize the services of voluntary and uncompensated personnel, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)), and to provide transportation and subsistence as authorized by section 5703 of title 5, United States Code, for persons serving without compensation;

"(6) to arrange with and reimburse the heads of other Federal agencies for the performance of any activity which the Foundation is authorized to conduct; and

"(7) to appoint, for terms not to exceed three years, and compensate without regard to the civil service or classification laws such technical or professional employees of the Foundation as he deems necessary to accomplish its functions, and also to appoint and compensate without regard to such laws not to exceed one-fifth of the number of full-time, regular technical or professional employees of the Foundation.

"(f) There is authorized to be appropriated, without fiscal year limitations, $250,000,000, in the aggregate, for the period beginning July 1, 1972, and ending June 30, 1975, to carry out the functions of the Foundation. Sums so appropriated shall, notwithstanding any other provision of law, unless enacted in express limitation of this subsection, remain available for the purposes of this section until expended.

"NATIONAL INSTITUTE OF EDUCATION

"SEC. 404. (a)(1) The National Institute of Education (hereinafter referred to as the 'Institute') shall consist of a National Council on Educational Research (hereinafter referred to as the 'Council') and a Director of the Institute (hereinafter referred to as the 'Director'). The Institute shall have only such authority as may be vested therein by this section and shall be subject to general regulations of the Commissioner promulgated for its management.

"(2) The Institute shall, in accordance with the provisions of this section, seek to improve education, including career education, in the United States through—

"(A) helping to solve or to alleviate the problems of, and achieve the objectives of American education;

"(B) advancing the practice of education as an art, science, and profession;

"(C) the strengthening of the scientific and technological foundations of education; and

"(D) building an effective educational research and development system.

"(b)(1) The Council shall consist of fifteen members appointed by the President, by and with the advice and consent of the Senate, the Director, and such other ex officio members who are officers of the United States as the President may designate. Eight members of the Council (excluding ex officio members) shall constitute a quorum. The Chairman of the Council shall be designated from among its appointed members by the President. Ex officio members shall not have a vote on the Council.

"(2) The term of office of the members of the Council (other than ex officio members) shall be three years, except that (A) any member appointed to fill a vacancy shall serve only such portion of a term as shall not have been expired at the time of such appointment, and (B) in the case of initial members, five shall serve terms of two years and five shall serve terms of one year. Any appointed member who has been a member of the Council for six consecutive years shall thereafter be ineligible for appointment to the Council during the two-year period following the expiration of such sixth year.

"(3) Subject to general regulations of the Commissioner promulgated for the management of the Institute, the Council shall—

"(A) establish general policies for, and review the conduct of, the Institute;

"(B) review, and advise the Commissioner on the status of, educational research in the United States;

"(C) meet at the call of the Chairman, except that it shall meet (i) at least six times during each fiscal year, or (ii) whenever one-third of the members request a meeting in writing, in which event one-third of the members (excluding ex officio members) shall constitute a quorum;

"(D) submit an annual report to the President on the activities of the Institute, and on educational research in general, which (i) shall include such recommendations and comments as the Council may deem appropriate, and (ii) shall be submitted to the Congress not later than March 31 of each year; and

"(E) make and submit to the President and the Congress such other reports as it may deem necessary. The Council shall have the responsibility for the general policies with respect to the powers, duties, and authorities vested in the Institute under this section. The Director shall make available to the Council such information and assistance as may be necesary to enable the Council to carry out its functions.

"(c)(1) The Director of the Institute shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code, and shall perform such duties and exercise such powers and authorities as the Council, subject to general regulations of the Commissioner, may prescribe.

"(2) There shall be a Deputy Director of the Institute (referred to in this section as the 'Deputy Director') who shall be appointed by the President and shall serve at the pleasure of the President. The Deputy Director shall be compensated at the rate provided for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code, and shall act for the Director during the absence or disability of the Director and exercise such powers and authorities as the Director may prescribe. The position created by this paragraph shall be in addition to the number of positions placed in grade 18 of the General Schedule under section 5108 of title 5, United States Code.

"(3) There are hereby created three additional positions within the Institute which shall be placed in grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code; and such positions shall be in addition to the number of positions placed in that grade under section 5108 of such title.

"(d)(1) In order to carry out the objectives of the Institute, the Commissioner is authorized, through the Institute, to conduct educational research; collect and disseminate the findings of educational research; train individuals in educational research; assist and foster such research, collection, dissemination, or training through grants, or technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals; promote the coordination of such research and research support within the Federal Government; and may construct or provide (by grant or otherwise) for such facilities as he determines may be required to accomplish such purposes. As used in this subsection, the term 'educational research' includes research, planning, surveys, evaluations, investigations, experiments, developments, and demonstrations in the field of education (including career education).

"(2) The Commissioner may appoint, for terms not to exceed three years, and compensate without regard to the civil service or classification laws, such technical or professional employees of the Institute as he deems necessary to accomplish its functions and also appoint and compensate without regard to such laws not to exceed one-fifth of the number of full-time, regular technical or professional employees of the Institute.

"(e) There are hereby authorized to be appropriated, without fiscal year limitations, $550,000,000, in the aggregate, for the period beginning July 1, 1972, and ending June 30, 1975, to carry out the functions of the Institute. Sums so appropriated shall, notwithstanding any other provision of law unless enacted in express limitation of this subsection, remain available for the purposes of this subsection until expended.".

(b)(1) The amendments made by subsection (a) shall be effective after June 30, 1972.

(2)(A) Effective July 1, 1972, sections 516 and 517 of the Revised Statutes of the United States (20 U.S.C. 1, 2) are repealed.

(B) Effective July 1, 1972, section 422 of the General Education Provisions Act is amended by striking out "(as set forth in section 516 of the Revised Statutes (20 U.S.C. 1))" and inserting in lieu thereof "(as set forth in section 402(a) of this Act)".

(3)(A) Effective July 1, 1972, the functions of the Secretary of Health, Education, and Welfare administered through the Office of Education and the functions of the Commissioner of Education are transferred to the Commissioner of Education established pursuant to section 402 of the General Education Provisions Act.

(B) All orders, determinations, rules, regulations, procedures, or other decisions of the Commissioner of Education which are in effect on June 30, 1972, shall continue to be in effect and shall be deemed to be orders, determinations, rules, regulations, procedures, or other decisions of the Commissioner of Education established under section 402 of such Act until changed or modified in accordance with law. No suit, action, or other proceeding lawfully commenced by or against any office or officer of the United States acting in his official capacity shall abate by reason of any transfer made pursuant to this section, but the court, on motion or supplemental petition filed at any time within twelve months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the appropriate office or officer of the United States.

(C) All personnel, assets, liabilities, contracts, property, and records as are determined by the Commissioner to be necessary for the transitions required under this sec-

tion, are, effective July 1, 1972, transferred to the Commissioner of Education established pursuant to section 402 of such Act.

(4) Effective July 1, 1972, the Cooperative Research Act is amended by striking out sections 2 and 3.

(5) Effective July 1, 1972, section 421 of the General Education Provisions Act (as redesignated by section 301 (a) (1) of this Act) is amended by adding the following new subsection at the end thereof:

"(d) (1) The Commissioner is authorized to make grants to, or contracts with, any public or nonprofit private agency, institution, or organization or contracts with any private agency, institution, or organization for the dissemination of information, for surveys, for exemplary projects in the field of education, and for the conduct of studies related to the management of the Office of Education.

"(2) There are authorized to be appropriated for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975, $25,000,000 for the purposes of this subsection.

TITLE IV—MISCELLANEOUS

ADMINISTRATION OF PROGRAMS AND PROJECTS

SEC. 401. Section 434 of the General Education Provisions Act (title IV of Public Law 90-247) is amended by—

(1) amending the caption head thereof to read

"ADMINISTRATION OF EDUCATION PROGRAMS AND PROJECTS";

(2) striking out "(a)" after "SEC. 424." and inserting in lieu thereof "(a) (1)" and striking out "(b)" and inserting in lieu thereof "(2)";

(3) adding at the end thereof the following new subsection:

"(b) Each application for assistance under any applicable program, with respect to which the Commissioner determines that this subsection should apply, whether such application is approved by the Commissioner or by an agency administering a State plan approved by him and each State plan submitted to the Commissioner under any applicable program shall, as a precondition for approval—

"(1) provide for such methods of administration as are necessary for the proper and efficient administration of the program or project for which application is made;

"(2) set forth such policies and procedures as will insure that Federal funds made available under the application will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such funds, be available for the purposes of the program or project for which application is made, and in no case supplant such funds;

"(3) procedures have been adopted (A) for the periodic evaluation of the effectiveness of the programs to be supported under such title, and (B) for appropriate dissemination of such evaluation;

"(4) make provision for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under the application; and

"(5) provide for making such reports as the Commissioner may require to carry out his functions.".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS OF TITLE III OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958

SEC. 402. (a) The first sentence of section 301 of the National Defense Education Act of 1958 is amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "for each of the succeeding fiscal years ending prior to July 1, 1975".

(b) The second sentence of such section 301 is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1975".

STUDY AND REPORT ON RULES AND REGULATIONS

SEC. 403. (a) The Commissioner shall conduct a study of all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary of Health, Education, and Welfare (or any of their delegates) in connection with, or affecting, the administration of any program to which the General Education Provisions Act applies, which have been issued after June 30, 1965. Such study shall include a review of each such rule, regulation, guideline, interpretation, or order as it relates to the statutory or other legal authority upon which it is based, and to committee reports relating to such statutory authority.

(b) No later than 120 days after the enactment of this Act, the Commissioner shall submit a report on the study conducted pursuant to subsection (a) to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives, which report shall include the specific legal authority of each section, or other division, of each rule, regulation, guideline, interpretation, or other order to which this section applies.

(c) Not earlier than one-hundred fifty days after the date of the enactment of this Act nor later than one-hundred eighty days after such date all rules, regulations, guidelines, interpretations, or other orders to which this section applies shall be published in the Federal Register. During the thirty-day period following such publication, the Commissioner shall provide interested parties an opportunity for a public hearing on the matters so published.

(d) After a study of comments and recommendations offered to the Commissioner during the thirty-day period specified in subsection (c), he shall submit a report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives on such comments and recommendations, and any action he has taken as a result thereof, and he shall, not later than two-hundred ten days after the enactment of this Act, republish all rules, regulations, guidelines, interpretations and orders in the Federal Register, which shall supersede all preceding rules, regulations, guidelines, interpretations and orders issued in connection with, or affecting, any program to which the General Education Provisions Act applies, and become effective thirty days after such republication.

ETHNIC HERITAGE STUDIES CENTERS

SEC. 404. (a) The Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE IX—ETHNIC HERITAGE PROGRAMS

"STATEMENT OF POLICY

"SEC. 901. In recognition of the heterogeneous composition of the Nation and of the fact that in a multiethnic society a greater understanding of the contributions of one's own heritage and those of one's fellow citizens can contribute to a more harmonious, patriotic, and committed populace, and in recognition of the principle that all persons in the educational institutions of the Nation should have an opportunity to learn about the differing and unique contributions to the national heritage made by each ethnic group, it is the purpose of this title to provide assistance designed to afford to students opportunities to learn about the nature of their own cultural heritage, and to study the contributions of the cultural heritages of the ethnic groups of the Nation.

"ETHNIC HERITAGE STUDIES CENTERS

"SEC. 902. The Commissioner is authorized to make grants to, and contracts with, public and private nonprofit educational agencies, institutions, and organizations to assist them in planning, developing, establishing, and operating ethnic heritage studies centers, as provided in this title.

"ACTIVITIES OF ETHNIC HERITAGE STUDIES CENTERS

"SEC. 903. Each center assisted under this title shall—

"(1) develop curriculum materials for use in elementary and secondary schools and institutions of higher education relating to the history, geography, society, economy, literature, art, music, drama, language, and general culture of the groups with which the center is concerned, and the contributions of those ethnic groups to the American heritage;

"(2) disseminate curriculum materials to permit their use in elementary and secondary schools and institutions of higher education throughout the Nation;

"(3) provide training for persons using, or preparing to use, curriculum materials developed under this title; and

"(4) cooperate with persons and organizations in the communities being served by the center to assist them in promoting, encouraging, developing, or producing programs or other activities in such communities which relate to the history, culture, or traditions of ethnic groups.

"APPLICATIONS

"SEC. 904. (a) Any public or private nonprofit agency, institution, or organization desiring assistance to establish and operate a center under this title shall make application therefor in accordance with the provisions of this title and other applicable law and with regulations of the Commissioner promulgated for the purposes of this title. The Commissioner shall approve an application under this title only if he determines that—

"(1) the center for which the application seeks assistance will be operated by the applicant and that the applicant will operate such center in accordance with this title;

"(2) such center will be operated under the direction of a Director who will be selected by the Commissioner, in consultation with, and with the approval of, the applicant;

"(3) such center will carry out the activities described in section 903 and will offer programs and courses of study related to all ethnic groups represented in the area to be served; and

"(4) such center has been planned, and will be established and operated, in consultation with an advisory council which is representative of the ethnic groups in the area to be served and of the cultural and educational resources of such area and which is appointed in a manner prescribed by regulation.

"(b) In approving applications under this title, the Commissioner shall insure there is cooperation and coordination of efforts among the Ethnic Heritage Studies Centers assisted under this title, including the exchange of materials and information and joint projects where appropriate.

"ADMINISTRATIVE PROVISIONS

SEC. 905. (a) In carrying out this title, the Commissioner shall make arrangements which will utilize (1) the research facilities and personnel of institutions of higher education, (2) the special knowledge of ethnic groups in local communities and of foreign students pursuing their education in this country, (3) the expertise of teachers in elementary and secondary schools and institutions of higher education, and (4) the talents and experience of any other group in the regional area to be served by centers assisted under this title such as foundations, civic groups, and fraternal organizations which would further the goals of the centers.

"(b) Funds appropriated to carry out this title may be used to cover all or part of the cost of establishing, equipping, and operating

the centers, including the cost of research materials and resources, academic consultants, and the cost of training of staff for the purpose of carrying out the purposes of this title. Such funds may also be used to provide stipends (in such amounts as may be determined in accordance with regulations of the Commissioner) to individuals receiving training in such centers, including allowances for dependents.

"NATIONAL ADVISORY COUNCIL

"SEC. 906. (a) There is hereby established a National Advisory Council on Ethnic Heritage Studies consisting of fifteen members appointed by the Secretary who shall be appointed, serve, and be compensated as provided in part D of the General Education Provisions Act.

"(b) Such Council shall, with respect to the program authorized by this title, carry out the duties and functions specified in part D of the General Education Provisions Act.

"APPROPRIATIONS AUTHORIZED

"SEC. 907. For the purpose of carrying out this title, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1972, and $20,000,000 for the fiscal year ending June 30, 1973. Sums appropriated pursuant to this section shall, notwithstanding any other provision of law unless enacted in express limitation of this sentence, remain available for expenditure and obligation until the end of the fiscal year succeeding the fiscal year for which they were appropriated.".

(b) The amendment made by subsection (a) shall be effective after June 30, 1971.

CONSUMERS' EDUCATION

SEC. 405. (a)(1) The Congress of the United States finds that there do not exist adequate resources for educating and informing consumers about their role as participants in the marketplace.

(2) It is the purpose of the amendment made by this section to encourage and support the development of new improved curricula to prepare consumers for participation in the marketplace to demonstrate the use of such curricula in model educational programs and to evaluate the effectiveness thereof; to provide support for the initiation and maintenance of programs in consumer education at the elementary and secondary and higher education levels; to disseminate curricular materials and other information for use in educational programs throughout the Nation; to provide training programs for teachers, other educational personnel, public service personnel, and community and labor leaders and employees, and government employees at State, Federal, and local levels; to provide for community consumer education programs; and to provide for the preparation and distribution of materials by mass media in dealing with consumer education.

(3) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new section:

"CONSUMERS' EDUCATION PROGRAMS

"SEC. 811. (a) There shall be within the Office of Education, a Director of Consumers' Education (hereafter in this section referred to as the 'Director') who, subject to the management of the Commissioner, shall have primary responsibility for carrying out the provisions of this section and who shall be placed in grade 17 of the General Schedule set forth in section 5332 of title 5, United States Code. The position created by this subsection shall be in addition to the number of positions placed in such grade 17 under section 5108 of title 5, United States Code.

"(b)(1)(A) The Director shall carry a program of making grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private agencies, organizations, and institutions (including libraries) to support research, demonstration, and pilot projects designed to provide consumer education to the public except that no grant may be made other than to a nonprofit agency, organization, or institution.

"(B) Funds appropriated for grants and contracts under this section shall be available for such activities as—

"(i) the development of curricula (including interdisciplinary curricula) in consumer education;

"(ii) dissemination of information relating to such curricula;

"(iii) in the case of grants to State and local educational agencies and institutions of higher education, for the support of education programs at the elementary and secondary and higher education levels; and

"(iv) preservice and inservice training programs and projects (including fellowship programs, institutes, workshops, symposiums, and seminars) for educational personnel to prepare them to teach in subject matter areas associated with consumer education.

In addition to the activities specified in the first sentence of this paragraph, such funds may be used for projects designed to demonstrate, test, and evaluate the effectiveness of any such activities, whether or not assisted under this section. Activities pursuant to this section shall provide bilingual assistance when appropriate.

"(C) Financial assistance under this subsection may be made available only upon application to the Director. Applications under this subsection shall be submitted at such time, in such form, and containing such information as the Director shall prescribe by regulation and shall be approved only if it—

"(i) provides that the activities and service for which assistance is sought will be administered by, or under the supervision of, the applicant;

"(ii) describes a program for carrying out one or more of the purposes set forth in the first sentence of paragraph (2) which holds promise of making a substantial contribution toward attaining the purposes of this section;

"(iii) set forth such policies and procedures as will insure adequate evaluation of the activities intended to be carried out under the application;

"(iv) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in this section, and in no case supplant such funds.

"(v) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(vi) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records, and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

Applications from local educational agencies for financial assistance under this section may be approved by the Director only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

"(2) Federal assistance to any program or project under this subsection, other than those involving curriculum development, dissemination of curricular materials, and evaluation, shall support up to 100 per centum of the cost of such program including costs of administration; contributions in kind are acceptable as local contributions to program costs.

"(c) Each recipient of Federal funds under this section shall make such reports and evaluations as the Commissioner shall prescribe by regulation.

"(d) There is authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $35,000,000 for the year ending June 30, 1975, for carrying out the purposes of this section.".

(b) The amendment made by this section shall be effective after June 30, 1972.

LAND-GRANT STATUS FOR THE COLLEGE OF THE VIRGIN ISLANDS AND THE UNIVERSITY OF GUAM

SEC. 406. (a) The College of the Virgin Islands and the University of Guam shall be considered land-grant colleges established for the benefit of agriculture and mechanic arts in accordance with the provisions of the Act of July 2, 1862, as amended (12 Stat. 503; 7 U.S.C. 301–305, 307, 308).

(b)(1) In lieu of extending to the Virgin Islands and Guam those provisions of the Act of July 2, 1862, as amended, relating to donations of public land or land script for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, there is authorized to be appropriated to the Virgin Islands and Guam an amount computed in accordance with paragraph (2). Amounts appropriated pursuant to this section shall be held and considered to have been granted to the Virgin Islands and Guam subject to the provisions of that Act applicable to the proceeds from the sale of land or land script.

(2)(A) The amounts authorized to be appropriated pursuant to paragraph (1) shall be computed in the following manner:

(i) In the case of the Virgin Islands, the amount so authorized shall be an amount which bears the same ratio to the population of the Virgin Islands at the beginning of the first calendar year which begins after the enactment of this section as $6,000,000 bore to the population of the State of Hawaii as determined by the census of 1950.

(ii) In the case of Guam, the amount so authorized shall be an amount which bears the same ratio to the population of Guam at the beginning of the first calendar year which begins after the enactment of this section as $6,000,000 bore to the population of the State of Hawaii as determined by the census of 1950.

(B) The population of the Virgin Islands and Guam at the beginning of the first calendar year which begins after the enactment of this section shall be estimated by the Commissioner on the basis of the most recent satisfactory data available to him. Estimates of such populations shall be published in the Federal Register as soon as practicable after the beginning of the first calendar year which begins after the enactment of this section.

(c) The Act of August 30, 1890 (26 Stat. 417; 7 U.S.C. 322–326) is amended—

(1) by striking out "and Territory" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, and Guam";

(3) by striking out "or Territory" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, or Guam";

(4) by striking out "or Territories" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, or Guam"; and

(5) by striking our "or Territorial" where it appears.

(d) Section 22 of the Act of June 29, 1935, as amended (49 Stat. 439; 7 U.S.C. 329), is further amended—

(1) by striking out "and Puerto Rico" wherever it appears and inserting in lieu

thereof the following: ", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking out "$7,800,000" and inserting in lieu thereof the figure "$8,100,000"; and

(3) by striking out "$4,320,000" and inserting in lieu thereof the figure "$4,360,000".

(e) The Act of March 4, 1940 (54 Stat. 39; 7 U.S.C. 331) is amended—

(1) by striking out "and Territories" wherever it appears and inserting in lieu thereof the following:

", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking out "or Territories" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, or Guam"; and

(3) by striking out "State" wherever it appears in the third proviso of that Act and inserting in lieu thereof the following: "State, Puerto Rico, the Virgin Islands, or Guam".

(f) Section 207 of the Agricultural Marketing Act of 1946 (60 Stat. 1091; 7 U.S.C. 1626), is amended by striking out the period at the end of the section and inserting in lieu thereof the following: ", and the term 'State' when used in this chapter shall include the Virgin Islands and Guam.".

(g) Section 3 of the Act of May 8, 1914, as amended (38 Stat. 373; 7 U.S.C. 343), is further amended by redesignating subsection (b) as paragraph (1) of subsection (b), and adding a new paragraph (2) to subsection (b) to read as follows:

"(2) There is authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, for payment to the Virgin Islands and Guam, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal year ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.".

(h) Section 10 of the Act of May 8, 1914, is amended by striking out "and Puerto Rico" and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, and Guam".

(i) Section 4 of the Act of October 10, 1962 (76 Stat. 806; 16 U.S.C. 582a–3), is amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof the following: ", except that for the fiscal years ending June 30, 1971, and June 30, 1972, the matching funds requirement hereof shall not be applicable to the Virgin Islands and Guam, and sums authorized for such years for the Virgin Islands and Guam may be used to pay the total cost of programs for forestry research.".

(j) Section 8 of the Act of October 10, 1962 (76 Stat. 807; 16 U.S.C. 582a–7), is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", the Virgina Islands, and Guam.".

(k) Section 1 of the Act of August 11, 1955 (7 U.S.C. 361a–361l), is amended by striking out the period at the end of the second sentence and inserting in lieu thereof the following: "Guam and the Virgin Islands," and striking out "and" between the words "Hawaii and Puerto Rico.".

(l) Section 3 of the Act of August 11, 1955 (7 U.S.C. 361a–361l) is amended by redesignating subsection (b) as paragraph (1) of subsection (b), and adding a new paragraph (2) to subsection (b) to read as follows:

"(2) There is authorized to be appropriated for the fiscal year ending June 30, 1973, and for each fiscal year thereafter, for payment to the Virgin Island and Guam, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Island and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.".

(m) With respect to the Virgin Islands and Guam, the enactment of this section shall be deemed to satisfy any requirement of State consent contained in laws or provisions of law referred to in this section.

(n) The amendments made by this section shall be effective after June 30, 1970, and this section shall be deemed to have been enacted on such date.

AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 WITH RESPECT TO MIGRATORY CHILDREN OF MIGRATORY AGRICULTURAL WORKERS

SEC. 407. (a) Section 103(a)(6) of title I of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new sentence: "The Commissioner shall be regulation establish criteria for the allocation of funds within each State for which a State educational agency is eligible under this paragraph, after considering the areas of the State and local educational agencies of the State which have the highest concentrations of such children."

(b) Section 141(c)(1) of such title I is amended by striking out the word "and" at the end of clause (B) of such section, by redesignating clause (C) of such section as clause (D), and by inserting immediately after clause (B) the following new clause (C):

"(C) that, effective after June 30, 1971, in planning and carrying out programs and projects, there has been adequate assurance that provision will be made for the preschool educational needs of migratory children of migratory agricultural workers, whenever such agency determines that compliance with this clause will not detract from the operation of programs and projects described in clause (A) of this paragraph after considering the funds available for this purpose; and".

(c) Section 141(3)(C) of such title I is amended by adding at the end thereof the following new sentence: "Such children who are presently migrant, as determined pursuant to regulations of the Commissioner, shall be given priority in the consideration of programs and activities contained in applications submitted under this section."

(d)(1) The Commissioner shall conduct a study of the operation of title I of the Elementary and Secondary Education Act of 1965 as such title effects the education of migratory children of migratory agricultural workers. Such study shall include an evaluation of the specific programs and projects assisted under such title I for such children, with a view toward the assessment of their effectiveness, and shall include a review of the administration of such programs and projects by the States.

(2) Not later than December 31, 1972, the Commissioner shall submit a report on the study required by paragraph (1), which report shall contain a statement with respect to the effectiveness of individual programs and projects assisted under such title I with respect to migrant children, an evaluation of State administration of such programs and projects, and make recommendations for the improvement of such programs and projects.

TECHNICAL AMENDMENT WITH RESPECT TO NEGLECTED OR DELINQUENT CHILDREN

SEC. 408. Section 103(a)(7) of title I of the Elementary and Secondary Education Act of 1965, is amended by striking out "for children in institutions for neglected or delinquent children" and inserting in lieu thereof the following: "for children in institutions for neglected or delinquent children or in adult correctional institutions, if such funds are used solely for delinquent children".

NUMBER OF MEMBERS OF THE NATIONAL COMMISSION ON SCHOOL FINANCE

SEC. 409. Section 809(d) of Public Law 91–230 is amended by striking out "fifteen members" and inserting in lieu thereof "eighteen members".

TITLE V—YOUTH CAMP SAFETY

SHORT TITLE

SEC. 501. This title shall be cited as the "Youth Camp Safety Act".

STATEMENT OF PURPOSE

SEC. 502. It is the purpose of this title to protect and safeguard the health and well-being of the youth of the Nation attending day camps, resident camps, and travel camps, by providing for the establishment of Federal standards for safe operation of youth camps, and to provide Federal assistance and leadership to the States in developing programs for implementing safety standards for youth camps, thereby providing assurance to parents and interested citizens that youth camps meet minimum safety standards.

DEFINITIONS

SEC. 503. As used in this title—

(a) The term "youth camp" means:

(1) any parcel or parcels of land having the general characteristics and features of a camp as the term is generally understood, used wholly or in part for recreational or educational purposes and accommodating for profit or under philanthropic or charitable auspices five or more children under eighteen years of age, living apart from their relatives, parents, or legal guardians for a period of, or portions of, five days or more, and includes a site that is operated as a day camp or as a resident camp; and

(2) any travel camp which for profit or under philanthropic or charitable auspices, sponsors or conducts group tours within the United States, or foreign group tours originating or terminating within the United States, for educational or recreational purposes, accommodating within the group five or more children under eighteen years of age living apart from their relatives, parents, or legal guardians for a period of five days or more.

(b) The term "person" means any individual, partnership, corporation, association, or other form of business enterprises.

(c) The term "safety standards" means criteria directed toward safe operation of youth camps, in such areas as—but not limited to—personnel qualifications for director and staff; ratio of staff to campers; sanitation and public health; personal health, first aid, and medical services; food handling, mass feeding, and cleanliness; water supply and waste disposal; water safety including use of lakes and rivers, swimming and boating equipment and practices; vehicle condition and operation; building and site design; equipment; and condition and density of use.

(d) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(e) The term "State" includes each of the several States and the District of Columbia.

GRANTS TO STATES FOR YOUTH CAMP SAFETY STANDARDS

SEC. 504. From sums appropriated pursuant to section 610 of this Act, but not to

exceed $2,500,000 of such appropriation for any fiscal year, the Secretary is authorized to make grants to States which have State plans approved by him under section 606 to pay up to 50 per centum of the cost of developing and administering State programs for youth camp safety standards.

DEVELOPING FEDERAL STANDARDS

SEC. 505. In developing Federal standards for youth camps, the Secretary shall—

(a) undertake a study of existing State and local regulations and standards, and standards developed by private organizations, applicable to youth camp safety, including the enforcement of such State, local, and private regulations and standards;

(b) establish and publish youth camp safety standards within one year after enactment of the title, after consultation with State officials and with representatives of appropriate private and public organizations after opportunity for hearings and notification published in the Federal Register; and

(c) authorize and encourage camps certified by the States as complying with the published Federal youth camp standards to advertise their compliance with minimum safety standards.

STATE PLANS

SEC. 506. (a) Any State desiring to participate in the grant program under this title shall designate or create an appropriate State agency for the purpose of this section, and submit, through such State agency, a State plan which shall—

(1) set forth a program for State supervised annual inspection of, and certification of compliance with, minimum safety standards developed under the provisions of sections 605 and 609(a) of this title, at youth camps located in such State;

(2) provide assurances that the State will accept and apply such minimum youth camp safety standards as the Secretary shall by regulations prescribe;

(3) provide for the administration of such plan by such State agency;

(4) provide for an advisory committee, to advise the State agency on the general policy involved in inspection and certification procedures under the State plan, which committee shall include among its members representatives of other State agencies concerned with camping or programs related thereto and persons representative of professional or civic or other public or nonprofit private agencies, organizations, or groups concerned with organized camping;

(5) provide that such State agency will make such reports in such form and containing such information as the Secretary may reasonably require;

(6) provide assurance that the State will pay from non-Federal sources the remaining cost of such program; and

(7) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this title.

(b) Any State desiring to enable youth camps in the State to advertise compliance with Federal youth camp standards, but which does not wish to participate in the grant programs under this title, shall designate or create an appropriate State agency for the purpose of this section, and submit, through such State agency a State plan which shall accomplish the steps specified in (a) (1) through (3) of this section, and submit, through the State agency a State plan which shall accomplish the steps specified in (a) (1) through (3) of this section, and which provides for availability of information so that the Secretary may be assured of compliance with standards.

(c) The Secretary shall not finally disapprove any State plan under this title or any modification thereof, without first affording such State agency reasonable notice and opportunity for a hearing.

DETERMINATION OF FEDERAL SHARE: PAYMENTS

SEC. 507. (a) The Secretary shall determine the amount of the Federal share of the cost of programs approved by him under section 606 based upon the funds appropriated therefor pursuant to section 610 for that fiscal year and upon the number of participating States; except that no State may receive a grant under this title for any fiscal year in excess of $50,000.

(b) Payments to a State under this title may be made in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments.

OPERATION OF STATE PLANS; HEARINGS AND JUDICIAL REVIEW

SEC. 508. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering a State plan approved under this title, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of section 606, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Secretary shall notify such State agency that no further payments will be made to the State under this title (or in his discretion, that further payments to the State will be limited to programs or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments may be made to such State under this title (or payment shall be limited to programs or portions of the State plan not affected by such failure).

(b) A State agency dissatisfied with a final action of the Secretary under section 606 or subsection (a) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but, until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary 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, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

ADVISORY COUNCIL ON YOUTH CAMP SAFETY

SEC. 509. (a) The Secretary shall establish in the Department of Health, Education, and Welfare an Advisory Council on Youth Camp Safety to advise and consult on policy matters relating to youth camp safety, particularly the promulgation of youth camp safety standards. The Council shall consist of the Secretary, who shall be Chairman, and eighteen members appointed by him, without regard to the civil service laws, from persons who are specially qualified by experience and competence to render such service. Prior to making such appointments, the Secretary shall consult with appropriate associations representing organized camping.

(b) The Secretary may appoint such special advisory and technical experts and consultants as may be necessary in carrying out the functions of the Council.

(c) Members of the Advisory Council, while serving on business of the Advisory Council, shall receive compensation at a rate to be fixed by the Secretary, but not exceeding $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, for persons in the Government service employed intermittently.

ADMINISTRATION

SEC. 510. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress at least once in each fiscal year a comprehensive and detailed report on the administration of this title.

(b) The Secretary is authorized to request directly from any department or agency of the Federal Government information, suggestions, estimates, and statistics needed to carry out his functions under this title; and such department or agency is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary.

(c) Nothing in this title or regulations issued hereunder shall authorize the Secretary, a State agency, or any official acting under this law to restrict, determine, or influence the curriculum, program, or ministry of any youth camp.

AUTHORIZATION

SEC. 511. There are authorized to be appropriated to carry out the provisions of this Act the sum of $3,000,000 for the fiscal year ending June 30, 1972, and for each of the five succeeding fiscal years.

The title was amended so as to read: "A bill to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, Eighty-first Congress, and related Acts, and for other purposes.".

Mr. PELL. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I should like to express my very deep gratitude to all the members of our committee, because this was a bill in which partisanship did not play a role. It is a bill to which every member of the committee contributed. The staffs worked together as a team, both on the majority and the minority sides.

I thank my colleagues on the committee and the staffs of both parties for their help.

In my opening statement on S. 659, I stated that this was a bill for which no one person could take individual credit. However, I would like to thank certain members of the Committee on Labor and Public Welfare, for without their assistance, S. 659 in its present form could never have been before us today; and here I am thinking of Senator WILLIAMS, chairman of the full committee, Senator JAVITS, ranking minority member of the full committee, and Senator PROUTY, ranking minority member of the subcommittee. I would like to thank the staff of the minority, especially Roy Millenson and Stephen Hand, for their cooperation and hard work. I should also like to thank Blair Crownover of the Office of Legislative Counsel, whose assistance is often taken for granted, and express my appreciation to Richard Hastings and Mrs. Jean Frohlicher of the Office of Education, who provided the committee with technical assistance. And I particularly thank the staff of the majority, Stephen J. Wexler and Richard D. Smith, and their secretaries, Mrs. Anne Price and Miss Arabella Craddock, who were and are of inestimable help to me.

Mr. JAVITS. Mr. President, I thank the Senator.

I think it is appropriate to say that Senator PELL, as chairman of the subcommittee, has for months shown the most gifted and dedicated leadership in respect of this monumental and historic bill, and that has been a collaborative effort between us. He is on his feet, and I know just what he will say. But not for one moment should we derogate from the high order of skill and especially the dedication and perseverance and the real feeling for this monumental advance in respect of Federal aid to higher education which was represented by his work.

Mr. PELL. I thank the Senator very much; but I should add that if it were not for his words of art and contributions to the legislative process in bringing together the different views, this bill would not have emerged as it did.

Mr. WILLIAMS. Mr. President, earlier in the debate I indicated, as chairman of the full committee, the appreciation I feel for the work of the Senator from Rhode Island (Mr. PELL) and the ranking minority member of the committee, the Senator from New York (Mr. JAVITS).

Now we have the proper focus on higher education in one bill. This is the first time all parts of our efforts in higher education have been brought within one piece of legislation.

Some concern has been expressed by the chairman of the subcommittee handling it and the Appropriations Committee that it is a great amount of money. Yes, it is. A great amount of money could not be spent in a more worthy fashion than for the education of the people of this country.

AUTHORIZATION FOR PROGRAMS UNDER THE ECONOMIC OPPORTUNITY ACT OF 1964

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 328, S. 2007. I do this so that the bill will become the pending business, for consideration following the recess.

The PRESIDING OFFICER. The bill will be read by title.

The second assistant legislative clerk read as follows:

A bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Economic Opportunity Amendments of 1971".

EXTENSION OF ECONOMIC OPPORTUNITY ACT

SEC. 2. Sections 171, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964, as amended, are each amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "seven succeeding fiscal years".

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a)(1) For the purpose of carrying out parts A, B, and E of title I (relating to work and training) of the Economic Opportunity Act of 1964, there are authorized to be appropriated $900,000,000 for the fiscal year ending June 30, 1972, and such amounts as the Congress may determine to be necessary for the fiscal year ending June 30, 1973.

(2) For the purpose of carrying out Neighborhood Youth Corps programs under paragraphs (1) and (2) of section 123(a) of such Act, there is further authorized to be appropriated $500,000,000 for the fiscal year ending June 30, 1972. No State shall receive less than $3,000,000 of the amounts appropriated pursuant to this paragraph or six-tenths of 1 per centum of the amounts so appropriated, whichever is less.

(b) For the purpose of carrying out the Project Headstart program described in section 222(a)(1) of the Economic Opportunity Act of 1964 and the Follow Through program described in section 222(a)(2) of such Act, there is authorized to be appropriated $500,000,000 for the fiscal year ending June 30, 1972.

(c)(1) For the purpose of carrying out titles II, III, VI, VII, VIII, and IX of the Economic Opportunity Act of 1964, there are authorized to be appropriated $950,000,000 each for the fiscal year ending June 30, 1972, and for the succeeding year.

(2) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to paragraph (1) of this subsection for each fiscal year, the Director of the Office of Economic Opportunity shall for each such fiscal year reserve and make available not less than $328,900,000 for programs under sections 221, 226, and 227 of the Economic Opportunity Act of 1964 and not less than $61,000,000 for Legal Services programs under section 222(a)(3) and title IX of such Act, and the remainder of such amounts shall be allocated and made available, subject to the provisions of section 616 of such Act, in such a manner that for each such fiscal year—

(A) $363,900,000 shall be for the purpose of carrying out title II of which $114,000,000 shall be for the purpose of carrying out the Comprehensive Health Services program described in section 222(a)(4), $62,500,000 shall be for the purpose of carrying out the Emergency Food and Medical Services program described in section 222(a)(5), $25,000,000 shall be for the purpose of carrying out the Family Planning program described in section 222(a)(6), $8,800,000 shall be for the purpose of carrying out the Senior Opportunities and Services program described in section 222(a)(7), $18,000,000 shall be for the purpose of carrying out the Alcoholic Counseling and Recovery program described in section 222(a)(8), $18,000,000 shall be for the purpose of carrying out the Drug Rehabilitation program described in section 222(a)(9), and $117,600,000 shall be for the purpose of carrying out programs and activities authorized under sections 230, 231, 232, and 233 of such title;

(B) $38,000,000 shall be for the purpose of carrying out part B of title III (relating to assistance for migrant and seasonal farmworkers);

(C) $18,000,000 shall be for the purpose of carrying out title VI (relating to administration and coordination);

(D) $58,000,000 shall be for the purpose of carrying out title VII (relating to community economic development); and

(E) $45,000,000 shall be for the purpose of carrying out part A of title VIII (relating to VISTA).

If the amounts appropriated pursuant to paragraph (1) of this subsection for any fiscal year are not sufficient to assure that the full amount specified for each of the purposes set forth in clauses (A) through (E) of this paragraph will be provided for each such fiscal year, then the amount specified for each such purpose in each such clause (after deducting from any amount so specified any amount otherwise specifically provided for such purpose by an appropriation act for that fiscal year) shall be prorated to determine the allocation required for each such purpose.

(3) In addition to the amounts authorized to be appropriated and allocated pursuant to paragraphs (1) and (2) of this subsection, there are further authorized to be appropriated for carrying out such Act the following sums:

(1) $2,000,000 for the fiscal year ending June 30, 1972, and $62,000,000 for the fiscal year ending June 30, 1973, to be used for the Community Economic Development program under title VII;

(2) $79,000,000 for the fiscal year ending June 30, 1972, and $109,000,000 for the fiscal year ending June 30, 1973, to be used for the Legal Services program under title IX.

TRANSFER OF FUNDS

SEC. 4. (a) Section 616 of the Economic Opportunity Act of 1964 is amended by inserting after "July 1, 1970," the following: "and not to exceed 20 per centum for fiscal years beginning after July 1, 1970, and ending prior to June 30, 1972," and by striking out "15 per centum" and inserting in lieu thereof "25 per centum".

(b) Section 616 of such Act is amended by striking out the semicolon therein and all matter thereafter through "$10,000,000", the second time it appears in such section.

COMMUNITY ACTION BOARDS

SEC. 5. The last sentence of section 211(b) of the Economic Opportunity Act of 1964 is amended by striking out "three" and inserting in lieu thereof "six" and by striking out "six" and inserting in lieu thereof "twelve".

CHILD DEVELOPMENT

SEC. 6. (a) Title V of the Economic Opportunity Act of 1964 is amended to read as follows:

"TITLE V—CHILD DEVELOPMENT PROGRAMS

"STATEMENT OF FINDINGS AND PURPOSE

"SEC. 501. (a) The Congress finds that—

"(1) millions of children in the Nation are suffering unnecessary harm from the lack of

adequate child development services, particularly during early childhood years;

"(2) comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of the Nation's children and should be available as a matter of right to all children regardless of economic, social, and family backgrounds;

"(3) children with special needs must receive full and special consideration in planning any child development programs and, pending the availability of such programs for all children, priority must be given to preschool children with the greatest economic and social need;

"(4) while no mother may be forced to work outside the home as a condition for using child development programs, such programs are essential to allow many parents to undertake or continue full- or part-time employment, training, or education;

"(5) comprehensive child development programs not only provide a means of delivering a full range of essential services to children, but can also furnish meaningful employment opportunities for many individuals, including older persons, parents, young persons, and volunteers from the community; and

"(6) it is essential that the planning and operation of such programs be undertaken as a partnership of parents, community, and State and local government with appropriate assistance from the Federal Government.

"(b) It is the purpose of this title to provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs, and services designed to assure the sound and coordinated development of these programs, to recognize and build upon the experience and success gained through the Headstart program and similar efforts, to furnish child development services for those children who need them most, with special emphasis on preschool programs for economically disadvantaged children, and for children of working mothers and single parent families, to provide that decisions on the nature and funding of such programs be made at the community level with the direct participation of parents of the children and other individuals and organizations in the community interested in child development served in the development, conduct, and overall direction of programs at the community level, and to establish the legislative framework for the future expansion of such programs to universally available child development services.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 502. (a) For the purpose of carrying out this title, there is authorized to be appropriated $2,000,000,000 for the fiscal year ending June 30, 1973. Any amounts appropriated for such fiscal year which are not obligated at the end of such fiscal year may be obligated in the succeeding fiscal year.

"(b) For the purpose of providing training, technical assistance, planning, and such other activities as the Secretary deems necessary and appropriate to prepare for the implementation of this title, there is authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1972.

"ALLOCATION OF FUNDS

"SEC. 503. (a) The amounts appropriated for carrying out this title for any fiscal year after June 30, 1972, shall be made available in the following manner:

"(1) $500,000,000 shall be used for the purpose of providing assistance under parts A, B, and D of this title for child development programs focused upon young children from low-income families, giving priority to continued financial assistance for Headstart projects;

"(2) not to exceed 10 per centum of the remaining amounts so appropriated shall be used for the purpose of carrying out parts B, C, D, and E of this title, as the Secretary deems appropriate; and

"(3) the remainder of such amounts shall be used for the purpose of carrying out part A of this title.

"(b)(1) From the amounts available for carrying out comprehensive child development programs under part A of this title, the Secretary shall reserve the following:

"(A) not less than that proportion of the total amount available for carrying out such part A as is equivalent to that proportion which the total number of children of migrant agricultural workers bears to be total number of economically disadvatnaged children in the United States, which shall be apportioned among programs serving children of migrant agricultural workers on an equitable basis, and to the extent practicable in proportion to the relative numbers of children served in each such program;

"(B) not less than that proportion of the total amount available for carrying out such part A as is equivalent to that proportion which the total number of children on Federal and State Indian reservations bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among programs serving children on Federal and State Indian reservatiens on an equitable basis, and to the extent practicable in proportion to the relative numbers of children residing on each such reservation;

"(C) not less than 10 per centum of the total amount available for carrying out this title, which shall be made available for the purposes of section 512 (2)(I) of such part (relating to special activities for handicapped children);

"(D) not to exceed 5 per centum of the total amount available for carrying out such part A, which shall be made available under section 513(f)(3) of such part (relating to model programs).

"(2) The remainder of the amount available for carrying out part A of this title shall be allocated by the Secretary on an equitable basis, and to the extent practicable such funds shall be apportioned in such a manner that—

"(A) 50 per centum of such remainder shall be apportioned among the States and localities within each State in proportion to the relative numbers of economically disadvantaged childrne in each such State and locality, respectively;

"(B) 25 per centum of such remainder shall be apportioned among the States and localities within each State in proportion to the relative numbers of children who have not attained six years of age in each such State and locality, respectively;

"(C) 25 per centum of such remainder shall be apportioned among the States and localities within each State in proportion to the relative numbers of children of working mothers and single parents in each such State and locality, respectively.

For the purposes of clauses (A), (B), (C) of this paragraph, there shall be excluded those children who are counted under clauses (A) and (B) of subsection (b)(1) of this section.

"(3) In determining the numbers of children for purposes of allocating and apportioning funds under this section, the Secretary shall use the most recent satisfactory data available to him.

"(c) Not to exceed 5 per centum of the total funds apportioned for use within a State pursuant to subsection (b)(2) may be made available for grants to the State to carry out the provisions of section 517 of this title.

"(d) As soon as practicable after funds are appropriated to carry out this title for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by this section.

"PART A—COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS

"FINANCIAL ASSISTANCE

"SEC. 511. The Secretary of Health, Education, and Welfare shall provide financial assistance for carrying out child development programs under this part to prime sponsors and to other public and private nonprofit agencies and organizations pursuant to plans and applications approved in accordance with the provisions of this part.

"USES OF FUNDS

"SEC. 612. Funds available for this part may be used (in accordance with approved applications) for the following services and activities:

"(1) planning and developing child development programs, including the operation of pilot programs to test the effectiveness of new concepts, programs, and delivery systems;

"(2) establishing, maintaining, and operating child development programs, which may include—

"(A) comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential;

"(B) food and nutritional services (including family consultation);

"(C) rental, remodeling, renovation, alteration, construction, or acquisition of facilities, including mobile facilities, and the acquistion of necessary equipment and supplies;

"(D) programs designed (i) to meet the special needs of minority group, Indian, and migrant children with particular emphasis on the needs of children from bilingual families for the development of skills in English and another language spoken in the home, and (ii) to meet the needs of all children to understand the history and cultural backgrounds of minority groups which belong to their communities and the role of members of such minority groups in the history and cultural development of the Nation and of the region in which they reside;

"(E) a program of daily activities designed to develop fully each child's potential;

"(F) other specially designed health, social, and educational programs (including after school, summer, weekend, vacation, and overnight programs);

"(G) medical, dental, psychological, educational, and other appropriate diagnosis, identification, and treatment of visual, hearing, speech, nutritional, and other physical, mental, and emotional barriers to full participation in child development programs, including programs for preschool and other children who are emotionally disturbed;

"(H) prenatal and other medical services to expectant mothers who cannot afford such services, designed to help reduce malnutrition, infant and maternal mortality, and the incidence of mental retardation and other handicapping conditions, and postpartum and other medical services (including family planning information) to such recent mothers;

"(I) incorporation within child development programs of special activities designed to identify and ameliorate identified physical, mental, and emotional handicaps and special learning disabilities and, where necessary because of the severity of such handicaps, establishing, maintaning, and operating separate child development programs designed primarily to meet the needs of handicapped children, including emotionally disturbed children;

"(J) preservice and inservice education and other training for professional and paraprofessional personnel;

"(K) dissemination of information in the functional language of those to be served to

assure that parents are well informed of child development programs available to them and may participate in such programs;

"(L) services, including in-home services, and training in the fundamentals of child development, for parents, older family members functioning in the capacity of parents, youth, and prospective parents;

"(M) use of child advocates, consistent with the provisions of this title, to assist children and parents in securing full access to other services, programs, or activities intended for the benefit of children;

"(N) programs designed to extend comprehensive prekindergarten early childhood education techniques and gains (particularly parent participation) into kindergarten and early primary grades (one through three), in cooperation with local educational agencies, including the use of former assistant Headstart teachers or similar early childhood education teachers as instructional aides (in addition to those employed by the schools involved) working closely with classroom teachers in the kindergarten and such early primary grades in which are enrolled children they taught in Headstart or other early childhood education programs, providing for full participation of parents of the children involved in program planning, implementation, and decisionmaking and for career development opportunities and advancement through continuing education and training for the instructional aides involved (including teaching salaries, educational stipends for tuition, books, and tutoring, career counseling, arrangements for academic credit for independent study, fieldwork based on their teaching assignments, and preservice and inservice training) and for the classroom teachers and principals involved; and

"(O) such other services and activities as the Secretary deems appropriate in furtherance of the purposes of this part; and

"(3) staff and other administrative expenses of child development councils established and operated in accordance with this part.

"PRIME SPONSORS OF CHILD DEVELOPMENT PROGRAMS

"SEC. 513.(a) In accordance with the provisions of this section, a State, locality, combination of localities, Indian tribe on a Federal or State reservation, or public or private of this part may be designated by the Secretary as a prime sponsor for the purpose of entering into arrangements to carry out child development programs under this part, upon the approval by the Secretary of a prime sponsorship plan which includes provisions—

"(1) describing the prime sponsorships area to be served;

"(2) setting forth satisfactory provisions for establishing and maintaining a Child Development Council which meets the requirements of section 514;

"(3) providing that the Child Development Council shall be responsible for developing and preparing a comprehensive child development plan for each fiscal year and any modifications thereof;

"(4) setting forth arrangements under which the Child Development Council will be responsible for planning, su ervising, coordinating, monitoring, and evaluating child development programs in the prime sponsorship area;

"(5) providing adequate assurances that staff and other administrative expenses for the Child Development Council under paragraph (3) of section 512 will not exceed 5 per centum of the total cost of comprehensive child development programs administered by the prime sponsor unless such per centum limitation is increased to give special consideration to initial costs in the first operational year or to other special needs, in accordance with regulations which the Secretary shall prescribe; and

"(6) providing assurances, to the extent necessary to carry out comprehensive child development programs in the area to be served, of the capacity to provide, or to enter into arrangements with appropriate State or local or other agencies for linkages to provide—

"(A) related family, social, and rehabilitative services;

"(B) coordination with educational agencies and providers of educational services;

"(C) health (including family planning) and mental health services;

"(D) nutrition services; and

"(E) training of professional and paraprofessional personnel.

"(b) The Secretary shall approve a prime sponsorship plan submitted by a locality which is a (1) city, (2) county, or (3) other unit of general local government, if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development programs in the area of such locality. In the event that the area under the jurisdiction of a unit of general local government described in clause (1), (2), or (3) of the preceding sentence includes any common geographical area with that covered by another such unit of general local government, the Secretary shall designate to serve such area the unit of general local government which he determines has the capability of more effectively carrying out the purposes of this part with respect to such area and which has submitted a plan which meets the requirements of this section and includes adequate provisions for carrying out comprehensive child development programs in such area.

"(c)(1) In the event that the Secretary determines that a locality fails to meet the requirements for designation as a prime sponsor under subsection (b) of this section for the reason that it lacks the capability of meeting the requirements of clause (5) (concerning the limitation on administrative expenses for Child Development Councils) or clause (6) (concerning the capacity to provide or to enter into arrangements for linkages to provide services related to child development) of subsection (a), he shall take steps to encourage the submission of a prime sponsorship plan, covering the area of such locality, by a combination of localities which are adjoining and possess a sufficient commonality of interest.

"(2) The Secretary shall approve a prime sponsorship plan submitted by a combination of localities if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development programs in the area covered by the combination of such localities.

"(d) The Secretary shall approve a prime sponsorship plan submitted by an Indian tribe on a Federal or State reservation if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development programs in the area to be served.

"(e) In the event that the Secretary determines, with respect to the area of a particular locality, that a prime sponsorship plan meeting the requirements of this section has not been submitted by a locality or combination of localities covering such area, or by an Indian tribe on a Federal or State reservation, or in the event that prime sponsorship designation has been withdrawn in accordance with subsection (h) of this section, the Secretary may, with respect to the impending fiscal year when no such prime sponsorship designation will be in effect, approve a plan submitted by the State which meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development programs in each such area.

"(f) The Secretary may approve a prime sponsorship plan submitted by a public or private nonprofit agency, including but not limited to a community action agency, single-purpose Headstart agency, community development corporation, parent cooperative, organization of migrant agricultural workers, organization of Indians, employer organization, labor union, employee or labor-management organization, or public or private educational agency or institution, if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes—

"(1) provisions setting forth arrangements for serving children in a neighborhood or other area possessing a commonality of interest in the area of any locality with respect to which there is no prime sponsorship designation in effect, or with respect to any portion of an area where the prime sponsor is found not to be satisfactorily implementing child development programs which adequately meet the purposes of this part, or for making available special services, in accordance with criteria established by the Secretary, designed to meet the needs of economically disadvantaged or preschool children; or

"(2) arrangements for providing comprehensive child development programs on a year-round basis to children of migrant agricultural workers and their families; or

"(3) arrangements for carrying out model programs especially designed to be responsive to the needs of economically disadvantaged, minority group, or bilingual preschool children.

"(g) The Governor of the State shall, in accordance with regulations which the Secretary shall prescribe, be given a reasonable opportunity to review and offer recommendations to any applicant submitting a plan for prime sponsorship designation under this section, and to submit comments to the Secretary with respect to any plan so submitted.

"(h) A prime sponsorship plan submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided (1) written notice of intention to disapprove such plan, including a statement of the reasons, (2) a reasonable time in which to submit corrective amendments to such plan or undertake other necessary corrective action, and (3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

"(i)(1) If any party is dissatisfied with the Secretary's final action under subsection (h) with respect to the disapproval of its plan submitted under this section or the withdrawal of its prime sponsorship designation, such party may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such party is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"CHILD DEVELOPMENT COUNCILS

"SEC. 514. (a) Each prime sponsor designated under section 513 shall establish and maintain a Child Development Council consisting of not less than ten members, comprised as follows—

"(1) not less than half of the members of such Council shall be parents of children

served in child development programs under this part; and

"(2) the remaining members of such Council shall be appointed by the chief executive officer or officers of the prime sponsor to represent the public, but (A) not less than half of such members shall be persons who are broadly representative of the general public, including government agencies, public and private agencies and organizations in such fields as economic opportunity, health, education, welfare, employment and training, **business or financial organizations or institutions, labor unions, and employers, and who are approved by the parent members described in paragraph (1), and (B) the remaining members, the number of which shall** be either equal to or one less than the number of members appointed under clause (A), shall be persons who are particularly skilled by virtue of training or experience in child development, child health, child welfare, or other child services, except that the Secretary may waive the requirement of this clause (B) to the extent that he determines, in accordance with regulations which he shall prescribe, that such persons are not available to the area to be served.

"(b) In accordance with procedures which the Secretary shall establish pursuant to regulations, each prime sponsor designated under section 513 shall provide, with respect to the Child Development Council established and maintained by such prime sponsor, that—

"(1) the parent members described in paragraph (1) of subsection (a) of this section shall be chosen by the membership of Headstart policy committees where they exist, and, at the earliest practicable time, by project policy committees established pursuant to section 516(a)(2) of this part;

"(2) not less than one-fourth of the total membership of such Council shall be persons broadly representative of the economically disadvantaged;

"(3) the terms of office and any other policies and procedures of an organizational nature, including nomination and election procedures, are appropriate in accordance with the purposes of this part;

"(4) such Council shall have responsibility for approving basic goals, policies, actions, and procedures for the prime sponsor, including policies with respect to planning, general supervision and oversight, overall coordination, personnel, budgeting, funding of projects, and monitoring and evaluation of projects; and

"(5) such Council shall, upon its own initiative or upon request of a project applicant or any other party in interest, conduct public hearings before acting upon applications for financial assistance submitted by project applicants under this part.

"COMPREHENSIVE CHILD DEVELOPMENT PLANS

"SEC. 515. (a) Financial assistance under this part may be provided by the Secretary for any fiscal year to a prime sponsor designated pursuant to section 513 only pursuant to a comprehensive child development plan which is submitted by such prime sponsor and approved by the Secretary in accordance with the provisions of this part. Any such plan shall set forth a comprehensive program for providing child development services in the prime sponsorship area which—

"(1) identifies all child development needs and goals within the area and describes the purposes for which the financial assistance will be used;

"(2) meets the needs of children in the prime sponsorship area, to the extent that available funds can be reasonably expected to have an effective impact, including infant care and before and after school programs **for children in school with priority to children who have not attained six years or age;**

"(3) gives priority to meeting the special needs of economically disadvantaged children by providing that not less than 65 per centum of the total cost of programs receiving financial assistance under section 503(b) shall be for child development programs and services for economically disadvantaged children;

"(4) gives priority thereafter to providing child development programs and services to children of single parents and working mothers not covered under paragraph (3);

"(5) provides procedures for the approval of project applications submitted in accordance with section 516;

"(6) provides, in the case of a prime sponsor located within or adjacent to a metropolitan area, for coordination with other prime sponsors located within such metropolitan area, and arrangements for cooperative funding where appropriate, and particularly for such coordination where appropriate to meet the needs for child development services of children of parents working or participating in training or otherwise occupied during the day within a prime sponsorship area other than that in which they reside;

"(7) provides that, to the extent feasible, each program within the prime sponsorship area will include children from a range of socioeconomic backgrounds;

"(8) provides comprehensive services (A) to meet the special needs of minority group children of migrant agricultural workers with particular emphasis on the needs of children from bilingual families for development of skills in English and in the other language spoken in the home, and (B) to meet the need of all children to understand the history and cultural background of minority groups which belong to the communities and the role of members of such minority groups in the history and cultural development of the Nation and the region in which they reside;

"(9) provides equitably for the child development needs of children from each minority group or significant segment of the economically disadvantaged residing within the area served;

"(10) provides, insofar as possible, for coordination of child development programs so as to keep family units intact or in close proximity during the day;

"(11) provides that, insofar as possible, unemployed or low-income persons residing in communities served by such projects will receive jobs providing career ladder opportunities, including in-home and part-time jobs, and opportunities for training in programs assisted under part B of this title;

"(12) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons in the community are fully informed of the activities of the Child Development Council and of delegate agencies;

"(13) assures that procedures and mechanisms for coordination have been developed in cooperation with preschool program administrators and administrators of local educational agencies and nonpublic schools, at the local level, to provide continuity between programs for preschool and elementary school children and to coordinate programs conducted under this part and programs conducted pursuant to section 222(a)(2) of the Economic Opportunity Act of 1964 and the Elementary and Secondary Education Act of 1965;

"(14) establishes arrangements in the area served for the coordination of programs conducted under the auspices of or with the support of business or financial institutions or organizations, industry, labor, employee and labor-management organizations, and other community groups;

"(15) contains any arrangements for the delegation, under the supervision of the Child Development Council, to any public or private nonprofit agencies, institutions, or organizations, of responsibilities for the delivery of programs, services, and activities for which financial assistance is provided under this part, or for any planning or evaluation services to be made available with respect to programs under this part; and

"(16) contains plans for regularly conducting surveys and analyses of needs for child development programs in the prime sponsorship area and for submitting to the Secretary a comprehensive annual report and evaluation in such form and containing such information as the Secretary shall require by regulation.

"(b) No comprehensive child development plan or modification thereof submitted by a prime sponsor under this section shall be approved by the Secretary unless he determines, in accordance with regulations which the Secretary shall prescribe, that—

"(1) each community action agency or single-purpose Headstart agency in the area to be served previously responsible for the administration of programs under this part or under section 222(a)(1) of the Economic Opportunity Act of 1964 has had an opportunity to submit comments to the prime sponsor and to the Secretary;

"(2) the local educational agency for the area to be served, and other appropriate educational and training agencies and institutions, have had an opportunity to submit comments to the prime sponsor and to the Secretary; and

"(3) the Governor of the State has had an opportunity to submit comments to the prime sponsor and to the Secretary.

"(c) A comprehensive child development plan submitted under this section may be disapproved or a prior approval withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided (1) written notice of intention to disapprove such plan, including a statement of the reasons, (2) a reasonable time to submit **corrective amendments to such plan or undertake** other necessary corrective action, and (3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

"(d) In order to contribute to the effective administration of this title, the Secretary shall establish appropriate procedures to permit prime sponsors to submit jointly a single comprehensive child development plan for the areas served by such prime sponsors.

"PROJECT APPLICATIONS

"SEC. 516. (a) Financial assistance under this part may be provided to a project applicant for any fiscal year only pursuant to a project application which is submitted by a public or private agency and which provides that—

"(1) funds will be provided for carrying out any child development program under this part only to a qualified public or private agency or organization, including but not limited to a community action agency, single-purpose Headstart agency, community development corporation, parent cooperative, organization of migrant agricultural workers, organization of Indians, private organization interested in child development, employer or business organization, labor union, employee or labor-management organization, or public or private educational agency or institution;

"(2) project policy committees shall be established and maintained, consisting of not less than ten members, composed so that (A) not less than half of the members of each such committee shall be parents of children served in such projects, and (B) the remaining members of such committee shall be comprised (i) of persons who are representative of the community and who shall be approved by the parent members, and (ii) of persons, the number of which shall be not less than one-third nor more than one-half **of the number of members appointed under** clause (i), who are particularly skilled by virtue of training or experience in child de-

velopment, child health, child welfare, or other child services, except that the Secretary may waive the requirement of this clause (ii) to the extent that he determines in accordance with regulations which he shall prescribe, that such persons are not available to the area to be served;

"(3) provision will be made for direct participation of such policy committees in the development and preparation of project applications under this part;

"(4) adequate provision will be made for training and other administrative expenses of such policy committees (including necessary expenses to enable low-income members to participate in council or committee meetings);

"(5) project policy committees shall have responsibility for approving basic goals, policies, actions, and procedures for the project applicant, including policies with respect to planning, overall conduct, personnel, budgeting, location of centers and facilities, and direction and evaluation of projects;

"(6) programs assisted under this part will provide for such comprehensive, health, nutritional, education, social, and other services, as are necessary for the full cognitive, emotional and physical development of each participating child;

"(7) adequate provision will be made for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons are fully informed of project activities;

"(8)(A) no charge for services provided under a child development program will be made with respect to any child who is economically disadvantaged, except to the extent that payment will be made by a third party (including a public agency) which is authorized or required to pay for such services; and (B) such charges will be made with respect to a child who is not economically disadvantaged in accordance with an appropriate fee schedule which shall be established by the Secretary by regulation and which is based upon the ability of the family to pay for such services, including the extent to which any third party (including a public agency) is authorized or required to make payment for such services;

"(9) children will in no case be excluded from the programs operated pursuant to this part because of their participation in nonpublic preschool or school programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age;

"(10) programs will, to the extent appropriate, employ paraprofessional aides and volunteers, especially parents, older children, students, older persons, and persons preparing for careers in child development programs

"(11) no person will be denied employment in any program solely on the ground that he fails to meet State or local teacher certification standards;

"(12) there are assurances satisfactory to the Secretary that the non-Federal share requirements will be met; and

"(13) provision will be made for such fiscal control and fund accounting procedures as the Secretary shall prescribe to assure proper disbursement of and accounting for Federal funds.

"(b) A project application submitted in accordance with subsection (a) of this section may be approved by the Secretary upon his determination that it meets the purposes of this part.

"SPECIAL GRANTS TO STATES

"SEC. 517. Upon application submitted by any State, the Secretary is authorized to provide financial assistance for use by such State for carrying out activities for the purposes of—

"(1) identifying child development goals and needs within the State;

"(2) assisting in the establishment of Child Development Councils and strengthening the capability of such Councils to effectively plan, supervise, coordinate, monitor, and evaluate child development programs;

"(3) encouraging the cooperation and participation of State agencies in providing child development and related services, including health, family planning, mental health, education, nutrition, and family, social and rehabilitative services where requested by appropriate prime sponsors in the development and implementation of comprehensive child development plans;

"(4) encouraging the full utilization of resources and facilities for child development programs within the State;

"(5) disseminating the results of research on child development programs;

"(6) conducting programs for the exchange of personnel involved in child development programs within the State;

"(7) assisting public and private nonprofit agencies and organizations in the acquisition or improvement of facilities for child development programs;

"(8) assessing State and local licensing codes as they relate to child development programs within the State; and

"(9) developing information useful in reviewing prime sponsorship plans under section 513(g) and of Comprehensive Child Development Plans under section 515(b)(3).

"ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION

"SEC. 518. (a) Applications for financial assistance for projects including construction may be approved only if the Secretary determines that construction of such facilities is essential to the provision of adequate child development services, and that rental, renovation, remodeling, or leasing of adequate facilities is not practicable.

"(b) If any facility assisted under this part shall cease to be used for the purposes for which it was constructed, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds, unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"(c) All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this part shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have with respect to the labor standard specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(d) Any Federal assistance for construction shall be in the form of grants, and shall not be paid to other than public or private nonprofit agencies and organizations. Not more than 15 per centum of the total financial assistance provided to a prime sponsor under this part shall be used for construction of facilities.

"USE OF PUBLIC FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

"SEC. 519. (a) The Secretary, after consultation with other appropriate officials of the Federal Government, shall within sixteen months after enactment of this title report to the Congress with respect to the extent to which facilities owned or leased by Federal departments, agencies, and independent authorities could be made available to public and private nonprofit agencies and organizations, through appropriate arrangements, for use as facilities for child development programs under this title during times and periods when not utilized fully for their usual purposes, together with his recommendations (including recommendations for changes in legislation) or proposed actions for such use.

"(b) The Secretary may require, as a condition to the receipt of assistance under this part, that any prime sponsor under this part agree to conduct a review and provide the Secretary with a report as to the extent to which facilities owned or leased by such prime sponsor, or by other agencies in the prime sponsorship area, could be made available, through appropriate arrangements, for use as facilities for child development programs under this title during times and periods when not utilized fully for their usual purposes, together with the prime sponsor's proposed actions for such use.

"PAYMENTS

"SEC. 520. (a) In accordance with this section, the Secretary shall pay from the applicable allocation or apportionment under section 503 the Federal share of the costs of programs, services, and activities, in accordance with plans or applications which have been approved as provided in this part.

"(b)(1) Except as provided in paragraphs (2) and (3) of this subsection, the Secretary shall pay an amount not in excess of 80 per centum of the cost of carrying out programs, services, and activities under this part. The Secretary may, in accordance with such regulations as he shall prescribe, approve assistance in excess of such percentage if he determines that such action is required to provide adequately for the child development needs of economically disadvantaged children.

"(2) The Secretary shall pay an amount equal to 100 per centum of the costs of providing child development programs for children of migrant agricultural workers and their families under this part.

"(3) The Secretary shall pay an amount equal to 100 per centum of the costs of providing child development programs for children on Federal or State Indian reservations under this part.

"(c) The non-Federal share of the costs of programs, services, and activities assisted under this part may be provided through public or private funds and may be in the form of cash, goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, and employee and employer contributions.

"(d) Fees collected for services pursuant to section 516(a)(8) shall be deemed financial assistance for purposes of section 515(a)(3).

"(e) If, with respect to any fiscal year, a prime sponsor or project applicant provides non-Federal contributions for any program, service, or activity exceeding its requirements, such excess may be applied toward meeting the requirements for such contributions for the subsequent fiscal year under this part.

"(f) No State or locality shall reduce its expenditures for child development or day-care programs by reason of assistance under this part.

"PART B—TRAINING, TECHNICAL ASSISTANCE, PLANNING, AND EVALUATION

"PRESERVICE AND INSERVICE TRAINING

"SEC. 531. The Secretary is authorized to make payments to provide financial assistance to enable individuals employed or preparing for employment in child development programs assisted under this title, including volunteers, to participate in programs of

preservice or inservice training for professional and nonprofessional personnel, to be conducted by any agency carrying out a child development program, or any institution of higher education, including a community college, or by any combination thereof.

"TECHNICAL ASSISTANCE AND PLANNING

"SEC. 532. The Secretary shall, directly or through grant or contract, make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this title on a continuing basis to assist them in planning, developing, and carrying out child development programs.

"EVALUATION

"SEC. 533. (a) The Secretary shall make an evaluation of Federal involvement in child development activities and services, which shall include—

"(1) enumeration and description of all Federal activities which affect child development;

"(2) analysis of expenditures of Federal funds for such activities and services;

"(3) determination of the effectiveness of such activities and services;

"(4) the extent to which preschool, minority group, and economically disadvantaged children and their parents have participated in programs under this title; and

"(5) such recommendations to Congress as the Secretary may deem appropriate.

"(b) The results of the evaluation required by subsection (a) of this section shall be reported to Congress not later than two years after enactment of this title.

"(c) The Secretary shall establish such procedures as may be necessary to conduct an annual evaluation of Federal involvement in child development programs, and shall report the results of each such evaluation to Congress.

"(d) Prime sponsors and project applicants assisted under this title and departments and agencies of the Federal Government shall, upon request by the Secretary, make available, consistent with other provisions of law, such information as the Secretary determines is necessary for purposes of making the evaluation required under subsection (c) of this section.

"(e) The Secretary may enter into contracts with public or private agencies, organizations, or individuals to carry out the provisions of this section.

"(f) The Secretary shall reserve for the purposes of this section not less than 1 per centum, and may reserve for such purposes not more than 2 per centum, of the amounts available under paragraphs (2) and (3) of section 503(a) of this title for any fiscal year.

"FEDERAL STANDARDS FOR CHILD DEVELOPMENT SERVICES

"SEC. 534. (a) Within six months after the enactment of Economic Opportunity Amendments of 1971, the Secretary shall, after consultation with other Federal agencies and with the committee established pursuant to subsection (b) of this section, promulgate a common set of program standards which shall be applicable to all programs providing child development services with Federal assistance under this title, to be known as the Federal Standards for Child Development Services. If the Secretary disapproves the committee's recommendations, he shall state the reasons therefor.

"(b) The Secretary shall, within sixty days after enactment of this title, appoint a Special Committee on Federal Standards for Child Development Services, which shall include parents of children enrolled in child development programs, representatives of public and private agencies administering child development programs, and organizations, specialists, and others interested in the development of children. Not less than one-half of the membership of the Committee shall consist of parents of children participating in programs conducted under part A of this title and section 222 (a) (1) of this Act. Such Committee shall participate in the development of Federal Standards for Child Development Services and modifications thereof as provided in subsection (a).

"DEVELOPMENT OF UNIFORM MINIMUM CODE FOR FACILITIES

"SEC. 535. (a) The Secretary shall, within sixty days after enactment of the Economic Opportunity Amendments of 1971, appoint a special committee to develop a uniform minimum code for facilities, to be used in licensing child development facilities. Such standards shall deal principally with those matters essential to the health, safety, and physical comfort of the children and the relationship of such matters to the Federal Standards for Child Development Services under section 534.

"(b) The special committee appointed under this section shall include parents of children participating in child development programs and representatives of State and local licensing agencies, public health officials, fire prevention officials, the construction industry and unions, public and private agencies or organizations administering child development programs, and national agencies or organizations interested in the development of children. Not less than one-third of the membership of the committee shall consist of parents of children enrolled in programs conducted under part A of this title and section 222(a) (1) of this Act.

"(c) Within one year after its appointment, the special committee shall complete a proposed uniform minimum code for facilities and shall hold public hearings on the proposed code prior to submitting its final recommendations to the Secretary for his approval.

"(d) After considering the recommendations submitted by the special committee in accordance with subsection (c), the Secretary shall promulgate standards which shall be applicable to all facilities receiving Federal financial assistance under this title or in which programs receiving Federal financial assistance under this title are operated. If the Secretary disapproves the committee's recommendations, he shall state the reasons therefor. The Secretary shall also distribute such standards and urge their adoption by States and local governments. The Secretary may from time to time modify the uniform code for facilities in accordance with procedures set forth in this section.

"PART C—MODEL FEDERAL GOVERNMENT CHILD DEVELOPMENT PROGRAMS

"PROGRAM AUTHORIZED

"SEC. 541. (a) The Secretary is authorized to provide financial assistance for the purpose of establishing and operating model child development programs (including the lease, rental, or construction of necessary facilities and the acquisition of necessary equipment and supplies) for the children of civilian employees of the Federal Government.

"(b) Civilian employees of any Federal agency or group of such agencies employing eighty working parents of young children who desire to participate in a program eligible for assistance under this part shall—

"(1) designate or create for such purpose an agency committee, the membership of which shall be broadly representative of the working parents interested in utilizing these services who are employed by the agency or agencies; and

"(2) submit to the Secretary a plan approved by the official in charge of such agency or agencies, which:

"(A) provides that the child development program shall be administered under the direction of the agency committee;

"(B) provides that the program will meet the Federal Standards for Child Development Services approved pursuant to section 534 and the uniform minimum code for facilities approved pursuant to section 535;

"(C) provides a means of determining priority of eligibility among parents wishing to use the services of the program;

"(D) provides for a scale of fees based upon the parents' financial status; and

"(E) provides for competent management, staffing, and facilities for such program.

"(c) The Secretary shall not make payments under this section unless he has received approval of the plan from the official in charge of the agency whose employees will be served by the child development program.

"PAYMENTS

"SEC. 542. (a) Not more than 80 per centum of the total cost of child development programs under this part shall be paid from Federal funds available under this title.

"(b) The share of the total cost not available under paragraph (a) may be provided through public or private funds and may be in the form of cash, goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, fees collected from parents, and union and employer contributions.

"(c) If, with respect to any fiscal year, a program under this part provides contributions exceeding its requirements under this section, such excess may be used to meet the requirements for such contributions for the subsequent fiscal year.

"PART D—RESEARCH AND DEMONSTRATIONS

"DECLARATION OF PURPOSES

"SEC. 551. The purposes of this part are to focus national research efforts to attain a fuller understanding of the processes of child development and the effects of organized programs upon these processes; to develop effective programs for research into child development; and to assure that the result of research and development efforts are reflected in the conduct of programs affecting children through the improvement and expansion of child development and related programs.

"RESEARCH AND DEMONSTRATION PROJECTS

"SEC. 552. (a) In order to further the purposes of this part, the Secretary shall carry out a program of research and demonstration projects, which shall include but not be limited to—

"(1) research to determine the nature of child development processes and the impact of various influences upon them, to develop techniques to measure and evaluate child development, to develop standards to evaluate professional and paraprofessional child development personnel, and to determine how child development and related programs conducted in either home or institutional settings affect child development processes;

"(2) research to test alternative methods of providing child development and related services, and to develop and test innovative approaches to achieve maximum development of children and programs for training adolescent youth in child development;

"(3) evaluation of research findings and the development of these findings and the effective application thereof; and

"(4) dissemination and application of research and development efforts and demonstration projects to child development and related programs and early childhood education, using regional demonstration centers and advisory services where feasible.

"(b) In order to carry out the program provided for in subsection (a), the Secretary is authorized to make grants to or enter into contracts or other arrangements with public or private nonprofit agencies (includ-

ing other Government agencies), organizations, and institutions, and to enter into contracts with private agencies, organizations, institutions, and individuals.

"COORDINATION OF RESEARCH

"SEC. 553. (a) Funds available to any Federal department or agency for the purposes stated in section 551 or the activities stated in section 552(a) shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Secretary for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Secretary for the purposes for which the transfer was made.

"(b) The Secretary shall coordinate, through the Office of Child Development, established under section 582 of this title, all child development research, training, and development efforts conducted within the Department of Health, Education, and Welfare and, to the extent feasible, by other agencies, organizations, and individuals.

"(c) A Child Development Research Council, consisting of a representative of the Office of Child Development established under section 582 of this title (who shall serve as chairman), and representatives from the Federal agencies administering the Social Security Act and the Elementary and Secondary Education Act of 1965 and from the National Institute of Mental Health, the National Institute of Child Health and Human Development, the Office of Economic Opportunity, the Department of Labor, and other appropriate agencies, shall meet at least annually and at such more frequent times as they may deem necessary, in order to assure coordination of child development and related activities under their respective jurisdictions and to carry out the provisions of this part so as to assure—

"(1) maximum utilization of available resources through the prevention of duplication of activities;

"(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the achievement of the purposes of this part; and

"(3) recommendation of priorities for federally funded research and development activities related to the purposes of this part and those stated in section 501.

"PART E—NATIONAL CHILD ADVOCACY PROJECTS

"STATEMENT OF PURPOSE

"SEC. 561. It is the purpose of this part, through the conduct of demonstration projects, to explore the feasibility of the establishment of a national child advocacy system which will—

"(1) focus the Nation's resources on the healthy development of children, with special attention to very young children;

"(2) create a focal point of responsibility at every level in American society to guarantee that children and the families of which children are members receive the services needed to prevent, and to cope with, mental and physical disabilities; and

"(3) evaluate existing programs for children and develop better ways of providing services for children.

"DEMONSTRATION GRANTS

"SEC. 562. (a) In order to carry out the purposes of this part, the Secretary is authorized, in accordance with the provisions of this part, to make grants to public or private nonprofit agencies or organizations for the establishment and operation of not more than twenty Neighborhood Offices of Child Advocacy.

"(b) Neighborhood Offices of Child Advocacy established under this part shall be distributed in such manner as to assure, to the maximum extent feasible, that such offices will be located in various geographical regions of the Nation, on an Indian reservation, and in rural areas, and that persons served by such offices will be representative of the various racial, ethnic, and economic groups in the Nation.

"PLANNING ASSISTANCE

"SEC. 563. The Secretary is authorized to make planning grants to and provide technical and other assistance to any public or private nonprofit agency or organization which desires to establish a Neighborhood Office of Child Advocacy.

"DUTIES AND FUNCTIONS OF NEIGHBORHOOD OFFICES OF CHILD ADVOCACY

"SEC. 564. (a) It shall be the duty and function of each Neighborhood Office of Child Advocacy (hereinafter in this part referred to as the 'Office') to—

"(1) provide an assessment of the needs of children who reside in the neighborhood served by such Office;

"(2) publicize its services to all residents of the neighborhood served by the Office and to all professionals and organizations providing services affecting children in such neighborhood;

"(3) provide counseling to any family with children residing within the neighborhood served by such Office which desires counseling assistance;

"(4) provide to any such family appropriate referrals and, in exceptional cases, purchase such services as are determined to be otherwise unavailable and necessary or proper after assessment of needs and counseling;

"(5) collect data and maintain current records regarding its activities and the services provided by it; and

"(6) provide training and related services;

"(b)(1) All purchases of services under subsection (a)(4) of this section shall be reviewed from time to time and at least once every six months to determine the effectiveness and need for continuation of the services.

"(2) No services shall be purchased under subsection (a)(4) for more than twelve months unless a report is submitted to the Secretary. Such report shall state, but shall not be limited to, (A) the reason the purchase was originally necessary, (B) the number of persons in the neighborhood who need or receive similar services, and (C) the steps being taken by such Office and by State and local authorities to relieve the need for such purchase.

"(3) In arranging for purchases of services under subsection (a)(4), the Office shall insure that the family or guardian of the child has been fully involved in the decision to seek services and agrees with the services chosen to meet the child's needs.

"(c) Each such Office shall make maximum use of volunteer workers and shall attempt to assure the utilization of young people and older persons in carrying out its functions with respect to children (or the families of children) who are in need of services provided by such Office.

"NEIGHBORHOOD COUNCILS ON CHILD DEVELOPMENT

"SEC. 565. (a)(1) Each agency or organization establishing a Neighborhood Office of Child Advocacy under this part shall form a Neighborhood Council on Child Advocacy to serve as the governing body of any such Office and to be composed of not less than nine or more than twenty-one members, who may be either elected or appointed, or a combination thereof, for terms not in excess of three years.

"(2) At least half of the members of any such Council shall be individuals representing residents of the neighborhood served by the Office governed by such Council. One member shall be such an individual who has not attained the age of twenty-one but who has attained the age of fifteen.

"(b) The duties and responsibilities of any such Council shall include—

"(1) the selection and employment of an individual to serve as Director of the Office governed by such Council, which Director shall have authority to secure (through employment or contract) such additional personnel as may be necessary to carry out the duties of such Office;

"(2) the development for the neighborhood served by the Office of a comprehensive plan to provide services for the children of such neighborhood designed to meet, in accordance with priorities contained in the plan, the needs of such children, and to develop new and improve existing services to meet the needs of such children;

"(3) the maintenance of the fiscal responsibility of the Office which it governs;

"(4) the establishment of personnel policies;

"(5) acting as an appeals body for parents who are dissatisfied with services provided for their children by the Office governed by such Council;

"(6) the assumption of responsibility for coordinating and encouraging the development of services for children;

"(7) otherwise taking such actions as may be appropriate to carry out the purposes of this part.

"AUTHORIZATION OF FUNDS

"SEC. 566. For the purpose of carrying out the provisions of this part, the Secretary is authorized to use not to exceed $10,000,000 of the amounts appropriated to carry out this title for any fiscal year.

"ACCEPTANCE OF SERVICES TO BE ON VOLUNTARY BASIS

"SEC. 567. No Neighborhood Office of Child Advocacy shall in any way coerce any family to accept services provided by the Office, but each Office shall actively encourage all eligible residents of the neighborhood served by the Office to accept the services provided by the Office and all interested residents of such neighborhood to participate as volunteer workers in carrying out the activities of the Office.

"CONFIDENTIALITY OF RECORDS

"SEC. 568. (a)(1) Each Neighborhood Office of Child Advocacy shall treat as confidential all records pertaining to children and families who are receiving or have received services provided by the Office and shall maintain such records in such manner as to protect the privacy of individuals with respect to whom such records pertain.

"(2) Such records pertaining to any child shall be available for inspection and review by the parents or guardian of such child. The Office shall make information contained therein available to other persons (including any public or private agency or individual) upon receipt of written agreement to such release from the parent or guardian of such child.

"(b) If any individual divulges, in contravention of the provisions of subsection (a), information referred to in such subsection pertaining to any person, such person may (without regard to the amount in controversy) bring in the appropriate district court of the United States an action against such individual for the recovery of whichever of the following amounts is greater—

"(1) $500, or

"(2) an amount equal to three times the actual damages (if any) sustained by such person by reason of the action of such individual in divulging such information.

"(c) Whenever any person has reasonable cause to believe that any individual is preparing to take any action which would, in contravention of the provisions of subsection (a), divulge information referred to in such

subsection pertaining to such person, such person may bring a civil suit in the appropriate district court of the United States to enjoin such individual from taking such action.

"PART F—GENERAL PROVISIONS

"DEFINITIONS

"SEC. 581. As used in this title, the term—

"(1) 'Secretary' means the Secretary of Health, Education, and Welfare;

"(2) 'State' means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(3) 'child development programs' means programs provided on a full-day or part-day basis which provide the educational, nutritional, social, medical, psychological, and physical services needed for children to attain their full potential;

"(4) 'children' means individuals who have not attained the age of fifteen;

"(5) 'economically disadvantaged children' means any children of a family having an annual income below the lower living standard budget (adjusted for regional and metropolitan, urban, and rural differences, and family size), as determined annually by the Bureau of Labor Statistics of the Department of Labor;

"(6) 'handicapped children' includes mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children or children with specific learning disabilities who by reason thereof require special education and related services;

"(7) 'program' includes any program, service, or activity, which is conducted full or part time, day or night, in child development facilities, in schools, in neighborhood centers, or in homes, or which provides child development services for children whose parents are working or receiving education or training;

"(8) 'locality' means any city or other municipality or any county or other political subdivision of a State having general governmental powers, or any combination thereof;

"(9) 'parent' means any person who has day-to-day parental responsibility for any child;

"(10) 'single parents' means any person who has sole day-to-day parental responsibility for any child;

"(11) 'working mother' means any mother who requires child development services under this title in order to undertake or continue full- or part-time work, training, or education outside the home;

"(12) 'minority group' means persons who are Negro, American Indian, Spanish-surnamed American, Portuguese, or Oriental, and, as determined by the Secretary, children who are from environments in which a dominant language is other than English and who, as a result of language barriers, do not have an equal educational opportunity, and, for the purpose of this paragraph, Spanish-surnamed Americans include persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry;

"(13) 'bilingual' refers to persons who are Spanish surnamed, American Indian, Oriental, Portuguese, or others who have learned during childhood to speak the language of the minority group of which they are members and who, as a result of language barriers, do not have an equal educational opportunity;

"(14) 'local educational agency' means any such agency as defined in section 801(f) of the Elementary and Secondary Education Act of 1965;

"(15) 'institution of higher education' means any such institution as defined in section 1201(a) of the Higher Education Act of 1965.

"OFFICE OF CHILD DEVELOPMENT

"SEC. 582. The Secretary shall take all necessary action to coordinate child development programs under his jurisdiction. To this end, he shall establish within the Department of Health, Education, and Welfare an Office of Child Development, administered by a Director, which shall be the principal agency of the Department for the administration of this title and for the coordination of programs and other activities relating to child development.

"NUTRITION SERVICES

"SEC. 583. In accordance with the purposes of this title, the Secretary of Health, Education, and Welfare shall establish procedures to assure that adequate nutrition services will be provided in child development programs under this title. Such services shall make use of the Special Food Service Program for children as defined under section 13 of the National School Lunch Act of 1946 and the Child Nutrition Act of 1966, to the fullest extent appropriate and consistent with the provisions of such Acts.

"SPECIAL PROVISIONS

"SEC. 584. (a) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this title, as he may deem necessary to carry out the provisions of this title, including necessary adjustments in payments on account of overpayments or underpayments. Subject to the provisions of section 585, the Secretary may also withhold funds otherwise payable under this title in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this title or any term or condition of assistance under this title.

"(b) The Secretary shall prescribe regulations to assure that programs under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

"(c) The Secretary shall not provide financial assistance for any program or activity under this title unless he determines that persons employed in the programs under this title shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar occupations by the same employer.

"(d) The Secretary shall not provide financial assistance for any program under this title unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

"(e) The Secretary shall not provide financial assistance for any program under this title which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of section 603 of this Act.

"(f) The Secretary shall not provide financial assistance for any program under this title unless he determines that no funds will be used for, and no person will be employed under the program on, the construction, operation, or maintenance of so much of any facility as is for use for sectarian instruction or as a place for religious worship.

"(g) A child participating in a program assisted under this title shall not be required to undergo medical or psychological examination (except to the extent related to learning ability), immunization (except to the extent necessary to protect the public from epidemics of contagious diseases), or treatment, if his parent or guardian objects thereto in writing on religious grounds.

"WITHHOLDING OF GRANTS

"SEC. 585. Whenever the Secretary, after reasonable notice and opportunity for a hearing to any prime sponsor or project applicant, finds—

"(1) that there has been a failure to comply substantially with any requirement set forth in the plan of any such prime sponsor approved under section 515; or

"(2) that there has been a failure to comply substantially with any requirement set forth in the application of any such project applicant approved pursuant to section 516; or

"(3) that in the operation of any program or project carried out by any such prime sponsor or project applicant under this title there is a failure to comply substantially with any applicable provision of this title or regulation promulgated thereunder;

the Secretary shall notify such prime sponsor or project applicant of his findings and that no further payments may be made to such sponsor or applicant under this title (or in his discretion that any such prime sponsor shall not make further payments under this title to specified project applicants affected by the failure) until he is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected. The Secretary may authorize the continuation of payments with respect to any project assisted under this title which **is being carried out pursuant to such plan or application and which is not involved in the noncompliance.**

"PUBLIC INFORMATION

"SEC. 586. Applications for designation as prime sponsors, comprehensive child development plans, project applications, and all written material pertaining thereto shall be made readily available without charge to the public by the prime sponsor, the applicant, and the Secretary."

(b) In order to achieve, to the greatest degree feasible, the consolidation and coordination of programs providing child development services, while assuring continuity of existing programs during transition to the programs authorized under this title, the following provisions of law are amended, effective July 1, 1973:

(1) Section 222(a)(1) of the Economic Opportunity Act of 1964 is repealed.

(2) Section 162(b) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing child development services for children but not operation of child development programs for children".

(3) Section 123(a)(6) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing child development services for children", and adding after the word "employment" the phrase "but not including the direct operation of child development programs for children".

(4) Section 312(b)(1) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children,".

COMMUNITY ECONOMIC DEVELOPMENT

SEC. 7 (a) The Economic Opportunity Act is amended by inserting immediately after title VI of the following new title:

"TITLE VII—COMMUNITY ECONOMIC DEVELOPMENT

"STATEMENT OF PURPOSE

"SEC. 701. The purpose of this title is to encourage the development of special programs by which the residents of urban and rural low-income areas may, through self-help and mobilization of the community at large with appropriate Federal assistance, improve the quality of their economic and social participation in community life in such a way as to contribute to the elimination of poverty and the establishment of permanent economic and social benefits.

"PART A—SPECIAL IMPACT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 711. The purpose of this part is to establish special programs of assistance to private locally initiated community development corporations and related nonprofit agencies or organizations conducting activities which (1) are directed to the solution of the critical problems existing in particular communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) within those urban and rural areas having concentrations or substantial numbers of low-income persons; (2) are of sufficient size, scope, and duration to have an appreciable impact in such communities, neighborhoods, and rural areas in arresting tendencies toward dependency, chronic unemployment, and community deterioration; and (3) hold forth the prospect of continuing to have such impact after the termination of financial assistance under this title.

"ESTABLISHMENT OF PROGRAMS

"SEC. 712. (a) The Director is authorized to provide financial assistance to community development corporations and to nonprofit agencies in conjunction with qualifying community development corporations for the payment of all or part of the costs of programs which are designed to carry out the purposes of this part. Such programs shall be restricted in number so that each is of sufficient size, scope, and duration to have an appreciable impact on the area served. Such programs may include—

"(1) economic and business development programs, including programs which provide financial and other assistance (including equity capital) to start, expand, or locate businesses in or near the areas served so as to provide employment and ownership opportunities for residents of such areas, and programs including those described in title IV of this Act for small businesses in or owned by residents of such areas;

"(2) community development and housing activities which create new training, employment, and ownership opportunities and which contribute to an improved living environment; and

"(3) manpower training programs for unemployed or low-income persons which support and complement economic, business, housing, and community development programs, including without limitation activities such as those described in part B of title I of this Act.

"(b) The Secretary shall conduct programs assisted under this part so as to contribute, on an equitable basis between urban and rural areas, to the elimination of poverty and the establishment of permanent economic and social benefits in such areas.

"REQUIREMENTS FOR FINANCIAL ASSISTANCE

"SEC. 713. (a) The Director, under such regulations as he may establish, shall not provide financial assistance for any program or component project under this part unless he determines that—

"(1) such community development corporation is responsive to residents of the area under guidelines established by the Director;

"(2) all projects and related facilities will, to the maximum feasible extent, be located in the area served;

"(3) projects will, where feasible, promote the development of entrepreneurial and management skills and the ownership or participation in ownership of assisted businesses and housing by residents of the area served;

"(4) projects will be planned and carried out with the maximum participation of local businessmen and financial institutions and organizations by their inclusion on program boards of directors, advisory councils, or through other appropriate means;

"(5) the program will be appropriately coordinated with local planning under this Act, the Demonstration Cities and Metropolitan Development Act of 1966, and with other relevant planning for physical and human resources of the areas served;

"(6) the requirements of subsections 122 (e) and 124(a) of this Act have been met;

"(7) preference will be given to low income or economically disadvantaged residents of the areas served in filling jobs and training opportunities; and

"(8) training programs carried out in connection with projects financed under this part shall be designed wherever feasible to provide those persons who successfully complete such training with skills which are also in demand in communities, neighborhoods, or rural areas, other than those for which programs are established under this part.

"(b) Financial assistance under this section shall not be extended to assist in the relocation of establishments from one location to another if such relocation would result in an increase in unemployment in the area of original location.

"(c) The level of financial assistance for related purposes under this Act to the area served by a special impact program shall not be diminished in order to substitute funds authorized by this part.

"APPLICATION OF OTHER FEDERAL RESOURCES

"SEC. 714. (a) SMALL BUSINESS ADMINISTRATION PROGRAMS.—

"(1) Funds granted under this part which are invested, directly or indirectly, in a small business investment company or a local development company shall be included as 'private paid-in capital and paid-in surplus,' and 'paid-in capital and paid-in surplus,' and 'paid-in capital' for purposes of sections 302, 303, and 502, respectively, of the Small Business Investment Act of 1958.

"(2) Within ninety days of the enactment of the Economic Opportunity Amendments of 1971, the Administrator of the Small Business Administration, after consultation with the Director, shall prescribe such regulations as may be necessary and appropriate to ensure the availability to community development corporations of such programs as shall further the purposes of this part.

"(b) ECONOMIC DEVELOPMENT ADMINISTRATION PROGRAMS.—

"(1) Areas selected for assistance under this part shall be deemed 'redevelopment areas' within the meaning of section 401 of the Public Works and Economic Development Act of 1965, and shall qualify for assistance under the provisions of title I and title II of that Act and shall be deemed to fulfill the overall economic development planning requirements of section 202(b)(10) thereof.

"(2) Within ninety days of the enactment of the Economic Opportunity Amendments of 1971, the Secretary of Commerce, after consultation with the Director, shall prescribe such regulations as may be necessary and appropriate to ensure the availability to community development corporations of such programs as shall further the purposes of this part.

"(c) PROGRAMS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—The Secretary of Housing and Urban Development, after consultation with the Director, shall take all necessary steps (1) to assure that community development corporations assisted under this part, or their subsidiaries, shall qualify as sponsors under section 106 of the Housing and Urban Development Act of 1968, and sections 221, 235, and 236 of the National Housing Act of 1949; (2) to assure that land for housing and business location and expansion is made available under title I of the Housing Act of 1949 as may be necessary to carry out the purposes of this part; and (3) to assure that funds are available under section 701(b) of the Housing Act of 1954 to communuity development corporations assisted under this part.

"(d) COORDINATION AND COOPERATION.—The Director shall take such steps as may be necessary and appropriate, in coordination and cooperation with the heads of other Federal departments and agencies, so that contracts, subcontracts, and deposits made by the Federal Government or in connection with programs aided with Federal funds are placed in such a way as to further the purposes of this part.

"(e) REPORTING ON OTHER FEDERAL RESOURCES.—On or before six months after the date of enactment of the Economic Opportunity Amendments of 1971, and annually thereafter, the Director shall submit to the Congress a detailed report setting forth a description of all Federal agency programs which he finds relevant to achieving the purposes of this part and the extent to which such programs have been made available to community development corporations receiving financial assistance under this part including specifically the availability and effectiveness of programs referred to in subsections (a), (b), and (c) of this section. Where appropriate, the report required under this subsection also shall contain recommendations for the more effective utilization of Federal agency programs for carrying out the purposes of this part.

"FEDERAL SHARE

"SEC. 715. Federal grants to any program carried out pursuant to this part, including grants used by community development corporations for capital investments, shall (1) not exceed 90 per centum of the cost of such program including costs of administration unless the Director determines that assistance in excess of such percentage is required in furtherance of the purposes of this part, and (2) be made available for deposit to the grantee, under conditions which the Director deems appropriate, within thirty days following approval by the Director and the local community development corporation of the grant agreement. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services. Capital investments made with funds granted as a result of the Federal share of the costs of programs carried out under this part, and the proceeds from such capital investments, shall not be considered Federal property.

"PART B—RURAL PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 721. It is the purpose of this part to meet the special economic needs of rural communities or areas with concentrations or substantial numbers of low-income persons by providing support to self-help programs which promote economic development and independence. Such programs should encourage low-income families to pool their talents and resources so as to create and expand rural economic enterprise.

"FINANCIAL ASSISTANCE

"SEC. 722. (a) The Director is authorized to provide financial assistance, including loans having a maximum maturity of 15 years and in amounts not resulting in an aggregate principal indebtedness of more than $3,500

at any one time, to any low-income rural family where, in the judgment of the Director, such financial assistance has a reasonable possibility of affecting a permanent increase in the income of such families, or, in the case of the elderly, will contribute to the improvement of their living or housing conditions, by assisting or permitting them to—

"(1) acquire or improve real estate or reduce encumbrances or erect improvements thereon;

"(2) operate or improve the operation of farms not larger than family sized, including but not limited to the purchase of feed, seed, fertilizer, livestock, poultry, and equipment; or

"(3) participate in cooperative associations, or to finance nonagricultural enterprises which will enable such family to supplement their income.

"(b) The Director is authorized to provide financial assistance to local cooperative associations in rural areas containing concentrations or substantial numbers of low-income persons for the purpose of defraying all or part of the costs of establishing and operating cooperative farming, purchasing, marketing, and processing programs. Costs which may be defrayed shall include but not be limited to—

"(1) administrative costs of staff and overhead;

"(2) costs of planning and developing new enterprises;

"(3) costs of acquiring technical assistance;

"(4) initial capital where it is determined by the Director that the poverty of the families participating in the program and the social conditions of the rural area require such assistance.

"LIMITATIONS ON ASSISTANCE

"SEC. 723. (a) No financial assistance shall be provided under this part unless the Director determines that—

"(1) any cooperative association receiving assistance has a minimum of fifteen active members, a majority of which are low-income rural persons;

"(2) adequate technical assistance is made available and committed to the programs being supported;

"(3) such financial assistance will materially further the purposes of this part; and

"(4) the applicant is fulfilling or will fulfill a need for services, supplies, or facilities which is otherwise not being met.

"(b) The level of financial assistance for related purposes under this Act to the area served by a program under this part shall not be diminished in order to substitute funds authorized by this part.

"PART C—SUPPORT PROGRAMS

"TRAINING AND TECHNICAL ASSISTANCE

"SEC. 731. (a) The Director shall provide directly or through grants, contracts, or other arrangements such technical assistance and training of personnel as may be required to effectively implement the purposes of this title. No financial assistance shall be provided to any public or private organization under this section unless the Director provides the beneficiaries of these services with opportunity to participate in the selection of and to review the quality and utility of the services furnished them by such organization.

"(b) Technical assistance to community development corporations and rural cooperatives may include planning, management, legal, preparation of feasibility studies, product development, marketing, and the provision of stipends to encourage skilled professionals to engage in full-time activities under the direction of a community organization financially assisted under this title.

"(c) Training for employees of community development corporations and for employees and members of rural cooperatives shall include, but not be limited to, on-the-job training, classroom instruction, and scholarships to assist them in development, managerial, entrepreneurial, planning, and other technical and organizational skills which will contribute to the effectiveness of programs assisted under this title.

"DEVELOPMENT LOAN FUND

"SEC. 732. (a) The Director is authorized to make or guarantee loans (either directly or in cooperation with banks or other organizations through agreements to participate on an immediate or deferred basis) to community development corporations eligible for financial assistance under section 712 of this title, to families under section 722(a), and to local cooperatives in rural areas elegible for financial assistance under section 722(b) for business, housing, and community development projects which the Director determines will carry out the purposes of this title. No loans, guarantees, or other financial assistance shall be provided under this section unless the Director determines that—

"(1) there is reasonable assurance of repayment of the loan;

"(2) a loan is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs; and

"(3) the amount of the loan, together with other funds available, is adequate to assure completion of the project or achievement of the purposes for which the loan is made.

Loans made by the Director pursuant to this section shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus such additional charge, if any, toward covering other costs of the program as the Director may determine to be consistent with its purposes, except that, for the five years following the data on which funds are initially available to the borrower, the rate of interest shall be set at a rate considered appropriate by the Director in light of the particular needs of the borrower, which rate shall not be lower than 1 per centum. All such loans shall be repayable within a period of not more than thirty years.

"(b) The Director is authorized to adjust interest rates, grant moratoriums on repayment of principal and interest, collect or compromise any obligations held by him, and to take such other actions in respect of such loans as he shall determine to be necessary or appropriate, consistent with the purposes of this section.

"(c)(1) To carry out the lending and guaranty functions authorized under this part, there shall be established a Development Loan Fund consisting of two separate accounts, one of which shall be a revolving fund called the Rural Development Loan Fund and the other of which shall be a revolving fund called the Community Development Loan Fund. The capital of each such revolving fund shall remain available until expended.

"(2) The Rural Development Loan Fund shall consist of (A) repayments of principal and interest and other receipts from the lending and guaranty operations of such revolving fund and the revolving fund previously established under section 306 of this Act, the assets and liabilities of which shall be transferred to the Rural Development Loan Fund, effective July 1, 1972, and (B) such amounts as may be deposited in such Fund by the Director out of funds made available from appropriations for the purposes of carrying out this title.

"(3) The Community Development Loan Fund shall consist of (A) repayments of principal and interest and other receipts from the lending and guaranty operations of such revolving fund, and (B) such amounts as may be deposited in such fund by the Director out of funds made available from appropriations for the purpose of carrying out this title for any fiscal year in excess of $60,000,000 which shall be available only for grants to community development corporations.

"EVALUATION AND RESEARCH

"SEC. 733. (a) Each program for which grants are made under this title shall provide for a thorough evaluation of the effectiveness of the program in achieving its purposes, which evaluation shall be conducted by such public or private organizations as the Director may designate, and all or part of the costs of evaluation may be paid from funds appropriated to carry out this part. The results of such evaluations, together with the Director's findings and recommendations concerning the program, shall be included in the report required by section 608 of this Act.

"(b) The Director shall conduct, either directly or through grants or other arrangements, research designed to suggest new programs and policies to achieve the purposes of this title in such ways as to provide opportunities for employment, ownership, and a better quality of life for low-income residents. The Director shall particularly investigate the feasibiltiy and most appropriate manner of establishing development banks and similar institutions and shall report to the Congress on his research findings and recommendations not later than June 30, 1973.

"PART D—GENERAL

"PROGRAM DURATION AND AUTHORITY

"SEC. 741. The Director shall carry out programs provided for in this title during the fiscal year ending June 30, 1972, and for the two succeeding fiscal years. For each fiscal year only such sums may be appropriated as the Congress may authorize by law."

(b) Part D of title I of the Economic Opportunity Act of 1964 is repealed.

(c) Effective after June 30, 1972, part A of title III of the Economic Opportunity Act of 1964 is repealed.

LEGAL SERVICES PROGRAM

SEC. 8. (a) The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new title:

"TITLE IX—NATIONAL LEGAL SERVICES CORPORATION

"DECLARATION OF POLICY

"SEC. 901. The Congress hereby finds and declares that—

"(1) it is in the public interest to provide greater access to attorneys and appropriate institutions for the orderly resolution of grievances and as a means of securing orderly change, responsiveness, and reform:

"(2) many low-income persons are unable to afford the cost of legal services or of access to appropriate institutions;

"(3) access to legal services and appropriate institutions for all citizens of the United States not only is a matter of private and local concern, but also is of appropriate and important concern to the Federal Government;

"(4) the integrity of the attorney-client relationship and of the adversary system of justice in the United States require that there be no political interference with the provision and performance of legal services;

"(5) existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about a peaceful resolution of grievances through resort to orderly means of change;

"(6) a private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the United States, free from extraneous interference and control.

"ESTABLISHMENT OF CORPORATION

"SEC. 902. (a) There is established a nonprofit corporation, to be known as the "National Legal Services Corporation' (herein-

after referred to as the 'Corporation') which shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act. The right to repeal, alter, or amend this title is expressly reserved.

"(b) No part of the net earnings of the Corporation shall inure to the benefit of any private person, and it shall be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954 and as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code.

"PROCESS OF INCORPORATION AND ORGANIZATION

"SEC. 903. (a) There shall be a transition period of six months following the date of enactment of the Economic Opportunity Amendments of 1971 for the process of incorporation and initial organization of the Corporation.

"(b) There is established an incorporating trusteeship composed of the following persons or their designees: the president of the American Bar Association, the president of the National Legal Aid and Defenders Association, the president of the Association of American Law Schools, the president of the American Trial Lawyers Association, and the president of the National Bar Association. The incorporating trusteeship shall meet within 30 days after the enactment of the Economic Opportunity Amendments of 1971 to carry out the provisions of this section.

"(c)(1) Not later than sixty days after the enactment of the Economic Opportunity Amendments of 1971, the incorporating trusteeship, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, shall establish the initial Clients Advisory Council to be composed of eleven members selected, in accordance with procedures established by the incorporating trusteeship, from among individuals eligible for assistance under this title.

"(2) Not later than sixty days after the enactment of the Economic Opportunity Amendments of 1971, the incorporating trusteeship, after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall establish the initial Project Attorney Advisory Council to be composed of eleven members selected, in accordance with procedures established by the incorporating trusteeship, from among attorneys who are actively engaged in providing legal services under any existing legal services program.

"(3) To assist in carrying out the provisions of this subsection, the Director of the Office of Economic Opportunity shall compile a list of all legal services programs publicly funded during the fiscal year ending June 30, 1971, and the subsequent fiscal year and furnish such list to the incorporating trusteeship. In order to carry out the provisions of this subsection, the Director of the Office of Economic Opportunity shall make available to the incorporating trusteeship such administrative services and financial and other resources as it may require.

"(d) Not later than ninety days after the enactment of the Economic Opportunity Amendments of 1971, the Clients Advisory Council and the Project Attorneys Advisory Council shall each meet and each shall submit a list of individuals as provided in section 904(a) to serve on the initial board of directors.

"(e) During the ninety-day period of incorporation of the Corporation the incorporating trusteeship shall take whatever actions are necessary to incorporate the Corporation, including the filing of articles of incorporation under the District of Columbia Nonprofit Corporation Act, and to prepare for the first meeting of the board of directors, except the selection of the executive director of the Corporation.

"(f) During the ninety-day period immediately following the period specified in subsection (e) of this section the board shall take whatever action is necessary to prepare to begin to carry out the activities of the Corporation six months after the enactment of the Economic Opportunity Amendments of 1971.

"DIRECTORS AND OFFICERS

"SEC. 904. (a) The Corporation shall have a board of directors consisting of fifteen individuals, one of whom shall be elected annually by the board to serve as chairman. Members of the board shall be appointed as follows:

"(1) PUBLIC MEMBERS.—One member of the board shall be appointed by the Chief Justice of the United States after consultation with the Judicial Conference of the United States. Nine members of the board shall be appointed by the President, by and with the advice and consent of the Senate as follows—

"(A) four members shall be appointed from among individuals in the general public;

"(B) three members shall be appointed from among individuals who are eligible for assistance under this title whose names are submitted by the Clients Advisory Council;

"(C) two members shall be appointed from among individuals whose names are submitted by the Project Attorneys Advisory Council.

Appointments under clause (B) shall be made from a list of ten individuals submitted by the Clients Advisory Council for any year, and appointments under clause (C) shall be made from a list of ten individuals submitted by the Project Attorneys Advisory Council for any year.

"(2) LEGAL ORGANIZATION MEMBERS.—Five individuals shall be members of the board by virtue of holding the following offices:

"(A) the president of the American Bar Association or his designee;

"(B) the president of the National Legal Aid and Defender Association or his designee;

"(C) the president of the Association of American Law Schools or his designee;

"(D) the president of the American Trial Lawers Association or his designee;

"(E) the president of the National Bar Association or his designee.

"(b)(1) The directors appointed under paragraph (1) of subsection (a) shall be appointed for terms of three years except that—

"(A) the terms of the directors first taking office shall be effective on the ninety-first day after the enactment of the Economic Opportunity Amendments of 1971;

"(B) the term of the director first taking office appointed by the Chief Justice shall expire at the end of one year;

"(C) the terms of the director first taking office appointed by the President shall expire, as designated by the President at the time of appointment, (i) in the case of directors from the general public appointed under clause (A) of subsection (a)(1), two at the end of one year, one at the end of two years, and one at the end of three years, (ii) in the case of directors whose names are submitted by the Clients Advisory Council under clause (B) of subsection (a)(1), one at the end of one year, one at the end of two years, and one at the end of three years, and (iii) in the case of directors whose names are submitted by the Project Attorneys Advisory Council under clause (C) of subsection (a)(1), one at the end of two years and one at the end of three years; and

"(D) any director appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(2) The directors selected under paragraph (2) of subsection (a) of this section shall serve for the term of office for which they are elected and by virtue of which they become members of the board except in no case shall a term exceed three years. If any of the legal organization members' terms will exceed three years by virtue of holding an office for more than three years, the board shall provide for the appointment of a successor by the appropriate organization.

"(c) The Corporation shall have an executive director, who shall be an attorney, and such other officers, as may be named and appointed by the board of directors at rates of compensation fixed by the board, who shall serve at the pleasure of the board. No individual shall serve as executive director of the Corporation for a period in excess of six years. The executive director shall serve as a member of the board ex officio and shall serve without a vote.

"(d) No political test or qualification shall be used in selecting, appointing, or promoting any officer, attorney, or employee of the Corporation. No officers or employees of the Corporation shall receive any salary from any source other than the Corporation during the period of employment by the Corporation.

"(e) All meetings of the board, executive committee of the board, and advisory councils shall, whenever appropriate, be open to the public, and proper notice of such meetings shall be provided to interested parties and the public a reasonable time prior to such meetings.

"(f) No member of the board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

"(g) Any board after the initial board shall, in consultation with the respective advisory councils, provide for rules with respect to the subsequent meetings of the Clients Advisory Council and the Project Attorneys Advisory Council.

"ADVISORY COUNCILS; EXECUTIVE COMMITTEE

"SEC. 905. (a) The board, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, shall provide for the selection of a Clients Advisory Council subsequent to the first such council established under section 903(c)(1) of this title to be composed of not more than eleven members selected in accordance with procedures established by the board, including terms of office, qualifications, and method of selection and appointment, from among individuals who are eligible for assistance under this title. Such procedures must insure that all areas of the country and significant segments of the client population are represented, and in no event may more than one representative on such council be from any one State. The Clients Advisory Council shall advise the board of directors and the executive director on policy matters relating to the needs of the client community and may act as liaison between the client community and legal services programs through such activities as it deems appropriate, including informational programs in languages other than English. The Clients Advisory Council shall submit the list of individuals for appointment as members of the board in accordance with clause (B) of section 904(a)(1).

"(b) The board, after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall provide for the selection of a Project Attorneys Advisory Council subsequent to the first such council established under section 903(c)(2) of this title to be composed of not more than eleven members selected in accordance with procedures established by the board, includ-

ing terms of office, qualifications, and method of selection and appointment, from among attorneys who are actively engaged in providing legal services under this title. Such procedures must ensure that all areas of the country are represented, and in no event may more than one representative on such council be from any one State. The Project Attorneys Advisory Council shall advise the board of directors and the executive director on policy matters relating to the furnishing of legal services to members of the client community. The Project Attorneys Advisory Council shall submit the list of individuals for appointment as members of the board in accordance with clause (C) of section 904 (a)(1).

"(c) The board shall provide for sufficient resources for each Advisory Council in order to pay such reasonable travel costs and expenses as the board may determine.

"(d) The board may establish an executive committee of not less than five members nor more than seven members which shall consist of the chairman of the board, the executive director of the Corporation, one director appointed pursuant to clause (A) of section 904(a)(1), one director appointed pursuant to clause (B) or (C) of section 904(a), and one director appointed pursuant to section 904(a)(2).

"ACTIVITIES AND POWERS OF THE CORPORATION

"SEC. 906. (a) Effective six months after the enactment of the Economic Opportunity Amendments of 1971, in order to carry out the purposes of this title, the Corporation is authorized to—

"(1) provide financial assistance to qualified programs furnishing legal services to members of the client community;

"(2) provide financial assistance to pay the costs of contracts or other agreements made pursuant to section 903 of this title;

"(3) carry out research, training, technical assistance, experimental, legal paraprofessional and clinical assistance programs;

"(4) through financial assistance and other means, increase opportunities for legal education among individuals who are members of a minority group or who are economically disadvantaged;

"(5) provide for the collection and dissemination of information designed to coordinate and evaluate the effectiveness of the activities and programs for legal services in various parts of the country;

"(6) offer advice and assistance to all programs providing legal services and legal assistance to the client community conducted or assisted by the Federal Government including—

"(A) reviewing all grants and contracts for the provision of legal services to the client community made under other provisions of Federal law by any agency of the Federal Government and making recommendations to the appropriate Federal agency;

"(B) reviewing and making recommendations to the President and Congress concerning any proposal, whether by legislation or executive action, to establish a federally assisted program for the provision of legal services to the client community; and

"(C) upon request of the President, providing training, technical assistance, monitoring, and evaluation services to any federally assisted legal services program;

"(7) establish such procedures and take such other measures as may be necessary to assure that attorneys employed by the Corporation and attorneys paid in whole or in part from funds provided by the Corporation carry out the same duties to their clients and enjoy the same protection from interference as if such an attorney was hired directly by the client;

"(8) establish standards of eligibility for the provision of legal services to be rendered by any grantee or contractee of the Corporation with special provision for priority for members of the client community whose means are least adequate to obtain private legal services;

"(9) establish policies consistent with the best standards of the legal profession to assure the integrity, effectiveness, and professional quality of the attorneys providing legal services under this title; and

"(10) carry on such other activities as would further the purposes of this title.

"(b) In the performance of the functions set forth in subsection (a), the Corporation is authorized to—

"(1) make grants, enter into contracts, leases, cooperative agreements, or other transactions, in accordance with bylaws established by the board of directors appropriate to conduct the activities of the Corporation;

"(2) accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible, and use, sell, or otherwise dispose of such property for the purpose of carrying out its activities;

"(3) appoint such attorneys and other professional and clerical personnel as may be required and fix their compensation in accordance with the provision of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule rates;

"(4) promulgate regulations containing criteria specifying the manner of approval of applications for grants based upon the following considerations—

"(A) the most economical, effective, and comprehensive delivery of legal services to the client community;

"(B) peaceful resolution of grievances and resort to orderly means of seeking change; and

"(C) maximum utilization of the expertise and facilities of organizations presently specializing in the delivery of legal services to the client community;

"(5) establish and maintain a law library;

"(6) establish procedures for the conduct of legal services programs assisted by the Corporation containing a requirement that the applicant will give assurances that the program will be supervised by a policymaking board on which the members of the legal profession constitute a majority (except that the Corporation may grant waivers of this requirement in the case of a legal services program which, upon the date of enactment of the Economic Opportunity Amendments of 1971, has a majority of persons who are not lawyers on its policymaking board) and members of the client community constitute at least one-third of the members of such board.

"(c) In any case in which services are performed for the Federal Government by the Corporation, the Corporation shall be reimbursed for the cost of such services pursuant to an agreement between the executive director of the Corporation and the head of the agency of the Federal Government concerned.

"(d) The Corporation shall ensure that attorneys employed full time in programs funded by the Corporation refrain from any outside practice of law unless permitted as pro bono publico activity pursuant to guidelines established by the Corporation.

"(e) The Corporation shall ensure (1) that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the Corporation, from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members, or committees, unless such bodies, their members, or their committees request that the attorney make representations to them, and (2) that no funds provided by the Corporation shall be utilized for any activity which is planned and carried out to disrupt the orderly conduct of business by the Congress or State or local legislative bodies, for any demonstration, rally, or picketing aimed at the family or home of a member of a legislative body for the purpose of influencing his actions as a member of that body, and for conducting any campaign of advertising carried on through the commercial media for the purpose of influencing the passage or defeat of legislation.

"(f) The Corporation shall establish guidelines for consideration of possible appeals to be implemented by each grantee or contractee of the Corporation to ensure the efficient utilization of resources. Such guidelines shall in no way interfere with the attorney's responsibilities and obligations under the Canons of Professional Ethics and the Code of Professional Responsibility.

"(g) The board shall establish a graduated schedule of fees requiring a client whose income is above the level of poverty to pay all or a portion of the cost of services, but only in the event that such client is financially able to do so.

"(h) No funds made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding (including any extraordinary writ, such as habeas corpus or coram nobis, designed to challenge a criminal proceeding) except, pursuant to guidelines established by the Corporation, to provide services not otherwise adequately available.

"NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION

"SEC. 907. (a) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(b) No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as reasonable compensation for services.

"(c) The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

"(d) The Corporation shall insure that all employees of legal services programs funded by the Corporation, while engaged in activities carried on by legal services programs, refrain (1) from any partisan political activity associated with a candidate for public or party office, and (2) from any voter registration activity other than legal representation or any activity to provide voters or prospective voters with transportation to the polls.

"ACCESS TO RECORDS AND DOCUMENTS RELATED TO THE CORPORATION

"SEC. 908. (a) Copies of all records and documents pertinent to each grant and contract made by the Corporation shall be maintained in the principal office of the Corporation in a place readily accessible and open to public inspection during ordinary working hours for a period of at least five years subsequent to the making of such grant or contract.

"(b) Copies of all reports pertinent to the evaluation, inspection, or monitoring of grantees and contractees shall be maintained for a period of at least three years in the principal office of the Corporation subsequent to such evaluation, inspection, or monitoring visit. Upon request, the substance of such reports shall be furnished to the grantee or contractee who is the subject of the evaluation, inspection, or monitoring visit.

"(c) The Corporation shall afford notice and reasonable opportunity for comment to interested parties prior to issuing regulations and guidelines, and it shall publish in the Federal Register on a timely basis all its bylaws, regulations, and guidelines.

"(d) The Corporation shall be subject to the provisions of the Freedom of Information Act.

"FINANCING OF THE CORPORATION

"SEC. 909. In addition to any funds reserved and made available for payment to the Corporation from appropriations for carrying out the Economic Opportunity Act of 1964 for any fiscal year, there are further authorized to be appropriated for payment to the Corporation such sums as may be necessary for any fiscal year. Funds made available to the Corporation from appropriations for any fiscal year shall remain available until expended.

"RECORDS AND AUDIT OF THE CORPORATION AND THE RECIPIENTS OF ASSISTANCE

"SEC. 910. (a) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by any independent licensed public accountant certified or licensed by a regulatory authority of a State or political subdivision. Each such audit shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person conducting the audit, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession, and full facilities for verifying transactions with the balance, or securities held by depositories, fiscal agents, and custodians shall be afforded to any such person. The report of each such independent audit shall be included in the annual report required under this title. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the assets and liabilities, and surplus or deficit of the Corporation, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Corporation during the year, and a statement of the sources and application of funds, together with the opinion of the independent auditor of those statements.

"(b) (1) The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

"(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and condition of the Corporation, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the executive director and to each member of the board at the time submitted to the Congress.

"(c) (1) Each grantee or contractee, other than a recipient of a fixed price contract awarded pursuant to competitive bidding procedures, under this title shall keep such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Corporation or any of its duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this title. The Comptroller General of the United States, or any of his duly authorized representatives shall also have access thereto for such purpose during any fiscal year for which Federal funds are available to the Corporation.

"REPORTS TO CONGRESS

"SEC. 911. The Corporation shall prepare an annual report for transmittal to the President and the Congress on or before the 30th day of January of each year, summarizing the activities of the Corporation and making such recommendations as it may deem appropriate. This report shall include findings and recommendations concerning the preservation of the attorney-client relationships and adherence to the Code of Professional Responsibility of the American Bar Association in the conduct of programs supported by the Corporation. The report shall include a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Corporation, together with the additional views and recommendations, if any, of members of the board.

"DEFINITIONS

"SEC. 912. As used in this title, the term—

"(1) 'State' means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(2) 'Corporation' means the National Legal Services Corporation established pursuant to this title;

"(3) 'client community' means individuals unable to obtain private legal counsel because of inadequate financial means;

"(4) 'member of the client community' includes any person unable to obtain private legal counsel because of inadequate financial means;

"(5) 'representative of the client community' includes any person who is selected by members of the client community whether or not a member of that community;

"(6) 'legal services' includes legal advice, legal representation, legal research, education concerning legal rights and responsibilities, and similar activities (including in areas where a significant portion of the client community speaks a language other than English as the predominant language, or is bilingual, services to those members of the client community in the appropriate language other than English);

"(7) 'legal profession' refers to that body composed of all persons admitted to practice before the highest court of at least one State of the United States;

"(8) 'nonprofit', as applied to any foundation, corporation, or association means a foundation, corporation, or association, no part of the net earnings of which inures, or may lawfully inure to the benefit of any private shareholder or individual.

"PROHIBITION ON FEDERAL CONTROL

"SEC. 913. Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees or contractors or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

"SPECIAL LIMITATIONS

"SEC. 914. The board shall prescribe procedures to ensure that—

"(1) financial assistance shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations, unless the grantee or contractee has been given reasonable notice and opportunity to show cause why such action should not be taken;

"(2) financial assistance shall not be terminated, an application for refunding shall not be denied, and an emergency suspension of financial assistance shall not be continued for longer than thirty days, unless the grantee or contractee has been afforded reasonable notice and opportunity for a timely, full, and fair hearing.

"COORDINATION

"SEC. 915. The President may direct that particular support functions of the Federal Government, such as the General Services Administration, the Federal telecommunications system, and other facilities, be utilized by the Corporation or its grantees or contractees to the extent not inconsistent with other applicable law.

"TRANSFER MATTERS

"SEC. 916. (a) Notwithstanding any other provision of law, on and after the date of enactment of the Economic Opportunity Amendments of 1971, all rights of the Office of Economic Opportunity to capital equipment in the possession of legal services programs assisted pursuant to sections 222(a)(3), 230, 232, or any other provision of the Economic Opportunity Act of 1964, shall become the property of the National Legal Services Corporation.

"(b) Effective six months after the date of enactment of the Economic Opportunity Amendments of 1971, all personnel, assets, liabilities, property, and records as determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function of the Director under section 222 (a) (3) of this Act shall be transferred to the Corporation. Personnel transferred (except personnel under schedule A of the excepted service) under this subsection shall be transferred in accordance with applicable laws and regulations and without reduction in classification or compensation for one year after such transfer. The Director shall take whatever action is necessary and reasonable to find suitable employment for personnel to be transferred pursuant to this subsection who do not wish to transfer to the Corporation.

"(c) Collection bargaining agreements in effect on the date of enactment of the Economic Opportunity Amendments of 1971 covering employees transferred pursuant to subsection (b) of this section shall continue to be recognized by the Corporation until altered or amended pursuant to law."

(b) During the fiscal year 1972 the Director of the Office of Economic Opportunity shall take such action as may be necessary, in cooperation with the executive director of the National Legal Services Corporation, to arrange for the orderly continuation by such corporation of financial assistance to

legal services programs assisted pursuant to sections 222(a)(3), 230, 232, or any other provision, of the Economic Opportunity Act of 1964. Whenever the Director of the Office of Economic Opportunity determines that an obligation to provide financial assistance pursuant to any contract or grant agreement for such legal services will extend beyond six months after the date of enactment of this Act, he shall include in any such contract or agreement provisions to assure that the obligation to provide such financial assistance may be assumed by the National Legal Services Corporation, subject to such modifications of the terms and conditions of that contract or grant agreement as the corporation determines to be necessary.

(c) Effective six months after the date of enactment of this Act, section 222(a)(3) of the Economic Opportunity Act of 1964 is repealed.

(d) Notwithstanding any other provision of law, after the enactment of this Act but prior to the enactment of appropriations to carry out the Economic Opportunity Act of 1964 for the fiscal year ending June 30, 1972, the Director of the Office of Economic Opportunity shall, out of appropriations then available to him, make funds available to assist in meeting the organizational expenses of the Corporation and in carrying out its activities.

(e) Title VI of the Economic Opportunity Act of 1964 is amended by inserting after section 622 thereof the following new section:

"INDEPENDENCE OF NATIONAL LEGAL SERVICES CORPORATION

"SEC. 623. Nothing in this Act, except title IX, and no reference to this Act unless such reference refers to title IX, shall be construed to affect the powers and activities of the National Legal Services Corporation."

SPECIAL PROGRAMS AUTHORIZED

SEC. 9. Part B of title II of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sections:

"DESIGN AND PLANNING ASSISTANCE GRANTS

"SEC. 226. (a) The Director shall make grants or enter into contracts to provide financial assistance for the operating expenses of programs conducted by community-based design and planning organizations to provide technical assistance and professional architectural and related services relating to housing, neighborhood facilities, transportation and other aspects of community planning and development to persons and community organizations or groups not otherwise able to afford such assistance. Such programs shall be conducted with maximum use of the voluntary services of professional and community personnel. In providing assistance under this section, the Director shall afford priority to persons in urban or rural poverty areas with substandard housing, substandard public service facilities, and generally blighted conditions. Design and planning services to be provided by such organizations shall include—

"(1) comprehensive community or area planning and development,

"(2) specific projects for the priority planning and development needs of the community; and

"(3) educational programs directed to local residents emphasizing their role in the planning and development process in the community.

"(b) No assistance may be provided under this section unless such design and planning organization—

"(1) is a nonprofit organization located in the neighborhood or area to be served with a majority of the governing body of such organization comprised of residents of that neighborhood or area; and

"(2) has as a primary function the goal of bringing about, through the involvement of the appropriate community action agency or otherwise, maximum feasible participation of local residents, especially low-income residents, in the planning and decisionmaking regarding the development of their community.

"(3) will carry out its design and planning services principally through the voluntary participation of professional and community personnel (including, where available, VISTA volunteers).

"(c) Design and planning organizations receiving assistance under this section shall not subcontract with any profitmaking organization or pay fees for architectural or other professional services.

"(d) The Director shall make whatever arrangements are necessary to continue pilot or demonstration projects of demonstrated effectiveness of the type described in this section receiving assistance under section 232 of this Act during the fiscal year ending June 30, 1971.

"YOUTH RECREATION AND SPORTS PROGRAM

"SEC. 227. (a) In order to provide to disadvantaged youth recreation and physical fitness instruction and competition with high-quality facilities and supervision and related educational and counseling services (including instruction concerning study practices, career opportunities, job responsibilities, health and nutrition, and drug abuse education) through regular association with college instructors and athletes and exposure to college and university campuses and other recreational facilities, the Director shall make grants or enter into contracts for the conduct of an annual Youth Recreation and Sports Program concentrated in the summer months and with continued activities throughout the year, so as to offer disadvantaged youth living in areas of rural and urban poverty an opportunity to receive such recreation and educational instruction, information, and services and to participate in such physical fitness programs and sports competitions.

"(b) No assistance may be provided under this section unless satisfactory assurances are received that not less than 90 per centum of the youths participating in each program to be assisted under this section are from families with incomes below the poverty level, as determined by the Director, and that such participating youths and other neighborhood residents, through the involvement of the appropriate community action agency or otherwise, will have maximum participation in program planning and operation.

"(c) Programs under this section shall be administered by the Director, through grants or contracts with any qualified organization of colleges and universities. Each such grant or contract and subcontract with participating institutions of higher education shall contain provisions to assure that the program to be assisted will provide a non-Federal contribution (in cash or in-kind) of no less than 20 centum of the direct costs necessary to carry out the program. Each such grant, contract, or subcontract shall include provisions for—

"(1) providing opportunities for disadvantaged youth to engage in competitive sports and receive sports skills and physical fitness instruction and education in good health and nutrition practices;

"(2) providing such youth with instruction and information regarding study practices, career opportunities, job responsibilities, and drug abuse;

"(3) carrying out continuing related activities throughout the year;

"(4) meeting the requirements of subsection (b) of this section;

"(5) enabling the contractor and institutions of higher education located conveniently to such areas of poverty and the students and personnel of such institutions to participate more fully in community life and in solutions of community problems; and

"(6) serving metropolitan centers of the United States and rural areas, within the limits of program resources."

FUNCTIONS OF DIRECTOR

SEC. 10. Notwithstanding any other provision of law, unless enacted hereafter in limitation of the provisions of this section, no new transfers or delegations of programs administered by the Director of the Office of Economic Opportunity under titles II, III, VI, and VII of the Economic Opportunity Act of 1964, as amended, shall be made to the head of any other agency, during the fiscal year ending June 30, 1972, and the succeeding fiscal year.

PUERTO RICO

SEC. 11. (a) Notwithstanding any other provision of law, the Director of the Office of Economic Opportunity shall reserve, for the purpose of section 225(a) of the Economic Opportunity Act of 1964, not more than 4 per centum of the appropriated sums for the fiscal year ending June 30, 1972, for Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, according to their respective needs.

(b) Effective after June 30, 1972, section 225(a) of such Act is amended by striking out "Puerto Rico,".

(c) Effective after June 30, 1972, the first sentence of paragraph (1) of section 609 of such Act is amended by striking out the word "or" the second time it appears in such sentence and inserting in lieu thereof a comma and the following: "Puerto Rico, or".

TECHNICAL PROVISIONS

SEC. 12. (a) The application of the formula prescribed by section 225(a) of the Economic Opportunity Act of 1964 for the allotment of funds among the States may be waived by the Director to the extent he deems necessary to prevent hardship in the allotment of funds for programs under title II of such Act resulting from the discontinuance of the authorization for section 222(a)(1) of such title by this Act.

(b) The Director may extend assistance under sections 221 and 222(a) of the Economic Opportunity Act of 1964 to a community action agency or other agency which is in excess of the maximum prescribed in section 225(c) of such Act, if he determines, in accordance with such regulations as he shall prescribe, that the ability of such agency to provide its share of the program costs pursuant to such section 225(c) has been impaired by virtue of the discontinuance of the authorization for section 222(a)(1) of such Act to an extent which justifies such additional assistance.

WELFARE REFORM—OR IS IT?

Mr. LONG. Mr. President, the present welfare program has been universally described as a mess. It is fair to say, however, that no one really contends that this is true of the old age assistance program, the aid to the blind, and the aid to disabled persons categories. These adult programs were soundly conceived and, while they could undoubtedly be improved by closer supervision or by merging some of them with parallel social insurance programs having the same general purpose in view, no one contends in any serious way that they are a mess. They make sense, they meet needs of people, they assure social and economic justice.

It is in the program to assist families with dependent children that the welfare program has gone astray so badly that the children are described as its victims rather than its beneficiaries. It is this program that has mushroomed without

planning, grown like Topsy until it has caused the entire program, including those soundly-conceived, well-administered adult categories, to take on the appellation of the "Welfare Mess."

As one who has labored for 24 years to help construct the programs for the aged and disabled, I am determined to do what I can to bring about the resurrection of the program to aid little children. I am frank to say, after a 2-year study of the President's Family Assistance plan, that it does not constitute welfare reform at all. It has every prospect of being just the opposite.

First, let us look at the way in which the program for AFDC has burgeoned in comparison with other welfare categories.

Mr. President, I ask unanimous consent to have printed in the RECORD a table showing the number of recipients and the dollar cost in selected years.

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

WELFARE RECIPIENTS, DECEMBER OF SELECTED YEARS

Year	Aid to families with dependent children		Aid to the aged, blind, and disabled	
	Number of recipients	Percent increase since 1960	Number of recipients	Percent increase since 1960
1940	1,222,000	.....	2,143,000	.....
1945	943,000	.....	2,128,000	.....
1950	2,233,000	.....	2,952,000	.....
1955	2,192,000	.....	2,883,000	.....
1960	3,073,000	.....	2,781,000	.....
1961	3,566,000	+16	2,721,000	−2
1962	3,789,000	+24	2,710,000	−3
1963	3,990,000	+28	2,713,000	−3
1964	4,219,000	+38	2,725,000	−2
1965	4,396,000	+44	2,729,000	−2
1966	4,666,000	+52	2,745,000	−1
1967	5,309,000	+73	2,802,000	+1
1968	6,086,000	+98	2,810,000	+1
1969	7,313,000	+138	2,958,000	+6
1970	9,660,000	+215	3,098,000	+8

Mr. LONG. Mr. President, in the late 1960's the burgeoning welfare rolls reflect the work of welfare activists, including the Government-paid corps of attorneys for the Office of Economic Opportunity. The poverty lawyers scored their greatest victories in loading down the welfare rolls with millions of persons who were never intended to be there.

The two greatest victories of these OEO lawyers to misconstrue the intent of Congress involved the so-called man-in-the-house rule and the residency requirement, which the Supreme Court abolished.

The most obvious threat of the so-called welfare reform is that it would start by doubling the welfare rolls and set an irresistible foundation to redouble, and then to double again, the list of recipients.

The family assistance plan tries to proceed upon the theory that every family of four should be assured of at least $2,400 per year incomes if they do nothing.

To begin with, the program would increase the number of beneficiaries under the children's program from the present 10 million to 19 million. It would increase the total number of people on welfare from the present 13 million to 26 million. But the advocates of the program freely admit, and even apologized in the beginning, that the program does not take the needy out of poverty. It is merely a step in that direction. They agree that the program should indeed move all people out of poverty but that such an objective is too expensive and that the guarantee of $2,400 for a family of four is all that can be afforded while the burden of a war in Vietnam is on our hands.

Once we accept the logic that each family should be assured enough income to lift it out of poverty, there is no logical excuse for permitting persons to stay in poverty when it is within the resources of the Federal Government to correct that situation. Where the program starts out by guaranteeing everyone $2,400, it will be politically impossible to vote against a starting point of $3,900 instead of $2,400 for the simple reason that the very administration proposing the program defines poverty level for a family of four at $3,900.

Once we adopt a $3,900 poverty level as a guaranteed income for a family of four, we will have some 35 million people receiving welfare benefits. It will be a welfare program for more than one-sixth of the entire population. Already the National Welfare Rights Organization, which is becoming increasingly powerful across this Nation, is demanding $6,500 for a family of four, with benefits for single persons and childless couples as well as families. Such a program, which could place 112 million persons on welfare, would inevitably follow the one which would place 35 million people on welfare. It is difficult enough for a person to resist the political appeal of higher and higher welfare benefits when the number of beneficiaries totals 13 million, with most of them being children ineligible to vote. When those rolls total 26 million, it will be much more difficult. Welfare beneficiaries at the next election will be asking but a single question: "How did this Senator or that Congressman vote when our welfare increase was before the Congress?"

The best evidence of the irresistible nature of the downhill drift into a welfare state can be illustrated by the fact that at this very moment we have a Republican President fighting for such a program—although probably less than 10 percent of the people involved voted for him at the last election—in the hope that he can persuade some of those people to join the ranks of his supporters at the next election. All he has achieved is the guaranteed assurance that every Democratic challenger is likely to advocate an even higher figure than the Republican President is now offering. Even before the bill has passed, it has already developed into a political version of the once popular radio program, "Can You Top This?"

One of my Republican friends described it this way: He said it will be like a poker game where the contenders for office will say, "I'll call your hundred and raise you a hundred," and the next candidate will say, "I call that bet and raise you by a hundred," with the next one saying, "I call that bet and raise you a hundred."

Once we launch our National Government on this course, I can foresee no end to it until the whole Government comes down in shambles.

Mr. President, I ask unanimous consent to have printed in the RECORD the projected increase in numbers and costs of the program provided to me by the Department of Health, Education, and Welfare.

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

RECIPIENTS AND COSTS OF VARIOUS WELFARE PLANS

Guaranteed minimum income level	Number of recipients (millions)	Annual payments (billions)
$2,400	19	$6
$3,900	35	15
$6,500	[1] 112	72

[1] Include single and childless couples.

THE REFORM FIASCO

Mr. President, any good welfare reform measure should remove from the rolls millions of recipients who have no business being there in the first instance. That is what comes to the minds of most people who have never enjoyed any benefits from the program, either directly or indirectly, but who must pay taxes to support it.

Let me give but two illustrations of the welfare mess which would not be improved but which would become worse if H.R. 1 were to be enacted as it passed the House.

Let us assume a situation in which a father is unmarried to the mother of his children and is making $7,000 a year.

Theoretically, he is unavailable to help support the mother of his three children—although as a practical matter he is. The benefits to which she would be entitled vary according to the State. In New York City or Chicago, she would be entitled to cash benefits of $3,800, plus medicaid with a value of $900. The total family income for these five people is, therefore, $11,700, and the bonus not to marry is $4,700.

I ask unanimous consent to have printed in the RECORD a table entitled "Family income and marital status under H.R. 1 i Chicago, Ill."

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

Family income and marital status under H.R. 1 in Chicago, Ill.

Father not married to mother:	
Father's earnings	$7,000
Welfare payment to mother and 3 children	3,800
Value of medicaid benefits	900
Total	11,700
Father married to mother:	
Father's earnings	7,000
Welfare payment to mother and 3 children	0
Value of medicaid benefits	0
Total	7,000
Bonus for not marrying	4,700

Mr. LONG. Mr. Preisdent, if the authorities were to legally establish that the father is, in fact, available to help support his three children, the family

unit would be entitled to zero welfare benefits. Assume, for the sake of argument, that the mother and children are living next door to a family in which the mother and father are married, and the father is faithfully bringing home his paycheck of $7,000 per year. The latter family is entitled to no benefits whatever, but they pay more than $700 a year in Federal taxes. This is a typical example of the welfare mess. Similar situations are common and people are outraged about it. They are not demanding welfare payments for themselves; they do not expect it. But they do feel entitled to a law under which those who have no right to be on welfare would no longer be paid Federal and State money taxed away from the hard-earned incomes of those who toil for a living.

What kind of example does this set for the children? If the mother admits that she knows the whereabouts and identity of the father, the family income is reduced. Therefore, she does not admit it. If the father admits that he is the father, the family income is reduced. Therefore, he does not admit it. Mother tells the children, "That man over there is your father, but do not tell anybody. Keep it a secret because if the Government finds out about it, we will lose our welfare money."

The children are taught to lie and deceive from the moment they are able to understand. They learn to cheat and to bend the welfare rules to their advantage. Welfare becomes a way of life, and a welfare subculture is being built upon it.

Let me state how the situation I have described works out today in Louisiana and how it would work under the so-called welfare reform measure. In my State the disparity between the deserving and the undeserving would be increased; the social and economic injustice would be broadened.

One reason the payments are low in Louisiana is that the Supreme Court has required the State to load the welfare rolls down with people whom the State thought to be ineligible. Because of limited State resources, the result has been to reduce welfare payments to the truly needy in order to accommodate the rolls to large numbers of undeserving persons. In Louisiana, let us assume that a father is earning $5,000 per year. The mother and three children would be receiving approximately $1,250 in welfare payments, and approximately $250 of medicaid benefits. If the father and mother were married, the mother and children would not be receiving welfare payments. Under the Family Assistance plan, the unwed mother would receive $2,650 in welfare as illustrated by the chart—the incentive to immorality would be further widened.

Mr. President, I ask unanimous consent to have printed in the RECORD a table entitled "Family Income and Marital Status Under H.R. 1 in Louisiana."

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

Family income and marital status under H.R. 1 in Louisiana

Father not married to mother:	
Father's earnings	$5,000
Welfare payment to mother and 3 children	$2,400
Value of medicaid benefits	250
Total	7,650
Father married to mother:	
Father's earnings	5,000
Welfare payment to mother and 3 children	0
Value of medicaid benefits	0
Total	5,000
Bonus for not marrying	2,650

Mr. LONG. Mr. President, advocates of the family assistance plan will describe situations in which the gap between the deserving family and the undeserving family would be narrowed. Invariably, however, the family in which the employed father does not marry the mother would receive more when any fair application of law would require that they not be given a monetary bonus for not marrying.

Oratorical splendor dictates that advocates of the family assistance plan describe the present welfare system as one which encourages a father to desert his family. They well know that this is not the big part of the problem. The big part of the problem is that the family unit is not forming to begin with. The family assistance plan, like the welfare mess it would supplant, just would not deal with this basic problem. True, in some cases, the bonus for not getting married, the subsidy for illegitimacy, might be narrowed but it would not be eliminated. The cash incentive would still be against marriage and against the legitimate birth of children.

It is fundamental that when you subsidize an act, people are led to believe that this is what they should do. When you tax them heavily for doing another act, they are led to believe that it is something they should not do.

Patrick Moynihan has generally been regarded as the architect of the family assistance plan—the chief adviser of it at the White House. It would be well to note what Mr. Moynihan had to say about the advantages of remaining single among the working poor today.

While minority group spokesmen are increasingly protesting the oppressive features of the welfare system and liberal scholars are actively developing the concept of the constitutional rights of welfare recipients with respect to such matters as man in the house searches, it is nonetheless the fact that the poor of the United States today enjoy a quite unprecedented de facto freedom to abandon their children in the certain knowledge that society will care for them, and what is more, in a State such as New York, to care for them by quite decent standards. Through most of history a man who deserted his family pretty much assured that they would starve or near to it if he was not brought back, and that he would be horse-whipped if he were. Much attention is paid the fact that the number of able-bodied men receiving benefits under the AFDC program is so small.

In February 1966, Robert H. Mugge of the Bureau of Family Services of HEW reported that of the 1,081,000 AFDC parents there were about 56,000 unemployed, but employable, fathers. But in addition to the 110,000 incapacitated fathers, there were some 900,000 mothers of whom by far the greatest number had been divorced or deserted by their presumably able-bodied husbands.

Now, a working-class or middle-class American who choses to leave his family is normally required first to go through elaborate legal proceedings and thereafter to devote much of his income to supporting them. Normally speaking, society gives him nothing. The fathers of AFDC families, however, simply disappear. Only a person invincibly prejudiced on behalf of the poor would deny that there are attractions in such freedom of movement.

To put it in simple, everyday language, if a man can enjoy larger income by remaining single and, indeed if the combined income of himself and the mother of his children will be far larger if the two remain single, why should he marry? Furthermore, when the father can put on his hat and leave without the hazard of a court order or a legal summons to return and provide support for his dependents, why should he give up his freedom and accept the burdens that go with marriage and the status of a husband if the result is going to be a large loss of overall income?

In other words, Mr. President, while this society claims to believe in the family unit and the institution of marriage—it is pouring out dollars by the billions to bring about the opposite result. The family assistance plan does virtually nothing to discourage this kind of illicit family relations.

THE WORK DISINCENTIVE

Now, let us analyze the problem of work incentive.

Due to the already high welfare benefits, the family assistance plan finds it necessary to sharply curtail the amount of earnings that a person can retain when he goes to work. Otherwise, the mathematics of the plan makes it cost prohibitive. The administration-supported formula would reduce the overall family income by $2 for every $3 earned. In many cases, after one considers the increase in social security taxes paid, the loss of medicaid benefits, and especially if the family is enjoying the benefit of subsidized public housing, the family income would be reduced by more than 100 percent of every dollar that a father or mother proceeded to earn.

I ask unanimous consent to have printed in the RECORD various tabulations and material explaining this point.

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

CHART 12.—H.R. 1: WHAT EACH DOLLAR EARNED WILL COST A FAMILY OF 4 IN WILMINGTON, DEL. (MOTHER WITH 3 CHILDREN)

	Range of earnings			
	0 to $1,000	$1,000 to $2,000	$2,000 to $3,000	$3,000 to $4,000
Welfare reduction	$0.19	$0.67	$0.67	$0.67
Social security tax	.06	.06	.06	.06
State, Federal income tax			.01	.02
Medicaid deductible increase	.09	.33	.33	.33
Subtotal	.34	1.06	1.07	1.08
Increase in public housing rent	.15	.06	.06	.06
Total cost to family for each dollar earned	.49	1.12	1.13	1.14

H.R. 1: WHAT EACH DOLLAR EARNED WILL COST A FAMILY OF FOUR IN WILMINGTON, DEL.

Under H.R. 1, a family's assistance payment would be reduced by two-thirds of any earnings in excess of $720 per year. Looked at in isolation, this appears to permit families to keep, as an incentive for increasing their earnings, the first $720 per year of such earnings plus 33 cents out of every dollar above $720. In practice, however, increased earnings would result in many other costs to the family in addition to the partial reduction in their assistance payments. This chart shows some of these costs as they would affect a family in Wilmington, Del., composed of a mother and three children. The four columns show for various earnings levels how much each additional dollar will cost the family in reduced assistance benefits, increased payments for social security and income taxes, an increase in the medicaid deductible under the provisions of H.R. 1, and the increased rent a family would have to pay for public housing under the administration's proposed housing legislation.

In the $0 to $1,000 range of earnings, the reductions are rather modest because the first $720 of annual earnings is not taken into account in determining either the assistance payment or the medicaid deductible. Each additional $1,000 of earnings, however, results in costs to the family which average more than $1 in added cost for each $1 of added earnings. For example, a family increasing its annual earnings from $2,000 to $3,000 would have to pay out $1.07 for every dollar of additional earnings. If the family lived in public housing, the total added cost for each dollar of earnings would be $1.13. In other words, it would cost the family $1,130 to increase its earnings from $2,000 to $3,000. This would be a net loss to the family of $130.

The data in this chart with respect to the reduction in assistance, income taxes, and public housing rent are based on computations by the Department of Health, Education, and Welfare which assume that Delaware will supplement the basic Federal assistance payment of $2,400 per year by $216 which would maintain Delaware's existing payment level with an increase to compensate for the fact that food stamps or surplus commodities would no longer be available. The medicaid deductible would affect families to the extent that they have medical expenses. It is computed on the assumption that Delaware will set the medical assistance standard at the $2,616 payment level although H.R. 1 would permit it to set that standard somewhat higher or lower. Social security tax costs are based on the employee taxes provided for in present law for 1973 and later years. The chart also assumes that the administration's public housing proposals will be enacted.

CHART 13.—H.R. 1: WHAT EACH DOLLAR EARNED WILL COST A FAMILY OF 4 IN CHICAGO (MOTHER WITH 3 CHILDREN)

	Range of earnings					
	0 to $1,000	$1,000 to $2,000	$2,000 to $3,000	$3,000 to $4,000	$4,000 to $5,000	$5,000 to $6,000
Welfare reduction	$0.19	$0.67	$0.67	$0.67	$0.67	$0.67
Social security tax	.06	.06	.06	.06	.06	.06
State, Federal income tax					.16	.19
Medicaid deductible increase		.21	.33	.33	.33	.33
Subtotal	.25	.94	1.06	1.06	1.22	1.25
Increase in public housing rent	.15	.06	.06	.06	.06	.06
Total cost to family for each dollar earned	.40	1.00	1.12	1.12	1.28	1.31

CHART 14.—H.R. 1: WHAT EACH DOLLAR EARNED WILL COST A FAMILY OF 4 IN NEW YORK CITY (MOTHER WITH 3 CHILDREN)

	Range of earnings						
	0 to $1,000	$1,000 to $2,000	$2,000 to $3,000	$3,000 to $4,000	$4,000 to $5,000	$5,000 to $6,000	$6,000 to $7,000
Welfare reduction	$0.19	$0.67	$0.67	$0.67	$0.67	$0.67	$0.67
Social security tax	.06	.06	.06	.06	.06	.06	.06
State, Federal income tax			.01	.03	.17	.20	.21
Medicaid deductible increase						.32	.33
Subtotal	.25	.73	.74	.76	.90	1.25	1.27
Increase in public housing rent	.15	.06	.06	.06	.06	.06	.06
Total cost to family for each dollar earned	.40	.79	.80	.82	.96	1.31	1.33

H.R. 1: WHAT EACH DOLLAR EARNED WILL COST A FAMILY OF FOUR IN CHICAGO, ILL.

This chart is similar to chart No. 12, but it shows the cost of each additional dollar of earnings at various earnings levels for a family composed of a mother and three children in Chicago, Illinois rather than in Wilmington, Del. The effects in both cities are comparable except that in Chicago the medicaid deductible would not be as large at earnings levels under $2,000 on the assumption that Illinois continues its present practice of setting a medical assistance standard somewhat above its payment level for cash assistance. Also, because of the assumption that Illinois will supplement the basic Federal assistance payment, the family would continue to receive assistance until its earnings exceeded $6,000. As a result, income taxes could be a significant cost factor for some families getting assistance. As in the Wilmington chart, this chart shows that families in Chicago who live in public housing and get assistance would find their earnings profitable only in the $0 to $1,000 range. Each $1,000 of earnings about that level would cost the family $1,000 or more in lost benefits, taxes, and increased fees and deductibles. Families not in public housing would be able to keep as a net gain 6 cents on the dollar from earnings in the $1,000 to $2,000 range. Above that, the costs incurred as a result of increased earnings would exceed the amount of the earnings.

The data in this chart with respect to the reduction in assistance, income taxes, and public housing are based on computations by the Department of Health, Education, and Welfare which assume that Illinois will maintain its cash assistance levels with an increase to offset the loss of food stamps. The figures also assume that the administration's public housing proposals will be enacted. Social security tax costs are based on the employee taxes provided for in present law for 1973 and later years.

The medicaid deductible would affect families to the extent that they have medical expenses. It is computed on the assumption that Illinois will set a medical assistance standard higher than the cash assistance payment level in the same ratio as its current medical assistance standard bears to its payment level. The chart also assumes that, in reducing the State supplemental assistance, Illinois will follow the Federal practice of reducing benefits by only 67 percent of earnings above $720. H.R. 1 would, however, permit the State to increase the reduction rate to as much as 100 percent in earnings ranges above $4,320.

H.R. 1: WHAT EACH DOLLAR EARNED WILL COST A FAMILY OF FOUR IN NEW YORK CITY, N.Y.

This chart is similar to chart No. 12, but it shows the cost of each additional dollar of earnings at various earnings levels for a family composed of a mother and three children in New York rather than in Wilmington, Del. The effects in both cities are comparable except that in New York there would be no medicaid deductible at earnings levels under $5,000 on the assumption that New York continues its present practice of setting a medical assistance standard 33 percent above its payment level for cash assistance. Also, because of the assumption that New York will supplement the basic Federal assistance payment, the family would continue to receive assistance until its earnings exceeded $7,000. As a result, income taxes could be a significant cost factor for some families getting assistance. Families in New York which get assistance are shown by this chart to have a net gain from their earnings at all earning ranges below $5,000. For families who do not live in public housing, the amount of this gain ranges from 75 cents on the dollar for earnings below $1,000 to 10 cents on the dollar for earnings in the $4,000 to $5,000 range. Similarly, families in public housing have a net gain of 60 cents on the dollar for earnings below $1,000 decreasing to 4 cents on the dollar for earnings between $4,000 and $5,000. Above $5,000 for families (whether or not in public housing) the added costs attributable to earnings exceeded the amount of the increase in earnings.

The data in this chart with respect to the reduction in assistance, income taxes, and public housing are based on computations by the Department of Health, Education, and Welfare which assume that New York will maintain its January 1971 cash assistance levels with an increase to offset the loss of food stamps. The estimates also assume that the administration's public housing proposals will be enacted. Social security tax costs are based on the employee taxes provided for in present law for 1973 and later years.

The medicaid deductible would affect families to the extent that they have medical expenses. It is computed on the assumption that New York will set a medical assistance standard higher than the cash assistance payment level in the same ratio as its current medical assistance standard bears to its payment level. The chart also assumes that, in reducing the State supplemental assistance, New York will follow the Federal practice of reducing benefits by only 67 percent of earnings above $720. H.R. 1 would, however, permit the State to increase the reduction rate to as much as 100 percent in earnings ranges above $4,320.

Mr. LONG. Now again, Mr. President, this is how the program would work if the beneficiaries conducted themselves as the proponents of the plan would hope; namely, contrary to the economics of the situation. As a practical matter, it would pay the family if the father would simply remain outside the family unit in every legal and technical sense, while the mother pretended a degree of dependency on welfare that does not, in fact exist.

THE SUPREME COURT'S ROLE

A significant part of today's welfare mess exists because of the conduct of the Supreme Court's outlawing the man-in-the-house rule and the residency requirements.

Congress intended that all elements of income should be taken into account in determining the need for welfare, including the income of the man in the house. A mother could obtain welfare payments for herself and her children so long as no man were available to support the family. If she demonstrated that her husband had deserted her, or that she was not certain of the identity of the father of her children, she and her children were eligible for welfare. But they would lose welfare payments if the authorities found a man in the house who could support them. Because of the Supreme Court decision finding a man in the house is no longer sufficient and the States administering the program are confronted with an insurmountable burden of proof in identifying the father, establishing his wherabouts and his income and proving its availability to the family. And they are not likely to gain the cooperation of the mother. Why should she provide such information, when to do so would make her and her children ineligible for State support?

Even in Washington, D.C., for example, where the Department of Health, Education, and Welfare oversees the program without the necessity of agreeing with a State government, a man-in-the-house rule was enforced. Some years ago, when Senator ROBERT BYRD of West Virginia was chairman of a subcommittee of the Appropriations Committee, the Senator from West Virginia conducted a sample study which demonstrated that 59 percent of the recipients on the AFDC rolls were ineligible and that half of the remainder were being overpaid.

Persuading the Supreme Court to strike down the man-in-the-house rule, probably was the supreme achievement of the poverty lawyers working for the Office of Economic Opportunity. This, plus the decision to strike down what Congress sought to support by way of residency requirements, have accounted for a large part of the increase in the welfare rolls and costs which have occurred since that time.

How would we have dealt with illegitimacy if there had been no welfare program? Suppose, for example, the mother was a daughter of any Member of this body. We would insist that the fellow responsible should either marry the mother, or that he should be taken to court, legally declared to be the father and ordered to pay support to the mother and child. This may sound old-fashioned, but it is the only sensible way to handle situations in which the father has deserted or denied paternity.

A Federal child support law, unimpeded by State boundaries, with the help of the Internal Revenue Service and the Social Security Administration in locating and collecting support from runaway fathers, is an essential part of any solution to the welfare mess. The administration bill has closed its eyes to the need in this area. I say, without the slightest doubt, that no equitable system of family support can make any sense—so long as we permit the father to remain outside the family unit without requiring any of his income to be made available to his children. Nor can any such program be made to work so long as it is to the cash advantage of the mother to cooperate with the father in doing business in such a fashion.

THE INCENTIVE TO WORK

Once people are placed on welfare, both the existing program, as well as the family assistance plan, intend that people should accept work where they can, and that the earnings will reduce the amount of the welfare payment.

One would wonder why the administration has been unable—after more than a year of solid criticism of the disincentives against work—to devise a proposal that would assure a person that he could keep at least one-third of his earnings. The administration has struggled with this problem so long that they have finally developed a machine to demonstrate the difficulty. Basically, what the machine demonstrates is that when we guarantee a person a large amount of money for not working, and then attempt to do justice to those who are working by permitting them to keep a part of their earnings, it is necessary to reduce the welfare payments sharply as the earnings increase. Otherwise, the person remains on welfare, drawing a small payment although his earnings have advanced to the point that he is in the middle income tax brackets.

In an excellent article that appeared recently in the Washington Post, former Health, Education, and Welfare Assistant Secretary Alice Rivlin explained why it is so difficult to provide a work incentive through a welfare-type system:

> Under the not-so-generous Nixon Family Assistance Plan, a family would have its benefits reduced by $2 for each $3 earned; they would be subject to a 66⅔ percent tax rate. The effective tax rate would actually be higher—more like 80 percent—because they have to pay Social Security as their incomes rose. Getting to keep 20 cents out of each dollar earned is hardly much of an incentive to take an unpleasant low-paid job.
>
> Why not compromise and move the guarantee to $4,000 and the "tax" rate to 50 percent? This may well be a good solution, but it would cost at least $30 billion more than the present welfare system and would involve payments to people with incomes up to $8,000 or well into the middle income bracket. This may be worth it, but it should be recognized as a much more complex and expensive undertaking than appeared when we first asked. "Why can't we cure poverty?"

The point which many people miss about the whole matter is that once we make it comfortable for people to live on welfare and then tax away 80 cents out of each dollar they earn, work becomes far less attractive. The person is inclined to adjust himself to the comforts of welfare. If he works, there is an overwhelming temptation to cheat by insisting that he be paid in cash—with no records kept. This latter practice is becoming more and more an accepted thing in both the metropolitan and rural areas of our country today, even under existing law.

THE WORK REQUIREMENTS

We are led to believe that President Nixon decided to endorse the Family Assistance plan partly because he was led to believe that there were to be strict work requirements. The so-called work requirements are, in fact, a farce.

In the first place, the bill's highly touted "work requirement" actually only amounts to a requirement that an able-bodied individual register with the Labor Department. If that Department can offer the registrant a suitable job, he or she must accept it or face a partial loss of welfare benefits.

Unfortunately, the record of the Labor Department in placing welfare recipients in jobs is very, very poor. If a welfare recipient does not want to work, he has little to worry about from the Labor Department. By that Department's own estimates, they plan to develop only 200,000 jobs for 2.6 million registrants—only one chance in 13 from the recipient's standpoint.

If a welfare recipient is determined not to work, it is not difficult to terminate employment once placed in a job. For example, in practically every city in America there are jobs available as waitresses and dishwashers. All the person has to do is maintain the image of seeking work without the ability to keep the job and to accept any restaurant job available and then proceed to stumble and drop the glasses and dishes on the floor. A person does not have to break more than $100 worth of china and glassware to persuade the boss he has the wrong employee.

CHILD CARE

But what about the welfare mother who wants to work? HEW studies show that many welfare mothers are eager to work but are held back by the lack of availability of child care. Funds the Congress has appropriated for child care under the work incentive program have gone unused and the care has not been made available. It was for this reason that the Committee on Finance last year approved my proposal to establish a Federal Child Care Corporation whose sole mission it would be to expand the availability of child care nationwide so that mothers who wish to work may do so.

I have reintroduced my child care proposal with improvements this year, and the Committee on Finance will be holding hearings on child care before we resume hearings on the welfare plan.

Adequate provision for child care is a crucial element in any welfare reform proposal. H.R. 1 provides funds for child care, but, in my opinion, we need to go beyond funds alone by providing a mechanism to insure the availability of child care as well.

A BETTER APPROACH

Mr. President, I am perfectly willing to subsidize low-income working persons, but we must have an approach that does better than providing a welfare benefit for doing nothing and then taking away part of the benefit as people increase their work efforts. We would do better to supplement an individual's wage on an hours-worked basis.

For example, suppose a father is earning $1.20 and hour. We might decide to supplement his wages by 40 cents an hour for up to 40 hours a week. With this approach, he would start receiving an additional $16 for each week in which he works 40 hours. He would receive $8 if he works only 20 hours, and he will re-

ceive no benefit at all if he works zero hours. This is in direct contrast to H.R. 1, under which he would be paid the most in welfare benefits if he works not at all, less if he works 20 hours and least if he works 40 hours.

My proposal goes in exactly the opposite direction by providing benefits only to the extent that there is work effort. In short, I believe that we should guarantee a job opportunity rather than guarantee an income for doing nothing.

Of the other advanced countries none has a program which pays people to do nothing, comparable to what we are doing now, or to the Family Assistance plan.

There are a multitude of ways in which we can help provide employment opportunities and make jobs pay more than they pay at present. In fact, there are a considerable number of subsidized industries in America today, some of which pay very high wages. It is much cheaper to subsidize a job in private industry than to pay the person to do nothing.

There is no substantial argument in the Senate Committee on Finance about the desirability of providing day-care centers for children. Many of the welfare mothers can be offered good jobs in such day-care centers, which in turn will free other mothers to accept full-time employment opportunities.

Once we are able to agree, and I believe that the Committee on Finance is willing to agree, that our objective is to provide everyone with an opportunity to work for a wage sufficient to provide for essential needs, we should have little difficulty in developing such a program. The only impediment is the administration's determined and dogged insistence on according everyone the opportunity to loaf, and guaranteeing them an income of $2,400 a year while they do it.

It is easy enough to make welfare more attractive than work. This Nation probably has the resources accumulated over centuries of dedicated, honest, diligent endeavor to afford and sustain tax-supported idleness, tax-supported illegitimacy, tax-supported corruption in the short run. No nation, not even this one, has enough fat to sustain such an erroneous course indefinitely.

A nursery story tells us of the grasshopper who fiddled all summer only to die with the first frost. Why should this Congress seek to make a grasshopper of Uncle Sam. Why not emulate the ant, or the squirrel who work tirelessly when they can to store something away against times of adversity. Uncle Sam will not be the inspiration of the free world while the major cities of America are clogged with trash and pollution and tax-paid welfare loafers wallow in litter and debris.

Mr. President, an interesting speech was made recently by Roger A. Freeman, entitled "Guaranteed Poverty or Guaranteed Opportunity?" I ask unanimous consent that the speech may be printed in the RECORD at this point.

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

GUARANTEED POVERTY OR GUARANTEED OPPORTUNITY?

(By Roger A. Freeman)

THE INCENTIVE TO WORK

From the dawn of history, through biblical times and down to our days, one of the most noble and most highly regarded human and humane tasks has been aid to the poor—to succor the widows and orphans, to help the aged and the afflicted, and to drive the curse of poverty from the land. Among the countries that tried, none has come closer to the goal of eradicating poverty, in absolute terms, than the United States of America. The descendants of 43 million immigrants, few of whom landed with more than a bare minimum of material possessions, and most with nothing, made themselves within the short span of less than two centuries the richest people on earth, bar none. What is more, they changed the shape of income distribution from a pyramid—a wide base, narrowing to a peaked top—which had been the historical pattern and still prevails in many countries, to a diamond: the great bulk in the middle with a slimming toward both ends.

So widely was it believed that American society had succeeded in abolishing poverty that only eight years ago a Presidential commission, appointed to define national goals and to design avenues by which to reach them, never mentioned poverty nor its eradication. A few years earlier, Arthur Schlesinger, Jr., reported in the *New York Times* (Aug. 4, 1957) how a Democratic politician had explained to him the 1952 election: "The trouble is, we ran out of poor people." Even John Kenneth Galbraith in *The Affluent Society* did not refer to poverty as a general or mass affliction but mentioned that some pockets remained of insular and case poverty—related to characteristics of the individuals affected more than to the nature of society.

Through its Joint Economic Committee, Congress studied the condition of families with under $2,000 a year incomes in 1949, 1956 and 1959 but was careful to refer to them merely as the "lower-income population" or "low-income population." Nor did these reports attract much attention, at least not until about five years ago, when the terms "the poor" and "poverty" were applied to designate our low-income population and when a crusading spirit emerged.

The late Henry Luce explained the origin of the new movement at *Fortune's* 35th anniversary banquet:

". . . But after all, is there not still poverty? Yes—and some might add that it took President Johnson's political genius to discern it." Some might even have said "to discover it." Several dozen books and hundreds of articles have since been written to impress upon us that we have again—or still—what we thought had long been abolished in the United States: mass poverty. Its extent was officially placed at 39 million persons, or 22.1 per cent of the American population at the close of 1959, and at 26 million persons, or 13.3 per cent of the population in the latest survey in March 1968.

So, in recent years we have had much discussion of the "paradox of poverty in the midst of plenty" and of means to combat it and to wipe poverty off the map of the United States. We are met this morning to discuss the latest group of proposals to achieve that end.

When we look more closely, it becomes apparent that the existence of poverty amidst plenty is as much of a paradox as the existence of shadows when the sun shines. It is the sunshine which causes objects to throw a shadow as it is the affluence of our society which makes us place the label of poverty on one out of every ten American families.

Poverty, as you know, is defined as a cash income below a specified level which on last count was officially set at $3,335 for a 4-person nonfarm family. A family income of that magnitude is regarded as mark of high prosperity or at least as expressing a middle-class status everywhere outside the borders of the United States. Until not so many years ago this was true here too. Poverty used to be defined as the absence of resources sufficient to meet minimum requirements. But definitions and concepts change. In Sweden, the highest income country in the world next to the U.S. with a per-capita product only 25 per cent below ours, 22 per cent of the income earners make less than $965 a year, 42 per cent less than $1,930. But Sweden, which boasts the most extensive welfare system anywhere, claims to have eradicated poverty long ago.

Family income in the United States averaged $8,017 in 1967. Thus, the governmentally sanctioned poverty level equals only 42 per cent of the average. That does seem *relatively* low. Many seem to believe that in a country as rich and powerful as ours everybody ought to be above the average—but at least, nobody should be below the average.

Supposing all income were to double over the next 20 or 30 years. Would that wipe out poverty? It practically would—*if $3,335* remained the benchmark. But as happened in the past and will most certainly continue to happen, the poverty definition will change and if average incomes double, so will the poverty level. The incidence of poverty, as now officially defined, has declined by one percentage point each year since 1959—from 22.1 per cent to 13.3 per cent (1967). At that rate, poverty would cease to exist in the United States by about 1980. Some have so predicted.

But to assert or expect that this will actually happen is plainly naive. We guarantee the perpetual existence of poverty by defining it not in terms of constant minimum subsistence requirements but moving it up in relation to the steadily growing average income. This is like greyhounds chasing a mechanical hare, or the dog chasing his tail: the faster he turns the faster his tail moves.

When a nationwide Gallup Poll in March 1964 asked whether they thought that poverty would ever be done away with in this country 83 per cent of those questioned replied in the negative. When asked again in June 1967, after three years of the War on Poverty, 89 per cent so responded. This suggests that the American people do not always accept the glowing promises of their political leaders at face value, and possibly less so after they have had an opportunity to compare promises with action and results.

To be sure: nobody questions that it is highly desirable to lift the income of persons on the bottom rung of the ladder to somewhat higher levels. In fact, many are convinced that this is imperative, whether they be motivated by compassion and charity or by uneasy thoughts about future domestic tranquility. But there are wide differences of opinion on how this can best be done, in what span of time it ought to and can be accomplished, and what role government should play in it.

In the recent election campaign the presidential candidates of both major political parties declared unequivocally that they would try to solve the poverty problem by expanding payrolls rather than welfare rolls. That is what the great majority of the American people like to hear—and would like to see. Not long ago President Lyndon B. Johnson predicted that "the days of the dole are numbered." Likewise, in his State of the Union Message in 1962, President John F. Kennedy stated that the new public programs would stress "services instead of support, rehabilitation instead of relief, and training for useful work rather than prolonged dependency."

This only reiterated what President Franklin D. Roosevelt had said in his 1935 State of the Union Message about the need to put people to work. He warned: "The lessons of history . . . show conclusively . . . that continued dependence upon relief induces a spiritual and moral disintegration funda-

mentally destructive to the national fibre. To dole out relief . . . is to administer a narcotic, a subtle destroyer of the human spirit. . . . The Federal Government must and shall quit this business of relief."

If the federal government were to continue quitting "this business of relief" at the rate at which it has been doing so, most Americans would be on welfare before many more years have gone by.

Why is this so? Because the enthusiasm with which various programs of occupational training and compensatory education—such as Neighborhood Youth Corps, Job Corps, Work Experience and Training, Title I (1965 Education Act)—were received and carried out has so far not been matched by commensurate tangible results. That does not prove that the goal cannot be achieved. But it remains to be demonstrated that any method so far employed can place a sizable percentage of the present or future relief recipients on self-sustaining payrolls in manufacturing, commerce, finance or any other industry. No public program that might conceivably achieve that end has so far proven politically acceptable.

Sometimes I wonder whether the large organizations demanding more generous welfare programs truly believe that a majority or at least a substantial percentage of those who now depend on the dole can be made self-supporting. Their actions suggest that they have concluded that no amount of training will significantly reduce dependency, that educational programs must be supported as much for their public relations value as in expectation of tangible results, and that making assistance recipients more comfortable is the best way to fight poverty. It could also be that some groups who are opposed to more generous relief are equally skeptical, but not wanting to appear purely negative, endorse and sponsor job training, without much hope of success, except in a limited number of cases.

Berkeley sociologist Nathan Glazier was probably correct in saying "that it is much easier to give someone money than to turn him into a productive and self-respecting citizen." That politicians have followed the line of least resistance, and are likely to follow it in the future, is not surprising.

Buoyed and excited by lavish promises, low-income people and their leaders do not exhibit the patience to wait for the results of programs which may, or may not, succeed in fitting them for and getting them, years hence, into well paid and not overly demanding jobs. They want fulfillment now—and only cash can give it to them.

Just about everybody, from the far right to the far left, is critical of and unhappy with our present system of public assistance and would like to supplement or replace it with another method of distributing public funds among low-income persons. The assignment of this panel is to discuss three such methods: guaranteed annual income, negative income tax, family allowances.

To guarantee everybody an adequate income appears to be the most direct and simple method to end poverty; also, when we study it more closely, potentially the most destructive.

It is proposed that government make up the difference between a pre-determined national standard and all income an individual or a family derives from other sources. In an affluent society, we are told, nobody should be permitted to fall below a minimum income needed to maintain a decent living. That sounds so persuasive that it has convinced a good many people that the millennium is just around the corner and that GAI is the way to bring it about.

Taking the poverty limit of $3,335 for a 4-person nonfarm family, the difference between needed and actual income (which includes social security, public assistance, etc.) amounts to $11 billion a year, on last count. If we take the Department of Housing, Education and Welfare's "near-poverty" income level which is one-third higher, the gap rises to $20 billion. Can we afford not to wipe out poverty at one blow—at a cost that equals a mere 1.5 per cent to 2.5 per cent of the national income or product? If we cannot do it this year, surely at the end of the Vietnam war. . . .

There are several things wrong with this mirage. If a 4-person family can get from the government without work $3,335—and a household of different size a proportionate amount—who will make a job paying $3,500, $4,000 or $4,500? Millions of unskilled or low-skilled persons cannot hope to earn more by their own efforts. Who will take a part-time job? Entire occupations would be wiped our overnight, a large part of the labor force of several states—particularly in the South—would immediately retire and most agricultural employment would end.

Not only would the cost of the program jump to several times $11 billion, our whole wage structure at medium and higher levels would be thrown into chaos, American consumers would be deprived of a large array of goods and services whose prices would become prohibitive, our balance of payments deficit would multiply several times—to say nothing of the U.S. Budget. The combined impact of demand-pull and cost-push inflation and a reduced supply of goods would be overwhelming and the "noble experiment" would soon collapse of its own weight.

It is sometimes forgotten that public income maintenance programs already run at an annual level of $58 billion—up from $10 billion in 1950 and $27 billion in 1960. Not all of those funds go to poor people. But *Federal Aid to the Poor* jumped from $9.5 billion to $27.7 billion between the fiscal years 1960 and 1969, according to the U.S. Budget. Some of the programs and the taxes required to finance them exert a disincentive effect on productive effort; but none packs the punch of the proposed GAI schemes.

Such considerations are deemed irrelevant by enthusiasts who hold that human dignity and social justice give everybody an absolute right to an adequate income from the government. Who is "the government?" The people who work and pay taxes. Cash is only a token that confers on the holder a claim on goods and services produced by others. To give people who prefer leisure to work a claim on the product of those who choose to work, forces the latter group into involuntary servitude, a new form of slavery.

Protagonists of GAI such as Richard Theobald and the Ad Hoc Committee on the Triple Revolution contend that technological progress has made millions of workers redundant and will continue to reduce the number of jobs at an accelerated pace. They hold that persons with low productive capacity cannot compete with sophisticated machines and should retire. Nobody ought to be working who cannot earn at least $4,000 to $5,000 a year from it. In the age of automation and cybernation the tie between income and work needs to be cut.

That technological progress reduces employment is a myth which has been disproved many times. Gains from increased productivity are used to lower prices, to boost wages, or both. Thus they enlarge markets and create jobs in turn. They do destroy some jobs but open more new ones.

Industrial productivity has been rising at a faster pace during the 1960's than it did during the 1950's—3.8 per cent and 2.5 per cent respectively per man-hour per year. Simultaneously the number of jobs jumped by 10 million and the unemployment rate dropped from 5.5 per cent to 3.6 per cent. Nor is unemployment high in industries—or in countries—where productivity has risen at above average rates; more often it is relatively low. Unemployment tends to be high where a well meant wage policy has priced large groups of workers out of the labor market or made the goods they produce or services they render non-competitive. It does not seem likely that an overall shortage of jobs exists in an economy in which almost 10 per cent of the industrial work is done on premium-pay overtime and where over 5 per cent of the labor force hold more than one job.

By eliminating several unskilled, low-paid occupations, GAI would force the rest of the labor force, the more highly skilled, the technical and professional workers, to devote more of their time to doing their own laundry and other menial tasks, thus reducing the hours they can give to their prime occupation. This may not help the rate of economic growth but it might increase the number of the white collar jobs which the unskilled so highly desire.

The American public is strongly opposed to GAI according to a nationwide Gallup Poll in June 1968 which showed 36 per cent in favor but 58 per cent opposed. When the potentially pernicious results of GAI became more widely known, a modified plan which avoids some of GAI's most damaging features gained public attention: the negative income tax.

The Negative Income Tax has attracted wider support in recent years than any other proposal in this field. Some view it as the Great White Hope.

As originally advanced, NIT would let every person—or every family unit—whose exemptions and deductions exceed his adjusted gross income, compute his "negative income," apply a tax rate to it, and then have the Treasury pay him the resulting "negative tax." The tax rate would not be the 14 per cent which is now applied to taxable income in the lowest bracket (up to $500 for an individual) but more likely 50 per cent, or 66⅔ per cent or some other percentage. It could even be graduated.

To many a taxpayer it appears to be a brilliant idea and eminently fair that he should be able to get paid by the Internal Revenue Service if his income falls below a certain minimum. It would establish a partnership principle—to share not only gain but also loss. And it would highly please the reliefer who regards the receipt of a monthly check to be far more dignified if it comes from the U.S. Treasury than from the state welfare department.

A 50 per cent "tax" rate would guarantee a 4-person family approximately one-half the "poverty standard" or about $1,650, which would make NIT much less competitive with low-paid jobs than GAI. More recent variations, however, would tie NIT to a poverty standard rather than to a computed negative income. By permitting recipients to retain between one-third and two-thirds—typically one-half—of their earnings up to a modest but adequate income, NIT would encourage its beneficiaries to seek gainful employment, full-time or part-time. Gradually, as their skills and wages improve and they become accustomed to a higher income, many will, hopefully, become fully self-supporting.

Well over a hundred articles, chapters and booklets were published in recent years, proposing a great variety of plans under the attractive label "negative income tax." Most authors attribute the idea's paternity to Milton Friedman and usually identify him as Senator Goldwater's economic adviser in the 1964 presidential campaign. Such references are intended to suggest or imply that a proposal by a Goldwater adviser could not possibly be an extravagant governmental spending scheme but is of a conservative nature.

But Friedman's proposal is unique among NIT plans: it would, in his estimate, cost *less* than our present public assistance system which it aims to replace. Most other proponents of NIT regard the public funds now channeled into income support of the poor to be niggardly and they designed their NIT plans so that they would increase those funds very substantially. Moreover, NIT would *not replace* public assistance but he added on top of it, at a cost that would under some currently popular plans run as high as $13 billion or even $25 billion a year.

Milton Friedman was surprised—and seemingly embarrassed—when his idea was received with enthusiasm on the left and with hostility on the right. Yet, this unusual alignment is easy to explain. Individuals to the left of center view NIT as a new and powerful vehicle for taking several additional billions from the "haves" and giving them to the "have-nots": in the process it would correct certain deficiencies in public assistance. Persons to the right of center fear that in the political reality of the day Milton Friedman's plan, if accepted in principle, could only be enacted with such initial changes and subsequent amendments as would turn it into something entirely different from what its author had in mind: into a grab bag which neither he or they would think of supporting.

Most features of NIT can with equal ease be added to establish public income maintenance programs. For example, the employment incentive of letting recipients keep a percentage of their earnings from working, up to a specified ceiling, was inserted in the old age benefit provisions of social security (OASDHI), in the Economic Opportunity Act of 1964, in the Elementary and Secondary Education Act of 1965 and, between 1962 and 1967, in the categorical public assistance programs.

The size of public assistance grants is now set by deducting from the needs of each family its income from other sources. The standards by which those needs are computed establish, in effect, a guaranteed annual income. But those standards are flexible, to fit individual and local circumstances. They are determined by state legislatures and welfare administrators, presumably in keeping with the concepts and wishes of the people of each state. Standards tend to be high in high-income states and low in low-income states. That is so partly because of varying state fiscal capacity—though this is mitigated by a federal reimbursement which ranges from 44 per cent to 79 per cent, inversely to per-capita income—and partly because the benefit level that makes welfare more attractive than unskilled jobs is lower in low-income states.

If differences in assistance standards the states are deemed to be too wide, a national minimum can of course be made mandatory. This has repeatedly been suggested but Congress has so far not seen fit to act.

A national minimum would appear more appropriate than a uniform national standard because an amount adequate to live in a small southern town would not be sufficient in New York City, while a grant large enough for New York or San Francisco would create chaos in the economy and job markets of low-income areas especially in the South. Public assistance *can* operate with a national *minimum* if it is deemed necessary or desirable But NIT requires a national *uniform standard* which would create inequities between the states.

Many proponents view NIT as a way of eliminating the hated means test by which the eligibility of an applicant for public assistance is commonly verified. The welfare profession holds that the means test insults the applicant's dignity and should be abolished in favor of a simple declaration, just as tax returns are accepted by the IRS at face value with only a small percentage subjected to an audit.

Absence of a means test is of course not an integral feature of NIT. The test could be required for eligibility under NIT—and it could be omitted in public assistance. That depends on whether we aim to ease access to the welfare rolls or whether we intend to grant public aid only to those who can stand an examination of their eligibility.

The under-18 population grew 36 per cent over the past 15 years (1953 to 1968) but the number of children receiving Aid to Families with Dependent Children (AFDC) increased five times faster—187 per cent. That hardly suggests that eligibility procedures have been overly restrictive. Nor, that many applicants were deterred by an allegedly demeaning means test.

Public assistance claims are generally not verified by trained investigators but by case workers trained in social welfare. Their commitment and allegiance lie, under professional precepts and standards, with their welfare clients and not with the welfare department or the taxpayers. While Congress and the American public periodically express unhappiness with the constant and rapid rise of welfare rolls, the welfare profession disagrees. It focuses its concern on the fact that only one-third or one-fourth of the poverty population—as officially defined—receives public assistance. In consequence it aims more to put people on the rolls than to take them off.

Suggestions have been made—and were put into practice in some locations—to "simplify" the intake of public assistance, i.e., to accept an applicant's statement without attempting to verify it. New York City is using such simplified procedures in part of its area.

New York City enjoys (?) one of the highest ratios of AFDC recipients to under-18 population in the country—three times higher than the national average. That relief rolls in New York City have multiplied so rapidly—lately rising by over 20,000 a month—that now one of every eight city residents is on welfare may be partly due to a formal or informal "simplification" of intake. But it could be more directly related to the fact that monthly benefits in New York are 71 per cent above the national average although per-capita income is only 19 per cent higher than the national average.

Senator Jacob Javits informed his colleagues a few weeks ago that an AFDC couple with two children in New York City now receives $4,100 a year—not counting fringe benefits—while a man, working full-time at the minimum wage of $1.60 an hour, would earn only $3,300, with an even smaller take-home pay.

But the demands are strong in New York City to boost the size of welfare benefits and to add 150,000 to 300,000 families to the relief rolls.

Maybe New York City, the financial capital of the United States—and of the world—can afford all that. Or can it?

I mention this because New York City conditions can give us an indication of what the rest of the country would face if an even more generous scheme such as one of the more frequently cited NIT plans or GAI were to be nationally adopted.

Milton Friedman sought an alternative to our present system of public assistance because it leaves too many decisions in the hands of social workers and welfare administrators. Needs are computed on an individual family basis and the authority to grant or deny monthly benefits gives welfare departments too much power over the lives of low-income people. This, he feels, could be remedied by substituting an objective, impersonal formula for fallible human judgment. NIT would replace the rule of men by the rule of law. This would also meet a demand which the welfare profession has long put on its banner: to abolish public assistance categories. Need, i.e., lack of adequate income, should be the only criterion for public aid.

Categories could of course also be eliminated under public assistance. But adoption of NIT might make this easier to accomplish.

Abolition of welfare categories is a fundamental issue on which two opposing philosophies clash. For an explanation we need to delve into the history of public assistance.

When the Social Security Act of 1935—which will be exactly one-third of a century old on December 14, one week from this Saturday—was adopted, it established two basic criteria for eligibility:

1) Low Income. 2) Membership in a group with certain characteristics which provide an adequate reason for the person or family being poor: age 65 or older; blindness; children whose fathers are absent.

The last category was then understood to mean mostly orphans and children of disabled fathers. ADC—later renamed AFDC—was intended to continue, on a national basis, the mothers' pensions or widows' pensions which the several states had established in the preceding three decades.

In 1950 disability was added to the other three public assistance categories and in 1957 to Social Security (then OASI). During the 1950's most children of dead or disabled fathers were moved to the social security program and an initially small group became the main clients of AFDC: children of fathers who had deserted their families or were never married to their mothers, and those mothers themselves. The inclusion of unemployed fathers was permitted in 1962 and 22 states so extended AFDC.

ADC was so noncontroversial at the time of its adoption that it was hardly even mentioned during the extensive congressional and public debates that preceded the Social Security Act of 1935. For some years now almost all controversies over public assistance have focused on AFDC. This is not just because the number of recipients jumped from under 2 million in 1953 to 5.6 million in mid-1968 and the cost from slightly over half a billion dollars to $2.8 billion a year.

The flames of controversy are fanned by certain charges made against AFDC:

1) When the various income maintenance programs were proposed in 1935. Congress and the public were told that crime and other social ills were caused largely by poverty and could be reduced by adopting social welfare measures. The programs—and particularly AFDC—were vastly expanded in subsequent years but the rates of crime, delinquency, desertion, illegitimacy, and other social ills multiplied and still are soaring. Critics hold that AFDC has significantly contributed to that appalling record.

2) While welfare dependency in the other three categories is the result of natural or exterior forces, AFDC dependency is largely caused by socially unacceptable and destructive behavior such as desertion and illegitimacy which should not be supported nor its perpetrators be rewarded—and thus encouraged—by handing them monthly government checks which appear to put an official approval on their actions. The welfare profession, however, believes that this argument is like blaming the umbrella for the rain.

Most states are lax in enforcing parental support responsibility and thus leave the door open for convenient mass evasion and a shift of the burden from fathers to the back of the taxpayer. Moreover, as monthly AFDC benefits grow to a level that equals or exceeds the take-home pay of unskilled and not overly ambitious men, many mothers come to prefer welfare. Freedom to exercise that choice would be broadened and facilitated by a GAI or NIT program.

Matters are made worse by the tendency of low-income families to have more children which appears to be encouraged by a program that accords benefits according to the number of children. Families with six or more children average $2,000 less in income than families with two or three children. The former are over three times as likely to be poor as the latter.

It has been long and intensely debated whether a person is partially or wholly responsible for his poverty. A Gallup Poll in June 1967 disclosed that 42 per cent of the American people believe that "lack of effort" is to blame for an individual's poverty, another 36 per cent that it is a "combination of lack of effort and circumstances" and only 19 per cent blame "circumstances alone." This shows a significant shift between 1964 and 1967 from "circumstances" to "lack of effort."

This critical attitude of wide sections of the public and the resulting plight of the "undeserving poor" deeply troubles the wel-

fare profession and many sympathizers. They feel that "the undeserving AFDC family has been for a long time the albatross around the neck of public welfare." This is why the mentioned groups demand the abolition of assistance categories and the establishment of need, i.e., low income, as the only criterion of eligibility for public aid. But congressional ears are attuned more to the sentiment of the general public than of the welfare profession and its allies. So far, Congress has shown no desire to wipe out categories in public assistance. This is why protagonists of the abolition of categories view a change-over to an entirely new system such as NIT or GAI as the most promising means to break the deadlock.

It is generally agreed that men who are physically able should work to support their families and not be given public aid if suitable jobs for them can be found. Whether mothers should seek employment or stay home with their children is still being debated.

In the entire population, 44 per cent of all mothers with children from 6 to 17 years, and 24 per cent of mothers with children under 6 years, were in the labor force in March 1966, if the father was present in the household. If the father was absent, 66 per cent of the mothers with children 6–17, and 46 per cent of those with children under 6 were in the labor force.

Most of those working mothers were not on AFDC. But mothers who did not care to work—at least not a prevailing wages on available jobs for which they qualify—nor had independent means of support, went on AFDC and will in all likelihood remain there until the system is changed.

Millions of openings are going begging and many of them are for unskilled and low-skilled workers in the service trades, particularly in laundry and cleaning, restaurants and hotels, domestic service, etc. Even in New York City with its heavy welfare load "there is an average of 100,000 to 120,000 unfilled jobs each month and 40,000 of these appear to be open to the city's poor almost irrespective of their education and training,'" according to a recent report to the city's Human Resources Administration. "They are jobs where the learning required is between a half hour or six hours at the maximum."

However, men and women, and particularly young people, who can wash dishes, help in food preparation, serve as messenger boys or clean backyards—but are not qualified to fill vacancies which call for higher skills—do not care to accept jobs which they regard to be menial, as long as welfare offers them an opportunity to get workless income from public funds. They constitute a growing new leisure class.

We are sending more of our girls to college than any other country in the world. We are also the only country which then turns its university-educated women into cooks, chambermaids and cleaningwomen for much of the rest of their lives and thus keeps them from using their natural gifts and training in a professional career. It has been estimated that there are 5.5 million families in the United States that want maids, but only 1.5 million women here who will take the jobs. With welfare readily available, why should they?

Would incentives offered by NIT motivate AFDC recipients to work? New York City started a program in September 1967 which permitted welfare recipients to keep the first $85 a month and 30 per cent of the remainder of their earnings up to a ceiling of $4,900 for a family of four. The welfare department expected 40,000 of the 120,000 welfare mothers to take jobs. In February 1968 only 1,554 were working and by the summer of 1968 2,500. Nor are the prospects good that a sizable number will do so later.

The chance to retain part of their earnings does not seem to be an adequate incentive. To be sure: the carrot is a powerful motivator for many. But others—and apparently most of those now on welfare—will not respond without the stick. The "stick" of requiring welfare recipients to do some useful work, if they are physically able to do so, could become the most effective test of need and of a justified claim to public aid, even without a thorough vertification such as a means test.

A small number of people cannot compete in an open job market, for whatever reason, particularly when legal or contractual minimum wage rates price them out of a not-so-open market. Obviously they cannot be left to starve.

A Gallup Poll in June 1968 showed that 78 per cent of those questioned believed that government should guarantee everybody work at a minimum subsistence pay in lieu of workless welfare payments, if he cannot find a regular job.

For workers whose output does not equal the wage rate they would have to be paid, government could offer tax credits to employers or possibly subsidies.

It would even be preferable to have government act as an "employer of last resort" rather than as a source of workless relief for millions of people. Large numbers of jobs can be made available through work relief such as cleaning and rehabilitation of streets, public buildings, subways, parks and city slums. Many unskilled jobs can be created in various types of public institutions.

Work relief, full-time or part-time, will confer on recipients the dignity of having *earned* their support, give taxpayers at least some tangible return on their multibillion investment, and, last but not least, the assurance that only persons who are genuinely in need and merit help will be aided.

It is hardly possible to make work relief for those able to work a condition of getting benefits under NIT. It can, however, be done under a system of public assistance. Enactment of NIT or GAI would open a Pandora's box that could harm our social structure and fabric more severely than public assistance does at the present time.

Senator William Proxmire, chairman of the Joint Economic Committee of Congress, commented a short time ago: "I can understand why 1200 economists are for (NIT) but it would be hard to find 1200 other people." The welfare profession has given NIT at best lukewarm support. Those of its members who favor it hold that NIT, if enacted, would have to be supplemented by a significantly liberalized public assistance program without categories or means test but with national minimum benefit standards.

Others prefer family allowances, also supplemented by broadened public assistance. Many foreign countries grant family allowances but none have anything resembling our public assistance program. The Canadian government pays $6 a month for children up to 10 years, $8 for older children. Sweden, a leader in the social welfare field, gives parents $175 a year per chld, in addition to certain benefits at time of birth. In a recent book eulogizing the Swedish welfare state the author, presenting the example of a newly born baby, said: "His father began to suspect that raising a family was good business, and nothing happened in the ensuing years to change his mind."

To make the procreation of children "good business" can be justified in a country that aims to raise its birthrate. But this is decidedly not the case now in the United States. Moreover, we may question just how profitable it is for a family to have more children—on a governmental allowance of less than $15 a month.

The allowance most frequently suggested in the United States is $25 or $50 a month per child. With AFDC benefits now averaging $42 per recipient—which includes the mother and in some cases also the father—the allowance could hardly be lower than that if the program is to be meaningful. To keep initial costs low and make the plan more palatable, one plan would give $50 a month for children under 6 years, and either exclude children 6 years and over or grant $10 for children 6 to 18 years. But it is hard to justify how we could give far less, or nothing, for older children who obviously cost much more to feed and clothe than small children. The proponents seem to have their eyes fixed on securing adoption of the program. They expect that the benefit amounts, if clearly inequitable, would soon be lifted to higher levels.

With a present under-18 population of 71 million, a monthly family allowance of $25 per child would cost $21.5 billion a year, an allowance of $50 about $43 billion. There would be a reduction in the current $2.8 billion cost of AFDC.

Why should child allowances go to all families, rich and poor alike, when only one American family in ten is now held to be poor? The reason given by the plan's advocates is simple: so that the poor would not feel singled out and stigmatized as relief recipients. Moreover, the nine nonpoor families in every ten would then feel that they have a stake in the program and would rally to its support rather than criticize it as many now do in regard to AFDC. Whether middle-class families would really be fooled into believing that they get something for free from the government, when in fact they pay for it by heavier taxes, is another question.

To reduce the cost of family allowances it has been suggested to eliminate personal exemptions for dependent children (now $600) for federal (and also possible state) income tax purposes. That could add $376 to the federal tax liability of a family with three children and a taxable income of $8,000.

A system of family allowances coupled with a repeal of personal income tax exemptions would put money in the right pockets of all American families and then take it from the left pockets of about 90 percent of them. This attracts those who favor the maxim of "tax-and-tax and spend-and-spend." Others would prefer to keep taxing and spending at the lowest possible level and provide public funds only for individuals and families who genuinely need them because they are unable to sustain themselves by their own efforts.

Does the U.S. Government owe every American a living? And if so, does that mean that everybody has an absolute right to receive a specified income regardless of whether he is *unable* to earn it or whether he *prefers* not to work because he is offered a less laborious method of getting money?

An examination of the record shows that easy access to public funds, whether through Guaranteed Annual Income, Negative Income Tax, Family Allowances or liberalized public assistance is economically wasteful and socially destructive. There is an inherent danger in dividing the people into two classes: those who produce and pay taxes and those who are permanently dependent on the public treasury although they could perform useful work. Representation without taxation can be as detrimental to "government by the people" as taxation without representation.

It could create an everexpanding class at the bottom of the income scale which earns its living at the ballot box—from the sweat of other people's brows.

If government does not owe everybody a living, does it owe him nothing? Far from it. Organized society does owe its members an *opportunity to earn a living.*

The opportunity must be guaranted to all that they can through work provide their own support, wholly or at least partially. Only those who demonstrably cannot work are entitled to a sustenance from public funds.

Society can provide opportunity to earn a living in many ways. But above all it must maintain adequate incentives to work rather than incentives not to work, as some of the

currently proposed income maintenance programs would do.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

REPORT OF A COMMITTEE

By Mr. BYRD of West Virginia, for Mr. MAGNUSON, from the Committee on Commerce, with amendments:

S. 942. A bill to establish a Commission on Security and Safety of Cargo (Rept. No. 92-358).

LAKE TAHOE ENVIRONMENTAL QUALITY ACT OF 1971—ORDER FOR A STAR PRINT

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from California (Mr. TUNNEY) I ask unanimous consent that the text of S. 2374, which he introduced on July 29, 1971, be reprinted, to correct certain errors in the text.

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

Mr. BYRD of West Virginia. Mr. President, also on behalf of the Senator from California (Mr. TUNNEY), I ask unanimous consent that the text of S. 2374, as corrected, 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. 2374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Lake Tahoe Environmental Quality Act of 1971".

SEC. 2. The Administrator of the Environmental Protection Agency is authorized to enter into agreements with the Tahoe Regional Planning Agency to carry out one or more projects to develop and demonstrate comprehensive water and air pollution control programs in any areas subject to the jurisdiction of the Tahoe Regional Planning Agency. Such demonstration programs and projects shall give special emphasis to environmentally vulnerable areas which are increasingly in demand as popular recreational centers, and shall include:

(a) Preparation of detailed plans for further development and conservation of the region's limited water resources, accompanied by a study of possible alternative sources of water for municipal uses within the Lake Tahoe Basin;

(b) Development of reliable and economical recycling methods and programs of effluent reclamation for municipal and recreational purposes within the Lake Tahoe Basin;

(c) Development of a comprehensive basinwide program for storm sewer collection and treatment, taking into consideration the environmental effects of standard storm-sewer construction methods and exploring alternative methods;

(d) Development of data on the relation of urban development in the Lake Tahoe Basin to soil siltation of streams and its consequent effects upon water quality;

(e) Development of general plans for meeting the demands of user populations within the limits imposed upon the area by its fragile ecology;

(f) Development of an air pollution control program to monitor existing and anticipated air pollution, to assess the impact of automobile and other emissions upon air quality with a view to establishing air quality standards for the future.

SEC. 3. In carrying out this Act, the Secretary of the Interior and the Secretary of Agriculture shall cooperate with the Administrator of the Environmental Protection Agency for the purpose of offering for the use of the Tahoe Regional Planning Agency such of the personnel and facilities of the Environmental Protection Agency, the Department of the Interior, and the Department of Agriculture as may be appropriate.

SEC. 4. The Administrator shall review, in consultation with the Tahoe Regional Planning Agency, all expenditures of Federal funds, all Federal insurance, and all Federal guarantees of loans within the area subject to the jurisdiction of the Tahoe Regional Planning Agency, and no such funds shall be expended and no such insurance or guarantees provided unless the Administrator shall certify that such expenditures, guarantees, or loans are consistent with Federal laws governing air and water quality and with the regional plan or plans adopted by such agency.

SEC. 5. The Administrator shall report to Congress not later than June 30, 1974, the results of the demonstration programs and projects authorized by this Act together with his recommendations, including any necessary legislation, based upon the findings of the projects in the Lake Tahoe Basin.

SEC. 6. There is authorized to be appropriated $6,000,000 to carry out the provisions of this Act, which sum shall be available until expended.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY, SEPTEMBER 8, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the recognition of the two leaders or their designees, under the standing order, on Wednesday, September 8, there be a period for the transaction of routine business for not to exceed 1 hour, with statements limited therein to 3 minutes.

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

ORDER FOR CONSIDERATION OF EXECUTIVE A—92D CONGRESS, FIRST SESSION—CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT, ON WEDNESDAY, SEPTEMBER 8, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the period for the transaction of routine morning business on Wednesday, September 8, the Senate immediately go into executive session for the consideration of Executive A—92d Congress, first session—Convention for the Suppression of Unlawful Seizure of Aircraft, and that the rollcall vote occur at that time. The majority and minority leaders have both authorized this vote on that day.

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

PROGRAM COMMENCING SEPTEMBER 8, 1971

Mr. BYRD of West Virginia. Mr. President, the program for Wednesday, September 8, is as follows, as clearly as it can be determined at this time:

The Senate will convene at 12 o'clock noon. There will be a period for the transaction of routine morning business for not to exceed 1 hour, following which the Senate will proceed to a rollcall vote on the treaty, Executive A—92d Congress, first session—Convention for the Suppression of Unlawful Seizure of Aircraft.

Immediately following the disposition of that treaty and the return to legislative session, the Senate will resume its consideration of S. 2007, the so-called Economic Opportunity Act.

Mr. President, on Thursday and Friday of that first week following the recess, the Senate will continue its consideration of the Economic Opportunity Act. There may be rollcalls. Other calendar measures and Executive Calendar items may also be considered.

For the information of Senators, after the summer recess, there will be the following legislative items—among others—which remain to be disposed of:

The conference report on the draft will be taken up on Monday, September 13.

In addition to that very important but controversial measure, four general appropriation bills remain to be passed. Those are, military construction, foreign aid, District of Columbia, and defense. There is also a supplemental appropriation bill, and also the foreign aid authorization bill and the military procurement authorization bill.

So there will be much business in the days, and hopefully not too many weeks, to be transacted immediately following the convening of the Congress after the recess.

Again I say that rollcall votes are anticipated on Wednesday, Thursday, and Friday—September 8, 9, and 10, respectively.

ADJOURNMENT UNTIL WEDNESDAY, SEPTEMBER 8, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the senate, I move, in accordance with the provisions of House Concurrent Resolution 384, that the Senate stand in adjournment until 12 o'clock noon Wednesday, September 8, 1971.

The motion was agreed to; and (at 7 o'clock and 34 minutes) the Senate adjourned until Wednesday, September 8 1971, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate August 6, 1971:

SECURITIES AND EXCHANGE COMMISSION

Phillip A. Loomis, Jr., of California, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1972, vice Richard B. Smith resigned.

COMMUNITY DEVELOPMENT CORPORATION

Samuel C. Jackson, of Kansas, to be a member of the board of directors of the Community Development Corp. (New position.)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Raymond Telles, of Texas, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1976, vice Vicente T. Ximenes, term expired.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

The following-named persons to be members of the National Commission on Libraries and Information Science for terms expiring July 19, 1976:

Andrew A. Aines, of Virginia.

Catherine D. Scott, of the District of Columbia.

FEDERAL MARITIME COMMISSION

Clarence Morse, of California, to be a Federal Maritime Commissioner for the term expiring June 30, 1976, vice James F. Fanseen, term expired.

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

The following-named persons to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs for the terms indicated:

For a term expiring May 11, 1973

Leo Cherne, of New York, vice Dr. Abram L. Sachar, term expired.

For terms expiring May 11, 1974

Thomas B. Curtis, of Missouri, vice Arnold M. Picker, term expired.

Harry S. Flemming, of Virginia, vice Wayland P. Moody, term expired.

William French Smith, of California, vice Thomas E. Robinson, term expired.

IN THE AIR FORCE

Maj. Gen. Gerald W. Johnson, xxx-xx-xxxx [redacted]TR, Regular Air Force, 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.

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the line, subject to qualification therefore as provided by law:

Able, Guy Harold III
Achenbach, Dale Alan
Acre, Clifton Harold
Acton, Richard Leon, Jr.
Adams, Bruce Charles
Adams, Daniel Charles
Adams, John Howard
Adams, Michael Earl
Addison, Christopher Lynwood
Adolfson, William Fred
Agenbroad, Kenneth Dale
Ahrens, Robert Allen
Aiken, Joel Weston
Aldridge, Daniel Ralph
Alexander, David John
Alexander, Steven Rubin
Alexander, Jeffrey Alan
Alfieri, Paul Allen
Ali, Nicolas Joseph, Jr.
Allen, Charles Edward
Allen, Dennis Craig
Allen, James Evans
Allen, Mark Edward
Aller, Charles Clinton
Allison, Harry Kent
Ames, Oliver, Jr.
Ammerman, Larry Richard
Amos, Barry Michael
Amundson, Robert James
Andersen, Michael Perry
Andersen, Richard Francis
Anderson, Charles Edward
Anderson, Dennis Jay
Anderson, David William
Anderson, James Stephen
Anderson, Jonathan Lee
Anderson, Kermit Wayne
Anderson, Leroy
Anderson, Michael Jon
Anderson, Marc Eric
Anderson, Meruin Francis
Anderson, Samuel Kaaloa
Anderson, Terence Lee
Anderson, William John, Jr.
Anderson, William Norman
Andruskevich, Thomas Anthony
Anglim, Edward Patrick
Antrim, Stanley Robert, Jr.
Apollaro, Anthony Francis
Archambo, Hubert Edward, Jr.
Arllen, Eric Arthur
Armet, Harold Robert
Armstrong, William Eric
Arneson, Keith Jerome
Arnette, Clyde Eugene, Jr.
Arnold, Andrew John
Arnold, Robert Glenn
Arter, Dennis Royce
Artus, Stephen Charles
Arwood, Patrick Earle
Ashe, Glenn Melvin
Ashlock, Edward Lee
Ashmore, George William
Atherton, James Bruce
Athow, Lewis Keith
Ator, Roy Earl
Atturio, John Michael
Auriemma, John Charles
Austin, Alexander Lewis
Austin, Roger Graeme Jung
Averett, Gregg Herlong
Avery, James Holmes
Aviala, Richard Frank
Axtell, Robert Duane
Aycock, Joe Edward
Ayers, Douglas Pierce
Ayers, James William, Jr.
Babb, James Albert
Babcock, Barry Lockwood
Barber, Dennis Richard
Babington, David Clark
Babington, William Robert, Jr.
Bagaglio, Mario Joseph, Jr.
Bailey, John Hampton, III
Baker, Bruce Carlton
Baker, Mark Conway
Baker, Norman Eugene
Baldridge Craig Jeffrey
Ball, John Douglas
Ballard, David Lee
Ballard, Robert Charles
Ballew, Robert Watson
Ballew, William Thomas
Bancroft, Warren Howard
Bandman, Albert Martin
Bangert, James Stephen
Banister, Robert Lee
Banks, Jerome Raymond
Bannat, Edward George
Barbero, Mark
Barden, Arnold Winfield, Jr.
Barley, Richard Orville. Jr.
Barnett, James Harris
Barrett, Frank Oliver, III
Barrett, Michael Dennis
Barrett, Stephen Darryl
Barrow, Ronnie Lee
Barrus, Donald Joseph
Barry, Brian James
Barry, Phillip Allen
Bartlett, Richard Joseph
Basilio Anthony Charles, Jr.
Baskerville, James Ernest
Bass, George Leon
Bass, James Wesley, Jr.
Bass, Joseph Early
Batdorf, Richard Earl
Bathgate, John Craig
Battell, James Joseph, Jr.
Batten, Hugh Nash, Jr.
Battles, Duane Paul
Bauer, Carl Thomas
Baxla, Robert Eugene
Baylis, Robert Owen
Beagle, Charles Blaine
Beall, Bradley Stuart
Beattie, Christian Earle
Beck, Allen Earl
Becker, Ronald Eugene
Becker, Thomas Joseph
Beckett, Thomas Horton
Beckwith, Donald Charles
Beduhn, Jerry Ross
Behm, Dennis Arthur
Belichick, Thomas James
Bell, James Michael
Bender, Edward Joseph, Jr.
Beninghove, Stephen Forrest
Bennett, Albert Eugene, Jr.
Bennett, James Dorroh
Bennett, James Paul
Bennett, Robert Danny
Bernard, Paul Leroy
Berry, Jack William
Bertelson, James Arlo
Best, David Robert
Bethea, William Dallas, III
Bettcher, Thomas Edward
Beucler, Claire Michael
Bevers, Richard Eugene
Bezdek, Leo Dean
Bianco, Bernard Michael
Biddle, Charles Thomas, Jr.
Bieda, George Edward
Bingman, Terrence Lee
Birch, Howard Leigh, Jr.
Birnbaum, Peter Allen
Bishop, Douglas Scott
Bishop, Edward Leonard, III
Bishop, Grover Cleveland
Bishop, Robert Allen
Bixler, Kenneth George
Blackledge, Peter Douglas
Blackmon, Joe Lynn
Blackstock, James Fielding
Blakely, Robert Donald
Blanchard, James Joseph
Blaue, John William
Bleecker, James Michael
Blewett, Jay Alan
Blish, Nelson Adrian
Blom, Richard John
Bloyer, Stanley Frank
Blumbeg, Ross Elihu
Bodine, John Howard
Bodner, Stephen William
Bogosian, David Edward
Bohannon, Edward Lee
Bohm, Dwight Keith
Boland, James Armand
Bolinger, Paul Francis
Bollech, David Charles
Bonacquisti, Frank, Jr.
Bone, John Francis
Bonnett, David Edward
Bonnett, John William
Boor, Leo John
Booth, David Henry
Borsting, Conrad Rhoads
Bostick, Robert Kenneth
Botham, Kenneth Milton, II
Boucher, Oliver Alfred, Jr.
Boucher, Richard Edward
Bouchoux, Donald Robert
Boudreaux, Joseph Clent, III
Bowen, John Charles
Bowers, John Frederick, Jr.
Boyd, Marshall Dean
Boynton, Robert West
Bozeman, William Steven
Brackett, John Woodburry
Bradley, Theron Michael, Jr.
Braine, Danieu Hunt
Bramley, William A., III
Branan, Phillip Howard
Branch, Malcolm Parker
Brandon, William Richard
Branum, Jerome Scott
Brasher, Stephen Joseph
Brasil, Robert Frank
Braunstein, Wayne John
Brayton, Paul Flint
Breckenridge, William L., VI
Breckon, Thomas Joseph
Brelsford, Edward Michael
Bremhorst, Joseph Henry
Brennan, Robert Alan
Brenneman, Stephen Andrew
Brenner, Lawrence Joseph
Brevig, Leroy David

Bricker, Edward George
Bries, Eric Donald
Briggs, Steven Eric
Briggs, Thomas Paul
Brink, Gale Dean
Broman, Theodore Howard, III
Brooks, Randolph Michael
Brooks, William Emmett, III
Brophy, James Michael, III
Brose, Gregory William
Brown, Charles Albert
Brown, David Andrew
Brown, Gregory Charles
Brown, John Andre
Brown, John Sheridan
Brown, Lynn Edward
Brown, Norman Franklin
Brown, Paul Martin
Brown, Richard Francis, Jr.
Brown, Robert Bradford
Brown, Stanley Morton III
Brown, William Howard, Jr.
Browning, Charles Spenser, Jr.
Bru, John Wayne
Brubeck, Gregory William
Bruckner, William Lee, Jr.
Brunet, Gerard John
Bryant, Richard Ernest
Bryant, Stanley Walter
Budzik, Dennis Michael
Bugelski, Paul Joseph
Bulger, Richard Lee
Bunch, Duane Wilton
Bunker, John Miller
Burbage, Charles Thomas
Burdick, Thomas James
Burdick, William Fraser, Jr.
Burke, John Joseph III
Burkhalter, Stephen Marks
Burkhard, Thomas Kinsman
Burlin, David Stevenson
Burnett, Jeffrey Sherwood
Burnett, Lewis Edward
Burnham, Johnny William, Jr.
Burton, Dennis Edward
Busching, William
Bush, Jerry Otis
Butcher, Kenneth Wilfred
Butler, Charles Lynn
Butler, Charles Thomas III
Butterworth, Bruce Vernon
Butterworth, William John, Jr.
Buxton, John Armstrong
Byles, Robert Ward
Byrne, Thomas Michael
Caddell, Richard Alfred
Cadwell, Mark Coates
Cairnes, George Wilson III
Caldwell, William Eugene
Calkin, Scott Albert
Callaham, Thomas Edwin
Callan, Leonard Joseph
Callan, Patrick Francis
Callison, Claude Owen
Cameron, Robert Murdoch
Campagnold, Eugene Louis
Campbell, Cager Wayne
Campbell, Fred Parker
Campbell, Gerald Everard
Campbell, Leonard Malcolm
Campbell, Richard Thomas
Campell, Carroll Eugene
Capps, Charles John, Jr.
Cardellina, John Henry II
Carden, Carl Ernest
Carey, Wayne Theodore
Carey, William Russell, Jr.
Carlson, Christopher Jay
Carlson, Eugene Robert
Carlson, James Ralph
Carlton, Frank Gregory III
Carlton, Kenneth Marvin
Carmean, Wilson Lee
Carmichael, Hubert McRae, Jr.
Carper, Thomas Richard
Carpowich, David John
Carreiro, William Thomas
Carrier, John Xavier II
Carrig, Michael Francis
Carroll, Charles Richard
Carroll, John Henry
Carroll, Kenneth William
Carter, David Earl
Carter, Dennis Charles
Carter, James Allen
Carter, John Carroll
Carter, John George
Carter, John Michael
Carter, Raymond Michael
Carver, Bobby Wayne
Cassidy, John Alexander Jr.
Castro, Ignacio Jr.
Cates, John Farley Jr.
Cavaiola, Lawrence Joseph
Cavanaugh, Thomas Joseph
Caviness, Stephen Drank
Cech, Kenneth Charles
Challain, Eric John
Chambless, James Earl
Champa, Louis Marko Sr.
Chance, Thomas Henry
Chapman, Carter Stanley Jr.
Chapman, Richard Kent
Chase, Dudley Harrison
Chatfield, Steven Creeger
Cheney, Martin Johnson
Chepenik, Stanley Barnett
Cheves, John David
Childers, Richard Dean
Chipps, Samuel Kaye
Chisholm, Leonard Marby
Christiansen, Carl Smith
Christenson, Ronald Lee
Christensen, William James
Christian, Richard Lee
Christian, Roy Calvin
Church, Albert Thomas III
Cima, William Michael
Cipriani, Alfred Louis
Clancy, Kevin Sean
Clapsadl, Michael Ray
Clark, Allan Forrest
Clark, John Francis
Clark, Michael Bernard
Clark, Robert Alvin
Clausen, Charles Perrin
Cleverdon, Thomas Frederick
Clifford, William Francis
Clifton, Guy Del
Cochrane, John Mackay
Code, James Edward
Colantoni, Anthony Vincent
Cole, Anthony Livingston
Cole, Charles Glen
Cole, Ford Robert
Cole, James Daniel
Coleman, Walter Dan, Jr.
Coleman, William Eugene
Colie, Timothy Blake
Collins, Steven Lester
Colt, Stockton Beekman, Jr.
Colvin, Joe Frederick, II
Comeau, Thomas Anthony
Conger, Robert William, Jr.
Conkle, William Christian
Conley, Wilder Lee
Conlon, Thomas Edwin
Conly, John Thomas
Connell, Hugh Douglas, II
Connors, James Daniel
Connors, Philip Frederick
Conrad, Emerson Seymour, Jr.
Conrad, James Harold
Conrad, John Woeppel
Consaul, Harry Parker, III
Conway, Richard William, Jr.
Cooke, George Alexander, Jr.
Cooley, Pemberton, III
Coons, Bard See
Cooper, Daniel Dean
Cooper, Randall Foss
Corcoran, Colin David
Corcoran, Thomas Joseph
Corn, Richard, III
Corner, Malcolm Douglas, Jr.
Corsey, John William, Jr.
Cosgriff, Robert William
Cote, Daniel Noel
Counts, Steven Lee
Cowan, Daniel Giger
Cowper, Richard Green
Cox, Harold Louis, Jr.
Cox, Kenneth Lee
Coxe, William Kenneth, Jr.
Coyle, Barry John
Crabb, James Darnell
Craddock, David Glen
Craig, Harold Allen
Crandall, Scott Michael
Crane, Daniel Mitchell
Crannell, David John
Crawford, Jeffrey Dodd
Craynock, Julius Francis, III
Creamer, Chadwick Graham
Creekman, Charles Todd, Jr.
Creel, Cecil Doyle
Crellin, Bruce Edward
Crim, George Norman, Jr.
Crisp, Dale William
Crisp, Marvin Howard
Critser, Arthur Earl
Croake, John Michael
Croucher, Barry Lee
Crouse, Thomas Charles
Cruser, Thomas Paul
Crysler, Ronald Paul
Cuccias, Robert Francis, Jr.
Cullen, Terrence Vladimir
Culverson, Kenneth James
Cumminger, Frederick T., III
Cummings, Robert Louis
Cummings, Walter James
Cummins, William Edward, Jr.
Cunliffe, Robert Francis
Cunningham, Lowell Emmett
Curran, James Joseph
Currie, Henry Thomas
Curry, Samuel Grayson II
Curtin, James Andrew
Curtis, Dalton Bouldin, Jr.
Curtis, Dana Stroman
Custer, Laurence Duncan L., Jr.
Daggett, David Kent
Daigle, Valier John
Daley, Thomas James
Dallman, Roger Anthony, Sr.
Daly, Denis Francis, Jr.
Damsgaard, Mark Dennis
Dandalides, William John
Daniels, James Norman, Jr.
Danielson, Terry Arthur
Danysh, Donald Craig
Darezzo, Richard Anthony
Daughton, Gary Lee
Davey, Bruce Charles
Davidson, Francis Lee
Davidson, James Alan
Davidson, Raymond Allen
Davies, William Edward
Davis, Christopher Mark
Davis, Neil Carter
Davis, Robert Bewick
Davison, Henry Gordon
Davis, Roderick Franklin
Davis, Theodore Edgar
Day, Robert Wright
Day, Thomas Russell
Deacon, Bruce Eugene
Dean, Floyd Robert
Dean, Thomas Roger
Deantonio, Robert Francis
Debaggis, Michael Paul, Jr.
Deeter, Michael Lee
Deets, Clifford Lee
Deffenbaugh, Dale Chester
Deininger, David George
Dejohn, Charles Andrew
Delaplane, Stephen Weld
Dempsey, Richard Michael
Desantis, Armand Joseph
Despain, William Michael
Detwiler, Donald Vernon
Detwiler, Richard Morris
Devries, Peter Joseph, Jr.
Dibble, Ronald Alan
Diddlemeyer, Lawrence Florian
Didier, Henry Nicholas
Dietz, Donald Malcolm
Dill, Mylnor Alan
Dillon, David Lee
Dimario, Robert
Dionizio, Augusto James, Jr.
Diwgosh, William Richard
Dobbins, Dennis George
Dockstader, Bruce Lee
Docton, Maurice Hamilton
Dodge, Kenneth Edward
Doempke, Gerald Thomas
Dolan, James Edward, Jr.

Donahue, Neal Robert
Donilon, Michael Francis
Donovan, Gerard Matthew
Donovan, John Edwin
Doran, Clark Deland Jr.
Dorsey, Edward Bryant
Douglas, Terry oJe
Dove, Rhett Pendleton, III
Dover, James Ray Jr.
Dowd, Andrew Scales, Jr.
Dowgiewicz, Michael Anthony
Downey, Gerald Joseph, Jr.
Doyel, Christopher, Bomar
Dresbach, Melvin Lloyd
Drew, David Otis
Driscoll, Terence Patrick
Drossel, Craig
Drummond, Frederick James
Dube, Bruce Burr
Duchesneau, Robert Edward
Duckworth, Eddie Lee
Dudek, David Francis
Dudley, Harrison Grover, Jr.
Duke, Arnold Lowell
Duke, Russell Alexander, Jr.
Dundas, James Carlyle
Dunford, Robert Walker
Dunn, Carl Boulter
Dunning, James Leslie
Dupont, Ralph Peter, Jr.
Dvorak, James Peter
Dwyer, Dennis Edward
Dyer, Thomas John
Dysart, Barry Justice
Eagle, James Norfleet, II
Eason, John Wayne
Eastwood, George Hartley
Ebner, Robert Allen
Eby, Ronald George
Eckerman, Lawrence Ivan
Eckert, William Joseph
Eckhardt, Bruce Kenneth
Economou, James Lawrence
Edgar, Jack Kenneth
Edington, Bobbie George
Edling, David Victor
Edmonds, Carl Harvey
Edwards, Daniel Dexter
Egglestonlyman, Alan
Ehemann, David Arthur
Ehrlich, Gerald David
Elliott, Patrick Wilhelm
Ellis, James Oren, Jr.
Ellison, Martin Dennis
Elston, Robert G. II
Eminhizer, Ronald Dale
Emmons, Fredrick Richard, Jr.
England, Don Rondell
Engler, Brian David
Engstrom, George Henry
Epperson, Steven Charles
Erdmann, Edward Alexander, III
Erhardt, Richard Allen
Erickson, Edward Leonard
Erickson, Lief Wright
Erickson, Sidney Lloyd
Erwin, Robert Carper
Espy, Ira John
Etheridge, Melvin Rheul, Jr.
Etter, Thomas Harold
Eubank, Perry Huston, Jr.
Euliss, James Patrick
Eustis, Harold Robert
Evans, Albert Lee
Evans, Charles Lafayette, III
Evans, John Oliver, Jr.
Evans, Steven Roy
Everett, John Christopher
Everhart, Ward Sutherland
Ewan, Lawrence Kirby
Fages, Malcolm Irving
Fahy, Thomas Edward
Fairchild, John Omer
Faneuf, Leo Joseph, III
Fare, Freddie Eugene
Feder, John Heard
Fedoryszyn, Robert John
Fedyszyn, Thomas Raymond
Feeney, James Leo
Felten, John Allen
Ferguson, Paul Frederick
Fernie, John Dean
Ferranti, John Peter, Jr.
Ferrell, Basil Larry
Ferriman, Robert Lemoine
Feuerbacher, August Anthony
Fiandaca, Ronald Ernest
Fiechter, Jacques Poindexter
Fincher, Walter Keith
Findrick, Edward Jackson
Finfrock, Patrick
Finison, Edwin Bryant
Fink, Lee
Fischer, Henry Arnold
Fisher, John Straw
Fisher, Myles Anthony
Fitch, David Paul
Fitzgerald, Edward Joseph
Fitzhugh, John Edwin, II
Flanders, Mack Haywood
Flannery, Jeffrey Harris
Fletcher, Gregory Gilomen
Fletcher, Stephen John
Floyd, Richard Paul, Jr.
Flygare, Robert Hans
Foley, John Baptist, III
Folkers, Dale Carl
Foltz, Randall Alfred
Foote, George William
Forney, Robert Allen
Forschner, Edward William
Forte, Bruce Frederick
Fortino, Anthony Michael
Fortson, Robert Malcolm
Foster, Charles Lee
Fouse, William Frederick
Fowler, Arthur Hubert, III
Fowler, William Vance
Fox, Richard Franklin
Frangione, Robert Eugene
Franklin, Richard Harlow
Franks, Douglas Melvin
Frantz, James Arthur
Franzoni, John Carlos, Jr.
Fraunfelder, Maurice F., Jr.
Frederick, Georgie Ray
Fredricksen, Robert Arnold
Freed, Donald Eugene
Freed, John Warren
Freeman, Bruce Damon
Freeman, Thomas Leslie
French, Raymond Charles
French, Spencer Llewellyn
Frentzel, William York, II
Frick, Robert Ellis
Frondorf, John Robert
Fulbright, Joseph Jackson, Jr.
Fuller, Daniel Webster
Funke, David John
Furiand, Frederick Michael
Fuson, William Alvin
Gagliardi, Dennis Lloyd
Gallagher, Gerald Lee
Gallagher, John Joseph
Galloway, Harold Lee
Galus, Albert John Robert
Galvani, William Pierce
Gamlen, Curtace Scott
Gano, Richard Dale
Gantley, John Edward
Garavito, Donald Eugene
Gardner, Lester Oris, Jr.
Garnett, Robert Reginald, Jr.
Garrahan, Richard
Garrett, Aaron Douglas
Garrett, Spencer Leo
Garrett, William Silas, Jr.
Garske, John Charles
Gaudi, Robert David
Gaumond, George Raymond
Gauss, John Anthony
Gauthier, Maurice Alfred
Geagan, James Joseph
Geisler, Fred Arthur
Gembol, Michael Phillip
Gemmill, Alan Mark
Genrich, Michael Gordon
George, Danny Louis
George, Frederick Lawrence
Getz, Richard Riley
Giancola, Charles Alan
Giannaris, Robert James
Giannotti, Louis John
Gibbens, Richard James
Gibbs, Thomas Ryan
Gier, Scott George
Giles, James
Gillaspie, Robert Craig
Gillespie, Thomas Rex, II
Gilmer, Franklin Biggs
Giraldi, Walter Rudolph
Girardet, Wayne Evan
Glass, Dennis William
Glass, Gary Wayne
Glisson, Daniel Beverly, Jr.
Glover, Thomas James
Gobel, Gary Gene
Goins, Kenneth Ray
Gongaware, William Ralph
Goodmundson, Gary Carl
Goodrum, Daniel Joseph
Goodwin, Hugh Gibson
Gordon, Alan Lee
Gordon, George Minot
Gordon, Vernon Curtis
Gore, Charles Frederick
Gorman, Thomas Richard
Gorrell, David Keith
Gott, John Christopher
Gragg, William Larry
Graham, Dennis Loring
Grant, James Robert, III
Grapoli, Alfred Paul
Grauert, Christopher Michael
Gray, Glen Burton
Gray, Robert Martin
Green, Gordon Michael
Green, Leon Clifton, Jr.
Green, William Lawrence, Jr.
Greene, Joseph Michael, Jr.
Greenlee, William Eugene
Griffin, David Corwin
Griffith, Curtis Bowers, II
Grimm, David Bruce, Jr.
Grimm, William Richard
Gritzen, Edward Frederick, II
Groepper, William Gregg
Gronemann, Bruce William
Grove, David Ernest
Grumley, Terry Lee
Gubbs, Douglas Howard
Guilfoil, Thomas Patrick
Guilfoyle, James Russell
Gullickson, Gregg Grant
Gumbert, Ronald Derwood, Jr.
Gunn, Edward James
Gunter, Joseph Michael
Gutelius, Paul Payne
Guthier, Steven Lan
Gutmann, James Edward
Haaf, Joseph Bernard
Haas, Ronald Charles
Hacker, Daniel Mark
Hackett, Edward James
Hackney, Stephen Allen
Hadfield, Peter James
Hagan, Thomas Frederick
Hager, Alan Richards
Haifley, Michael Firestone
Haight, Richard William
Hale, Charles Allen
Hall, George Hamilton
Hall, Kenneth Wayne
Hallam, Philip Glendon, Jr.
Hallett, Michael Thomas
Halliday, Alvin Leroy
Halliday, Howard James, Jr.
Hallock, William Scott,
Halloran, John Garner
Halwachs, Thomas Eugene
Hamburg, James Warren
Hammar, Jonathan Albert
Hammond, Patrick Allen
Hammond, Riley Green
Hand, John Milton
Hanvey, Stephan Alexander
Harbin, Michael Allen
Harding, George Francis, Jr.
Harkness, George Cockett
Harrell, Deck Eugene
Harris, Bobby Lynn
Harris, Harold Danny
Harris, James Douglas
Harris, James Dexter, Jr.
Harris, James Patrick
Harris, John David, Jr.
Harris, Richard Allison, Jr.
Harris, Ronald Robinson
Harrison, Michael Alexander

Harrsch, David Arthur
Hart, Frank Gerald, Jr.
Harter, Larry Leroy
Hartling, John Michael
Hartman, David Lee
Hartman, Robert Franklin, III
Hartman, Roger Wilcox
Hartmann, Bruce Malcolm
Hartwell, Jerold Keith
Havel, Richard William
Haver, Richard Ives
Hawes, Frederick Joseph
Hawken, Charles Harrington
Hawkins, John Braddock, Jr.,
Hawkins, Robert Kenneth, Jr.,
Hawtin, David Ray
Hayball, Robert Matthew
Hazelrig, John Philip
Head, Nelson Hill
Hearne, Lonnie Parker
Heaton, David William
Heibel, Richard Peter
Heidel, Michael Lynch
Hein, Gary Wayne
Hellrung, Jeffrey Michael
Helm, Robert Mark
Heming, David Millar
Henderson, James Kinsman
Henderson, Randall Sherman
Hendricks, Jerry Franklin
Hendricks, Michael Anthony
Hendricks, Robert Linae
Henke, Charles Barton
Hennagin, Brian David
Hennegan, Dennis Stephen
Henze, Howard Martin
Herbst, Howard Paul
Herrick, Glenn Wiley
Herrick, John Beach
Herring, Robert Alexander, III
Herrman, Roger William
Hershon, Simon Abram
Herter, Judson Richard
Hess, Michael Douglas
Hester, Michael John
Hewett, Leslie Wilsdon, Jr.
Hewig, William, III
Hickman, John Earl, Jr.
Hickman, Harold Dean
Hicks, Benjamin Harold, Jr.
Hicks, Fred Arlen
Hicks, Harold Stroud, Jr.
Higgins, James Bruce
Higgins, James Charles, III
Higgins, Simeon Guy, Jr.
Hight, Harvey Bea
Hiland, David Allen
Hilburn, John Ernest
Hill, Lucius Gordon III
Hill, Richard Allen
Hillman, Lester Raymond
Hillmann, Leo Charles
Hills, Ronald Edward
Hillyer, Richard Scott
Hilton, Jarvis Gene
Hinckley, Robert Craig
Hine, Jonathan Trumbull, Jr.
Hinman, David Arthur
Hitchcock, James Ronald
Hobbs, Harold Thomas
Hobson, Lynn Elmo
Hodill, Richard Ray, Jr.
Hoehn, Joseph Perry,
Hoff, Norman Lee, Jr.
Hoffman, Charles Arthur
Hoffman, Gary Richard
Hokanson, Charles Peter
Holden, Hollis Ward
Holden, Thomas Whitted, Jr.
Holder, J. D.
Holdt, Bruce Edward
Holeman, Clinton Nolan
Holiway, Weldon Yvonne
Holland, Barry Stephen
Holland, Daryl Thomas
Holleman, Thomas Jardine
Hollett, Kenneth Jabe
Hollis, Michael Kenneth
Holmes, James Edgar
Honderich, Forrest Terrel
Honour, Eric Crittenden
Hood, Robert Michael
Hooper, James Albert IV
Hoople, Douglas David
Hopkins, Carl Leonhard
Hopper, Edward Allan
Horn, Paul Bayard, Jr.
Hornberger, William Byron
Horne, George Michael
Horning, Nicholas Carl
Hornstra, Douglas John
Horsley, James Burke
Hostetter, Theodore Leroy, Jr.
House, Michael Edward
House, Prentice Lee
Hoverson, John O., Jr.
Howard, John David
Howard, Thomas North
Howarth, Gary L.
Howd, Robert Frank
Howe, David Porter
Howell, Robert Dale, Sr.
Howie, John Robert
Hoxie, Andrew Bennett
Hryharrow, John Ellis
Hubel, Dennis James
Hudson, Frank Wilder, Jr.
Hudson, James E.
Huey, Homer David, Jr.
Huff, James Howard, III
Hughes, Charles Evans
Hughes, Edmond Leon
Hughes, James
Huiatt, Keith Wilson, Jr.
Hulsey, William David, Jr.
Hunt, Conway Lansdowne
Hurley, Allen Lee
Hurley, William David
Huszar, Martin Wayne
Hutchings, Robert Lee
Hutchins, Walter Max
Hutchison, John Rudolph
Huth, Douglas Phillip
Hutton, John Walter
Hvidding, Paul Charles
Iacuaniello, Umberto C., II
Ingram, Carl Edward
Iuvone, Brian Francis
Iverson, Kenneth Jorgen
Jackson, Charles Anthony Jr.
Jackson, George William
Jacobs, John William
Jacobsen, John Arthur
Jadlocki, Ronald
James, William Robert
Jameson, Stephen
Jamison, Philip Charles
Janak, Jordan Robert
Janda, Robert William, Jr.
Janes, Jack Hays
Jaques, James Alfred, III
Jarina, Michael Peter
Jarman, Roger Carlton
Jarrell, John Andrew
Jarrett, David Carrier
Jeffcoat, James Mark
Jeffries, Charles Leroy
Jenkins, Gerald William
Jenners, Joseph Anthony
Jennings, David Bailey
Jensen, Franklin Jessee, Jr.
Johannsen, Michael Kenneth
Johnesee, James Anthony
Johnson, Charles Christopher
Johnson, Gary Fredric
Johnson, Gregory Gordon
Johnson, Gregory
Johnson, Robin Royal
Johnson, Stephen Irvin
Johnson, Stephen Daniel
Johnson, Thomas Bruce
Johnson, Thomas Perry
Johnson, Wade Cook
Johnson, William Paul
Johnston, George Burke, Jr.
Johnston, Peter Becker
Johnston, Paul Stanley
Johnstone, John Duane
Jones, Carter Allen
Jones, David Leon
Jones, Frederick Eugene
Jones, Fred Wiley
Jones, Gregory Boyd
Jones, James Delmar
Jones, Jerrold Arden
Jones, John Paul, Jr.
Jones, Kenneth Erwin
Jones, Meade Addison, Jr.
Jones, Michael Owen
Jones, Michael Keith
Jordan, Joseph Elbert, Jr.
Jordan, Robert York
Josephson, Stephen Wayne
Joslin, Charles Loring, III
Joslin, Royal Dubose
Juarin, David Stephen
Judnich, Francis Andrew
Jukkola, Lloyd Alvin
Jupin, Harry Andrew
Jurand, George Walter
Kachergus, William Francis, Jr.
Kail, Robert Patrick
Kalb, Richard William
Kaler, Herbert Charles
Kamp, Lothar Frank
Kane, John Dandridge H., III
Kanupka, George Joseph, III
Kanze, Robert Michael
Karlan, Charles Conrad
Karpyak, Steven Douglas
Kase, Stephen Arthur
Kawaguchi, Ray Susumu
Kay, Raymond Erwin
Kearley, John James
Kearns, Thomas Owen
Keegan, John William
Kehoe, William Atkins
Keller, Gary Robert
Keller, Joseph Franklin
Keller, Terrence Kenneth
Kelley, James Bryant
Kelley, Jerry Elden
Kelly, Richard Anthony
Kelly, Richard Ellsworth
Kempe, Byrd Charles Willis
Kengla, Donald Clark
Kennedy, Floyd Daniel, Jr.
Kennedy, John Joseph, Jr.
Kennedy, Kraig Michael
Kennedy, Richard Anthony
Kenney, James Martin
Kennish, James Reginald
Kenyon, Michael Hughes
Kenyon, Ralph Edward, Jr.
Kernan, William, Jr.
Ketts, Robert Lee
Keup, Wayne Arnold
Kibler, Rex William
Kidder, Marvin Wesley
Kilmer, Milo Jethroe, II
Kimble, Gerald Allen, Jr.
Kimmel, James Marshall
Kindelberger, Ralph Henry
Kinder, Drew Donald
Kindstrom, Earl Edward
King, Douglas Craig
Kingsbury, Robert Lee
Kinsley, Brian Elliott
Kirby, James Denis
Kirby, Thomas Michael
Kirkland, Richard George
Kirkman, John Quincy
Kirkpatrick, Eric Hay
Kislia, Jerome Dean
Kjellander, Jon Phillip
Klemstine, Charles Frederick
Kline, Howard Keith
Kline, Roger Paul
Klocek, Thomas Edward
Kloke, Carl Herbert
Klosterman, Robert Charles
Klugh, Robert Bell
Knapp, Roland Bertram
Knobel, James Donald
Knowles, David Newton
Knowlton, Robert Dana
Knubel James
Koch, John Edward, Jr.
Koch, Kenneth Wayne
Koch, William Noel
Kockler, Frank Richard
Koehler, David Livingston
Koerner, Daniel Edison, Jr.
Kokstein, Robert Glenn
Kolman, Jerry Dean
Kopinitz, Seigmond Gus
Korba, Michael John
Kosloff, Donald Colin
Kowalczyk, Michael Anthony

Kraabel, John Stanford
Kracke, William Frederick
Kraft, Nile Rogers
Krafft, Frederick Walter, Jr.
Kral, Theodore Carl
Kras, James
Kratt, Clifford Leo
Krattli, Gene McDonald
Krause, Lynn Thomas
Krift, Frederick Anthony, II
Kruger, Paul Melby
Kruse, Peter William
Krygier, Thomas Joseph
Kucinski, Henry Joseph, Jr.
Kuentz, Alan Stewart
Kuginskie, Robert
Kummert, William Carl
Kundts, John Howard
Kunz, Lawrence George
Kuntz, William David
Kuppe, Stephen James
Lacy, Olen Glenn, Jr.
LaForce, Thomas William
Lakatos, Ronald Stephen
Lame, Philip Charles
Lane, Richard Dale
Lange, Walter Nicholas
Lappin, Thomas Leo
Larock, Robert Ernest
Larsen, Samuel Harry
Ladd, Ronald Larue
Lahren, Jack Wesley
Lambert, John Patrick
Landua, James Richard
Lange, Kenneth Eugene
Lapointe, Leslie Donald
Lardner, Thomas Paul
Larsen, Raymond Howard
Latham, James William
Lattig, Glenn Douglas
Lauer, Joseph Russell, Jr.
Lavallee, William Leonard
Lawson, Dale Bruce
Lawton, Robert Erle
Laz, William Joseph, Jr.
Leaman, Stephen James
Ledbetter, Robert Lee, III
Lehre, Edward Joseph
Leinster, William Luttrell
Lemke, Robert James
Lemrow, Craig Maynard
Lessmann, Ronald Paul
Lester, Roderick Barnum
Lesueur, John Hunter, Jr.
Letkeman, Michael Bruce
Lettieri, Michael Francis
Leverich, Wesley Joseph
Lewis, Billy Laroy
Lewis, Garry Linuel
Lewis, John Michael, II
Lewis, Mark Allen
Lewis, Thomas Elbert
Lex, Thomas Jerome
Lieberman, Stephen Leslie
Lilje, James Joseph
Lilliendahl, Alfred Stickney
Lilly, Creighton David, Jr.
Lilly, Dale Richard
Lind, Stephen McCall
Lines, David Freeman
Lipscy, Gordon Earl
Little, Edward Leo, Jr.
Llewellyn, Timothy William
Lochner, Dan Hill
Locke, John Sinclair, Jr.
Lockyer, William Kenneth
Lofgren, Norman Arthur
Logan, Robert John
Lohmeyer, Lonnie Floyd
Lomax, Tarrant Hale
Londot, Jack Lane
Long, David Charles
Long, Richard Wayne
Long, Robert Francis, Jr.
Longaker, Chester Case
Loft, Vincent Francis
Lopez, Delio, Jr.
Lops, Michael Thomas
Lorkowski, James Joseph
Losli, Gerald Grant
Lounge, John Michael
Lounsberry, Freddie Paul
Lowry, James Howard
Luczak, Daniel William
Ludwig, Arthur William
Ludwig, Eric William
Lumsden, David Michael
Lund, Vern Eugene
Lung, David
Lyles, Richard Irby, III
Lynch, Robert Forrest
Lynn, Freddie Lerdy, Jr.
Lynn, Warren Douglas
Lynskey, Paul Coleman
Lyons, Edward Armstrong
Lyons, Mark Joseph
Lyons, Stephen Patrick
Maben, Gordon Kenneth
Macdonald, Joseph Barry
Macdougall, Joseph Stewart
Mackey, William Alexander, Jr.
Maddux, Richard Gilbert, III
Madren, Samuel Thomas
Maggi, John Carlin
Magyar, David James
Maher, David Balfour, Jr.
Mailho, Ronald James
Malachoski, Theodore S., Jr.
Maley, John Patrick
Malone, Michael John
Maloof James Michael
Mandsager, Dennis Lee
Mangapit, Conrad, Jr.
Manning, Michael Paul
Mansfield, Robert Douglas
Mansfield, John Alden
Marino, Raffaele
Markley, Douglas Gordon
Marquis, Richard Longstreet
Marsh, Paul Albert
Marshall, Harold Eddy
Marshall, John Rex
Marshall, John Jay
Marshall, Steven Alfred
Martin, David Frank
Martin, Frederick Kane
Martin, Jack E.
Martin, James Walter
Martin, Jay Harry
Martin, Peter Wetmore
Martini, Larry Scott
Marzullo, Raymond Lee
Mascari, Guy Thomas
Masica, John Michael
Maslin, George William, Jr.
Masters, Gregory Richard
Matchette, Eric Eugene, III
Matetich, Michael Gary
Mather, George William
Mathis, Barry James
Mathison, Neil Gordon
Matthews, Dale McNeil
Maurer, Heinz Gunther
Maxwell, George Gary
Maxwell, James Houstom
May, Clarke Darwin, Jr.
May, Harlin Conrad
Mayer, Scott Hilmar
Mayes, Larry Jon
Maynard, Hamilton Keith
Mayo, Robert Ernest
McAllister, Edward Cain
McAllister, Paul Anthony
McAllister, Allan Douglas
McBee, Lawrence Lee, Jr.
McCauley, William Collings
McCauley, William Patrick
McClain, Calvin Perry, Jr.
McClellan, Malcolm Wallace, Jr.
McClung, Roger Walter
McConnell, Steven Grant
McCullar, Edward Terence
McCullough, James Joseph
McCullough, Harvey Taylor, Jr.
McCullough, Francis H., III
McCumber, Leonard Dixon, Jr.
McCune, Michael Owen
McCurry, Robert Alan
McDermott, Thomas Edward, III
McDermott, John James
McDevitt, Robert John
McDonough, Martin Patrick, Jr.
McDowell, Tommy Gene
McEwen, Gary Bruce
McFillin, James Francis, Jr.
McGee, Amos Anthony, Jr.
McGee, Thomas Earl
McGill, Robert Gregory
McGoey, William Bernard, Jr.
McGovern, James Francis
McGrath, Daniel Jerome
McGrath, Joseph William
McHenry, Stephen Wesley
McHugh, Donald, Jr.
McInchok, George Steve, Jr.
McInnis, John Gilbert
McKay, Russell Lee
McKean, Thomas Andrew
McKeldin, Charles Edward, Jr.
McKenzie, Allen Gregory
McKinney, Dana Bruce
McKown, Andrew Flanders
McLean, Angus Laughton, Jr.
McLean, Owen David
McLintock, David Lyle
McMahon, Edwin Harold, Jr.
McMurry, William Stuart
McNall, Lynn Tracy
McNamara, Joseph Leray
McNamara, Michael Thomas
McNeil, Maurice Michael, Jr.
McNeil, Oscar Newby, Jr.
McPherson, David Allen
McStay, James William
McTigue, James John
Medford, William Ralph
Meek, Clinton Lee
Meeker, Paul Rusley
Mees, William Newcomb
Meldrum, William Garrigues
Melton, William Gene
Mercer, Laurice Wayne
Mercer, Michael Raymond
Merrow, Richard Alan
Mertz, Albert George
Meshier, William Thomas
Meteer, Thomas Dewey
Metzger, Charles, III
Michaelis, Frederick Hayes, Jr.
Michalski, Conrad Michael
Milchanowski, Michael John
Miles, Barry Keith
Miller, Andrew Jackson, Jr.
Miller, David Valjean
Miller, James Phelan
Miller, John Myers
Miller, John Hilary
Miller, Richard Salter, Jr.
Miller, Richard Sterling
Miller, Robert Frederick
Miller, Robert Wesley, Jr.
Miller, Roger Lee
Miller, Steven Walter
Miller, Thomas Preston
Miller, William Wray
Miller, William Richard
Mills, Carl Edward
Millsprice, Edgar James, Jr.
Minton, David Scott
Misslin, Peter Anthony
Mitchell, John Gregory
Mitchell, Thomas Wesley, Jr.
Mleziva, James Marvin
Mock, Jesse Ivan, Jr.
Moeller, Robert Leon, Jr.
Moen, Rodney Charles
Moffit, James William, Jr.
Molloy, James William
Monaghan, Charles Edward, Jr.
Monroe, William Howrey
Monteville, Arthur Reno, Jr.
Moore, George McCullar
Moore, Harry Richard, II
Moore, John James C., II
Moore, Keith Tennant
Moore, Mitchell Dee
Moore, Richard Alan
Moore, Richard Watson
Moore, Robert David
Moore, Terry Allen
Moore, Wayne Thomas
Moore, Wesley Harold
Moore, Thomas Richard
Morales, Vicente
Moran, Gary Ward
Moreland, James Wesley, III
Morell, Christopher Charles
Morgan, Leroy Craig

Morgan, Michael Charles
Morgan, Michael Carter
Morgan, Newton Henry, Jr.
Morris, Barry Livingston
Morris, Raymond John, Jr.
Morris, Stephen Glen
Morrison, Theodore Graham
Morrison, Thomas Allen
Morrow, Roy Edward
Morse, Edgar Leroy, III
Morzinski, Jerome Arthur
Moseley, Ronald Presley
Moses, Orrin Douglas
Moses, William James Carlton
Motta, Gerald Annibale
Moussette, David King
Moyer, Gordon Seekins
Mozingo, Thomas Phillip
Mrowczynski, Ronald Matthew
Mueller, Ronald Raymond
Mueller, Robert Arthur
Mueller, Stephen Lee
Muir, Douglas Farrington
Mullen, George Augustine
Mullica, William Lee
Mullins, Alden Foster, Jr.
Mullins, Robert Dennis
Munninghoff, Jay Maurice
Mulvaney, Michael Edward
Murach, Thomas Paul
Murphy, Dennis Michael
Murphy, Kenneth Michael
Murphy, Robert Jerome, Jr.
Murzinski, Edward John
Muzzo, Steven Emmert
Myrick, Jerry Eugene
Nann, Peter Allan
Naset, Dwight Edward
Nash, Donald Hendrix
Nash, John Dale
Nastro, Thomas Robert
Nation, Charles William, Jr.
Navarro, Bradford Vanlarb
Nazaruk, Gregory Michael
Neale, David Alfred
Neighbors, Earnest L., III
Nelson, Irwin Harris
Nelson, Richard John
Nelson, Richard Norman
Ness, Frank George, Jr.
Neumann, Robert Roy
New, Millard Wilner, Jr.
Newman, Michael Scott
Newton, John William
Nichols, Hartwig Jasper
Nicol, Henry Otto, III
Niebruegge, Edward Ludy, Jr.
Nifontoff, Gerald Karl
Ningen, Russell Kenneth, Jr.
Nissen, William John
Nobriga, Timothy Alan
Noland, David John
Nolan, Terry Randall
Nolin, Robert
Noll, Richard Francis
Norconk, James Joseph, Jr.
Northrup, Donald James
Norton, Chad Earl
Norton, John Baker
Nowling, Clyde Junior
Nutter, Robert Wesley
Obrien, John Monaghan
Oconnor, Theodore John
Oconnor, Thomas Newton
Odegard, Ronald Stanley
Odonnell, Gerald James
Odonnell, Robert Bernard
Offner, Alan Louis
Ogle, Russell William
Ohara, Stephen Paul
Ohlinger, John Frederic
Oleary, Michael Stone
Olsen, Olav Vincent
Olson, Michael Dale
Omeara, John, Jr.
O'Neal, Barry Worrall
O'Neil, Harry Francis, Jr.
O'Neil, Edward Joseph
O'Neill, Richard Paul
Oosterman, Carl Henry
O'Rourke, Brian
Orfgen, Lynn Charles
Ott, Robert Edward
Otto, Richard Arthur Frederic
Overbeck, Gregg Robert
Overbeck, Gary Joseph
Overheim, David Charles
Owens, Roger Lewis
Padgett, John Bramwell, III
Paddock, James Robert
Page, George Keyes, III
Papineau, Paul William
Parham, Stephen Jay
Parker, Walter Joseph, Jr.
Parr, John Michael
Parsons, Clarence Leslie
Parsons, David William
Patch, Stanley John, Jr.
Patterson, Thomas Lee
Pattison, James Wynn
Patton, William Joseph
Pawlowski, Stanley William
Payne, Gary Ernest
Payne, Michael Allan
Payte, David Gene
Pearce, Robert Thomas, Jr.
Pehl, Charles Edward
Pell, John Kalman
Penney, Kenneth Bryce
Perkins, Richard King
Person, Bryan Lewis
Peterman, John James, III
Peterson, Lloyd Whitmire
Petruska, Andrew Michael, III
Petykowski, Jerome Leonard
Peverill, Donald Lee
Phelps, James Lynn
Phillips, Charles Donnie
Phillips, Landon Bostwick, Jr.
Phillips, Robert George, Jr.
Phillips, Robert William, Jr.
Phillips, Thomas Lane
Pianetta, John Baptis, Jr.
Piccolo, John Alan
Pieragostini, Karl Kenneth
Pike, Hal Winthrop
Piland, Monroe Gordon, III
Pillittere, Robert George
Pillsbury, Joel Hartley
Pinney, John Howard
Piro, Lawrence Charles
Pirozzoli, David Paul
Pitman, Carroll Arthur
Pitman, Ronald Lynn
Pitney, John Charles
Pittet, Leroy Thomas
Plank, Dennis William
Plank, George Edwin
Plante, Martin Edward
Platt, Edwin Alan
Player, Adrian Gregg
Plehal, James Burton
Plett, John Robert
Ploss, Richard Steven
Plummer, Rudy Edward
Poh, Lawrence Charles J., Jr.
Poirier, William Peter
Pole, Michael Walter
Poleski, David Alan
Poliakon, Joseph Albert, Jr.
Pool, James Allen
Porter, Paul Henry
Potter, Miles Bruce
Potts, Edwin Steven
Powderly, Robert Gerald
Powell, David Lee
Powell, David Llewellyn
Powers, John Michael
Prairie, John Ernest
Pratchios, John Reynolds
Pratt, Phillip Allan
Precht, Phillip Rodney
Preston, Ralph William
Prevost, John Joseph
Price, Walter Winfield, III
Pridmore, Alexander Robertson
Procopio, Eugene Michael, Jr.
Propst, Edward Russell
Proses, William Albert
Prosser, David Lee
Prout, George Michael
Provencal, John Edward
Provencher, Michael Jes
Prudom, Gerald Henry
Prusiecki, David Edward
Puckett, Richard Floyd
Puhlman, Robert Lee
Puncke, Frederick Dewey, Jr.
Quennoz, Stephen Michael
Quillinan, Gregory Francis
Quinn, Donald Lee
Quinn, Richard Andrew
Quinn, Stephen Edmund
Quiver, Timothy Wallen
Raber, David Marshall
Rachmiel, Marshall Emmanuel
Rachor, Robert Lee, Jr.
Rainsberger, David Brandt
Ralston, Gary Gaylord
Ramsey, Jerry Dean
Rankin, Thomas Prater
Rappaport, Gerald Paul
Rasmus, Alfred Anders
Rasmussen, Nicholas Roberts
Rasmussen, Anker Martin
Rausch, John Daniel
Rawlings, David Grant
Ray, David Crockett
Raynes, Gerald Eugene
Reading, Leslie James
Reaghard, James Anthony
Reeber, Roy William
Reed, William Clark
Reedy, Ronald Eugene
Reeve, Thomas Burnell, Jr.
Regener, Donald Francis
Regula, Stanley John, Jr.
Reid, James Armstrong
Reid, Robert Glen. Jr.
Reid, William Kenneth
Renfree, Peter Rodman
Renfroe, John Madison, Jr.
Renshaw, James Alfred
Rentschler, Donald Richard
Renwick, David
Reusche, Robert Louis, II
Reuter, Kenneth Earl
Reynerson, Donald Martin
Rhine, Loran Ernest
Rhoades, Richard James
Rhoades, William Alan
Rhodes, George Samuel
Rhodes, Robert Stephen
Rice, Charles Oliver
Richards, Nicholas Ladell
Richards, Richard Noel
Richards, Thomas Russell
Richardson, Frederick Kenneth
Ridener, Linville Lee
Ridenhour, Calvin Brown
Riera, Robert Emmett, Jr.
Rieth, Joseph Charles, Jr.
Rifkin, Dennis
Rigg, Donald Arthur
Rigler, Ross Allen
Riley, David Gerald
Riley, Denis George
Riley, Stephen Eugene
Rids, Trinidad, Jr.
Rishel, Michael Paul
Ritter, Robert Bruce
Ritzert, Bernard Urban, Jr.
Robbins, Richard Alan
Roberts, Charles Clay, III
Roberts, Francis Albert
Roberts, Gary Ray
Robinson, William Lamarr
Rockwood, Donald James, Jr.
Roeder, John Alexander
Roemer, John Jacob, Jr.
Rogalski, William Walter, Jr.
Rogers, Herman Arnold
Roggow, Ralph Robert
Romanowski, Stanley James
Romberg, Wayne Dennis
Romito, Vincent Anthony
Rousa, Roger Keith
Rose, David Owen
Rosengrant, Carl Warren
Ross, Paul Francis
Rossiter, William Kent
Rotzler, Frederick

Roy, Michael Gordon
Ruband, Louis Francis
Rubent, Frederick George
Ruddock, David Hugh
Rufner, Richard Kevin
Rumer, William Harry
Runde, James Ambrose
Runstrom, Karu Jon
Rurak, Zbigniew Tadeusz
Rush, Charles Paul
Russell, George William, Jr.
Russell, Perry Bedford
Russell, Richard Leon
Russell, Robert Charles, Jr.
Rutherford, David Lee
Ryan, Douglas
Ryan, Franklin Terrence
Ryan, Larry Wayne
Ryan, Michael Charles
Rydel, Ronald Eugene
Saavalainen, Mark I.
Sabatini, Edward Gene
Sadler, William Henley, III
Saffell, Charles Raymond, Jr.
Salewske, Michael Russell
Sams, John Lawrence
Sanborn, Paul Matthew
Sandberg, Larry Alden
Sanderson, Robert John
Sanger, Paul Richard
Santoro, Kenneth Michael
Santos, Valentino
Sara, George Skillman
Saraniero, Michael Anthony
Satak, William Ralph
Sattler, Martin Gregory
Sauls, William Castel, Jr.
Saunders, Gerald Jeffrey
Sauntry, Thomas Frederick
Savory, John Robert
Sawyer, William John
Scanlon, Edward Charles, Jr.
Schadegg, Lawrence Martin
Schaefer, Charles Alfred
Schafer, Richard Anthony
Schardein, John Marshall
Scharnus, Robert Michael
Schelin, Theodore Carl
Scherf, Paul Henry, Jr.
Scherkenbach, William Wagner
Schier, Robert Martin
Schiffelbian, Alexander Lloyd
Schmid, Walter Adolf
Schmidt, Edwin Alexander
Schmidt, Karl Frank, Jr.
Schmidt, William Brian
Schmitt, Michael Kennedy
Schmitt, Paul Francis
Schneider, Jeremy Thomas
Schneiders, James Shriver, Jr.
Scholes, Norman Fraser
Schram, Robert Thomas
Schreck, William Albert, Jr.
Schrock, James Austin
Schroeder, Rodney Clark
Schroeder, William A., III
Schultz, Douglas Charles, Jr.
Schwaebe, Michael Joseph
Schwarzenbach, William Von
Schweers, Kenneth Alan
Schwier, Edward George
Scofield, Roger Lon
Scott, Donald Marcel
Scott, Gary Henry
Scott, Lawrence Wayne
Scott, William Raymond
Scott, William Bartmess, Jr.
Scrapper, John Christopher
Scully, John Joseph
Sears, David Leland
Sears, James Arthur
Secrest, James Randolph
Sedgley, Ronald Michael
Selfridge, Harry Edward
Sellman, Michael Bruce
Seltmann, Kenneth William
Serafine, Gene Clark
Settle, Peter Michael
Seymour, James Dubois
Shafer, Kenneth Wayne
Shafer, Paul Leonard
Shaff, Terry Edward
Shaffar, James Lee
Shake, Douglas Watson
Shannon, Frank Xavier, III
Shauberger, James Edward
Shaughnessy, Daniel
Shaver, Edward Frederick
Shaw, Robert Linford
Shaw, William Royal
Shelby, Stephen Leslie
Shelton, Lynn Dale
Sheldon, Michael Marvin
Shelton, Thomas Leroy
Sheppard, George M.
Sherrill, James Durwood
Shields, Peter Kent
Shinovich, John Robert, Jr.
Shirk, Gary Houston
Shirley, Edwin Roy
Shonyo, Michael James
Shoudy, Peter Nelson
Shreve, Julius George
Shultz, John William, III
Shumlas, Stephen Stanly
Shustak, Stanley Anthony, Jr.
Shuster, Don Byron, Jr.
Siemon, Douglas Henry
Sievert, Charles Michael, Jr.
Sigler, William Frederick
Siler, Virgil Robert
Simmons, Edward John
Simmons, Eric Charles
Simril, Robert Thomas
Siri, Francis Michael
Sjostrom, Nils Alfred
Skaw, Larry Roger
Skelton, David Lee
Skiles, Rolland Wesley
Skinner, Jimmie Dale
Slaight, James Butler, IV
Slocum, Winfield Scott, IV
Slonecker, Michael Louis
Slover, William Spencer
Small, James Martin
Small, Warren Edgar
Smart, Jonathan
Smith, Baker Armstrong
Smith, Alan Clarence
Smith, Charles Alan
Smith, Daniel Earle
Smith, David Weaver
Smith, Dirk Merritt
Smith, Gary Lloyd
Smith, James Claude, III
Smith, Kenneth Larry
Smith, Michael James
Smith, Michael Stephan
Smith, Michael Turner
Smith, Peter Brooks
Smith, Peter Macartney
Smith, Robert William, Jr.
Smith, Samuel Peter
Smith, Steven Grayson
Smith, Thomas Hiram, Jr.
Smith, William Grady
Snoddy, Donald Eugene
Snow, John Daum
Snyder, Charles Frederick, III
Solberg, James Lee
Solin, John Jacob
Songe, Robert Andrew
Soo, Robert Lee
Southerland, Macy James
Souza, Phillip Eugene, II
Spahr, Bradley William
Sparrow, William Clayton, Jr.
Spath, Robert Lee
Specht, Brian Lee
Speer, James Walter
Spelman, George Curtiss, Jr.
Spence, Herbert, Jr.
Spencer, Jermone Fredet
Sprigg, Robert Gary
Spriggs, David Arthur
Springer, Gregory Von
Stahl, Lawrence Oliver
Stallman, Robert Marcus
Stanfield, Wesley Craig
Stanga, Robert Daniel, Jr.
Stanley, Timothy David
Stansel, Michael Jerome
Stark, Donald Raymond
Starke, Wayne Phillips
Stebbings, Stuart Karl
Steffens, Thomas William
Stender, Robert George
Stenstrom, Frank Ernest
Stepien, John Zigmand
Stertzbach, Kim
Steshko, William Nicholas, Jr.
Stevens, Guy Howard, Jr.
Stevens, James Douglas
Stevens, Jack Marion, Jr.
Stewart, Gordon Grant
Stewart, Robert Ellsworth
Stewaart, William Donald, Jr.
Stieglitz, William Henry
Still, Robert Ingo
Stine, Larry Winton
Stockdale, John Joseph
Stockton, Jackson Allison, Jr.
Stoll, Ralph Heston
Stone, Daniel
Stone, John Lloyd
Stout, William Richard
Stow, Richard Loomis
Stpeter, Daniel John
Strand, Michael George
Straub, William James, III
Strauss, John Howard
Stubbs, Gary Winterson
Sturgill, Cleveland Henry
Suberly, Roy Herbert, Jr.
Such, Charles Robert
Suddeth, James Hannon, Jr.
Sullivan, John Donald
Sullivan, James Stephen
Sullivan, Patrick Dennis
Sullivan, Richard Donald
Sullivan, Timothy Joseph
Sullivan, William Michael, III
Sulzner, Bruce Elliott
Sumner, Dallas Burdette
Surpless, Henry Abner
Susong, Carl Floyd
Sutton, Harry Warren
Swain, Robert Lawrence
Swanson, James Edward
Swanson, Paul Arthur
Swanson, Perry William
Swartling, David Donald
Swedberg, Carl Peter
Sweet, James Franklin
Swick, Paul Dean
Sykes, William George
Symington, Donald Leith
Tait, William Allan
Talmadge, Keith Richard
Tankersley, Carl Mark
Taylor, Allen Griffith, Jr.
Taylor, Douglas Kent
Taylor, Jimmy Benjamin
Taylor, Moses, Jr.
Taylor, William Henry
Teel, Jesse Elvin, Jr.
Teesdale, Walter Matthew
Teetz, William Richard
Tehan, Terrence Norbert
Tempel, Billie Leon
Tennant, Douglas Melville
Terrell, Lyndon Travis
Terry, Joel Richard
Terwilliger, George Paul
Tessier, Harley Dell
Tevebaugh, Kenneth William, II
Teves, Arthur Gregory
Thacker, Richard Leighton
Thacker, Vester Imanuel, Jr.
Thatcher, Roland C., III
Thomas, Gordon Joel
Thomas, James Lyle
Thomas, James Winton
Thomas, Scott Parker
Thompson, Bruce Edward
Thompson, Charles Douglas
Thompson, James Edward
Thompson, Robert Edward
Thompson, Thomas Louis, Jr.
Thomson, Bruce Lindsay
Thomson, Glenn Dickson
Thomson, Lawrence Stephen
Tierney, Denis Clyde
Timberlake, William Archer
Tinsley, Steven Garland

Tippett, Donald Dwight
Tipton, Benjamin Wallace, III
Tipton, Charles Frederick
Titcomb, Edmund Bliss, Jr.
Titunik, Steven Elliot
Todd, William Thomas
Tolhurst, Robert Alfred, Jr.
Tomanelli, James Rocco
Tonden, Thomas Philip
Toomey, Thomas Patrick
Toon, Norbert Leo
Toth, Barry Douglass
Tovrea, George William
Townsend, David Alan
Townsend, Lawrence Willard
Townsend, Thomas Gifford
Trask, Gordon William, II
Trenker, Gary Carl
Trimble, David Churchman, Jr.
Trour, David Paul
Truman, Daniel Spencer
Tsamtsis, Paul Charles
Tschaepe, Kurt Otto Erich
Tubbs, Ace Leonard, Jr.
Tuller, James Alfred
Tulley, James Henry, Jr.
Turk, Joseph
Turley, Brian Dale
Turner, Archie Andrew, III
Turner, Douglas Kearney
Turner, Jack Eugene
Turner, John Thomas, II
Turnipseed, James Lorenzo, Jr.
Twogood, Frederick John, III
Twombly, Bennett Clayton
Tyler, Joseph Edward
Uffenorde, George Dennis
Umbarger, Ray McKenna
Unhjem, Mark Arne
Updike, Samuel Donnellon
Urmston, John Dennett, Jr.
Utegaard, Thomas Eric
Vail, William Dwight
Valva, Vincent Joseph, Jr.
Vanbrunt, Tommy Harris
Vandyne, Leroy Thomas
Vansant, Andrew George
Vanvlack, Charles Henry
Vanvooren, William Peter
Vanwinkle, Julian Target
Vaughan, Steven Andrew
Vehorn, Roger Paul
Veltman, Richard James
Verrengia, Thomas James
Vetter, David George
Vines, Geran Clayton
Vinson, James Woodrow, Jr.
Vizzini, Frank Alfonso, Jr.
Vollaro, Richard Gerard
Vrbancic, Joseph Bruce
Waddell, John William
Waite, Michael Paul
Waitt, Edward Joseph, Jr.
Waldmann, Daniel Joseph
Walker, Henry Gilbert
Walker, William Henry, III
Walklet, Donn Charles
Wall, Laurence Llewellyn
Wallace, Edward Grant
Wallace, John Douglas
Wallfred, James Gordon
Walsh, Edward Joseph, Jr.
Walsh, Nicholas Eugene
Walsh, Robert William
Walters, James Michael
Walton, Robert Glenworth
Wandishin, Thomas John
Ward, Clement Harry
Ward, James Gearey
Warner, Thomas George
Warren, William Lee
Watrud, Timothy Frank
Watson, John William
Watson, Thomas Riley
Webber, James Frederick
Weber, Douglas Eugene
Weeks, Steven Brian
Weisberg, Neal William
Weller, Ronald Edward
Wellman, Albert Lewis, III
Welsh, Patrick Timothy
Wendt, Alvin Edward
Werling, Robert
Westerlund, Albert Foch, Jr.
Whaley, Glenn Richard
Wharton, Thomas Patrick, Jr.
Wheeler, William Judson
Whitby, Alan Joseph
White, Nestor Dorian
Whiteway, Roger Newell
Whitney, David Michael
Wall, Richard Ferris
Wallace, James Young, III
Wallace, Michael Joseph
Walling, Kenneth Elston
Walsh, Myles Edward
Walsh, Patrick Steven
Walt, Thomas Dale
Walther, Frank Otto, III
Walton, Stewart Williams
Wanner, Terry Scott
Ward, James Crosby
Warner, Mark Alan
Warren, Richard Grover
Watkins, Val Elliott
Watson, James Francis
Watson, Michael James
Webb, John Robert
Weber, Donald Jon
Weber, Robin York
Wein, Michael Clark
Weiss, Douglas Lee
Welling, Ronald Lee
Wells, Robert Runkle
Wenchel, George Frederic
Wenzell, Albert Bates, Jr.
West, John George
Westray, Richard Howard
Whall, David Gerald
Wheeler, Sidney Wayne
Whitaker, Robert Anderson
White, John Stanton
White, Robert Downie
Whitman, Marland Hamilton, Jr.
Wienke, Charles Raymond
Wiggett, Scott Gordon
Wikle, Kenneth George
Wilcox, Donald Edmund, Jr.
Wilkes, Thomas Judson, Jr.
Wilkinson, John Frederick, Jr.
Williams, Alton Laverne
Williams, Harold Aldrich
Williams, James Thomas
Williams, John Forrest
Williams, Pharis Edward
Willis, Russell Langdon, Jr.
Willoughby, Hugh Edward
Wilson, David Paul
Wilson, Frank Ross
Wilson, James Thomas
Wilson, Jay Ronal
Wilson, Jerrold Bradley
Wilson, John Robert
Wilson, John Wayne
Wilson, Larry David
Wilson, Philip Barry
Wilson Robert Lewis, Jr.
Wilson, Samuel Eakin, III
Wilson, William Ralph
Wilt, Donald Allen
Winchell, Donald Lind, Jr.
Windeguth, Richard Baxter
Winge, Donald Ernest
Winters, Douglas Edmund
Winters, Keith Allen
Witowski, Gerald Thomas
Wojoiechowski, Thomas Joseph
Wolf, George Joseph, Jr.
Wolf, Richard Alan
Wolford, Paul Berger
Womack, Jack Edward, Jr.
Wood, William Bob, Jr.
Woodruff, Berryman E., III
Woods, John George
Woodworth, Richard Alden
Wodley, Millard Jay
Worley, Charles Arthur
Worley, Cris Alan
Worley, Michael Jesse
Wright, Myles Eli
Wrobel, Richard August
Wulf, Michael Eugene
Yarborough, Don Carl
Yarham, Larry Paul
Yatras, Dennis Andrew
Yavorosky, Vincent Michael
Yoder, Richard Lewis
Yott, George Joseph
Young, John Robert
Young, Richard Andrew
Young, William David
Younker, Michael Elwood
Yoxtheimer, John David
Yudes, Alfred Edward, Jr.
Yunker, John Michael
Zenner, Mark Edward
Zerbian, David Alan
Zimmy, Glenn Marstan
Zinn, Dain Roy
Zogby, Joseph Albert
Zuidema, Peter Brian
Zurinski, Donald John
Zorbach, Gregory Michael
Zukas, Anton Gregory
Zweerink, James Edward

The following-named women officers of the U.S. Navy for permanent promotion to the grade of lieutenant in the line, subject to qualification therefor as provided by law:

Albers, Sandra Lee
Anderson, Linn
Braswell, Kathleen Carol
Brown, Cecilia Martha
Childers, Joan Elaine
Dick, Kristen Ann
Escott, Sharon Lee
Gailey, Patricia Marie
Giefer, Carolyn Sue
Hagerman, Dianne Marie
Holloway, Kathleen Gale
Hull, Lee Blanton
Johnson, Faith Elizabeth
Katschke, Mary Louise
Kirksey, Elizabeth Regina
Lovejoy, Kandiss Adele
Matheson, Eleanor Stuart
McGalin, Janice Gay
Morrison, Elizabeth Lee
Murray, Susan Elizabeth
Pinkney, Sandra Lynn
Regan, Sandra Joan
Rosenthal, Nikki Louise
Schafer, Bernadette Helena
Shie, Barbara Frances
Sowa, Maureen Melvin
Stewart, Jane Laraine
Theall, Pauline Joyce
Waller, Rosemary Berner
Winters, Margaret Louise
Youngstrom, Judith Joanne
Alberts, Christopher
Anderson, Mary Frances
Bridwell, Sharon File
Butler, Shannon Rae
Dehoff, Rachelle Ann
Divizio, Janet Marie
Funkhouser, Lenore Marie
Gauthier, Elaine Annette
Gilpatrick, Linda Savell
Herbst, Michael Ann
Houlihan, Barbara Ann
Jenkins, Carol Anne
Johnson, Marsha Anne
Keers, Paula Margot
Lloyd, Connie Lee
Manning, Lorraine Florence
McCasland, Mary Ann
McGalin, Judith Fay
Mortensen, Sandra Dianne
Peterson, Janet Marie
Quinn, Kathleen Anne
Rifenberg, Louise Elizabeth
Saroch, Victoria Lisbeth
Sedlak, Patricia Frances
Smith, Helen Elizabeth
Stevens, Marjory McColgan
Tedrow, Kaye, Marilyn
Tuite, Patricia Ann
Weber, Betty June
Wurmser, Caroline Margaret
Zuger, Margaret Anne

CONFIRMATIONS

Executive nominations confirmed by the Senate August 6, 1971:

ATOMIC ENERGY COMMISSION

James R. Schlesinger, of Virginia, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1975.

William Offutt Doub, of Maryland, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1976.

U.S. CUSTOMERS COURT

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

AMBASSADOR

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

AGENCY FOR INTERNATIONAL DEVELOPMENT

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

U.S. COAST GUARD

The nominations beginning Timothy C. Hess, to be lieutenant (junior grade), and ending George T. Causey, to be chief warrant officer (W-2), which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 30, 1971.

EXTENSIONS OF REMARKS

NATIONAL ENVIRONMENTAL DATA SYSTEM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. DINGELL. Mr. Speaker, on May 17, 1971, the House passed H.R. 56, the National Environmental Data Systems Act, to bring some order and accessibility to the growing body of information on environmental quality and natural resources. During consideration of this bill, I became aware of a project in the executive branch entitled, "Study of Environmental Quality Information Programs" or SEQUIP. The findings of the expert panel which performed that study have now been made available to me by Dr. Edward David, the science adviser to President Nixon.

It is gratifying and encouraging to my subcommittee that the SEQUIP report conclusions are virtually identical to the provisions of the legislation passed by the House and now awaiting action in the other body. Our original proposal was for a "data bank" but as the SEQUIP group concluded, a massive single information storage unit would be unrealistic. Instead H.R. 56 proposes a central national coordinating facility. This is comparable to the finding of the executive branch study:

That the Council on Environmental Quality establish a new information organization in the Environmental Protection Administration which will take the lead, nationally, to implement an environmental quality information and data network based on the compatibility and interactive capabilities among existing information and data programs.

With this strong endorsement of our legislative concept, I urge the Congress to complete the passage of H.R. 56. While some executive agency testimony on the bill was less than enthusiastic, the thorough appraisal of this study must be accepted as confirming our original premise—that improved exchange of environmental information is essential in the fight against pollution. I would hope the administration will publish the entire SEQUIP report so that all interested parties may benefit from its findings. In the meantime, I insert the summary recommendations at this point in the RECORD:

A STUDY OF ENVIRONMENTAL QUALITY INFORMATION PROGRAMS IN THE FEDERAL GOVERNMENT

SUMMARY AND COMMITTEE RECOMMENDATIONS [1]

General Findings (Section II): The SEQUIP survey identified a large number of information and data handling organizations supporting the activities of those Government agencies directly concerned with *environmental pollution* problems. There were also several broad information programs, such as those of the National Libraries that support a variety of disciplines and perform services which are used by environmental pollution mission agencies in support of their own efforts.

The overall impression gained in this study can be summarized by stating that in the area of environmental information and data programs, there exists a heterogenous, probably wasteful, and certainly less than optimally effective, mixture of activities which will not spontaneously give rise to the coherent environmental information system which is clearly required so that the technical task of coping with environmental problems might be accomplished within realistic source limits.

It is recognized that the findings and recommendations set forth in this Report sometimes pertain to information and data handling problems related to areas more general than the environmental quality field, and that many of these findings are not novel. However, many information problems noted on previous occasions, and for other areas of science and technology, are still unresolved and now affect those components of science and technology that relate to the environmental quality field. Therefore, the Committee deliberately chose to make this Report a vehicle for observations which pertain primarily to environmental quality but also touch on other aspects of what is being done—or not being done—in general with information and data in Government organizations. In fact the most fundamental observation of this survey was that most of the problems identified were general data- and information-handling problems, and not peculiar to the environmental quality field.

It was also found that a distinct difference exists between those organizations that handle mostly information, and those that are more deeply involved with data. This division is much more significant that the differences among the information programs supporting the subject areas of this Report; namely, air pollution, water pollution, solid waste management, agricultural chemicals, and radiation.

The Committee found that *interactions* among similar or logically-related information programs are rare. Information and data programs which are part of mission agencies are often reluctant to advertise their services and product outside their own agencies. They fear being swamped with requests for these services without having the resources to comply with such requests, because they usually cannot recover the costs of services performed for other government agencies, industries, universities, or individuals. This situation often leads to the establishment of duplicative services in several organizations and works against the creation of networks and exchange of information and data. Procedures should be established whereby information programs in mission agencies can recover the costs of providing services for other Government or non-Government organizations. The Office of Management and Budget ought to become involved in the development of such procedures.

Recommendation II.1: That the Office of Management and Budget explore better methods through which Government agencies could recover the cost of performing technical information services for outside users.

* * * * *

The creation of a new, independent, Government-wide information system—a "National Environmental Data Bank" (cf. H.R. 56, formerly H.R. 17436)—has been proposed as a solution for the problems of duplication, incompatibility and organizational dispersion of environmental information and data programs. The Committee believes this solution to be unrealistic. Input to such an organization would have to come from the mission agencies, and while the central organization would be in direct competition with these agencies for resources, it could not replace the information programs which these agencies must contain within their own organizational structures in order to function.

What is required, instead, is an optimum use of *existing* environmental information and data systems. These must be linked into networks in such a way that they can perform the services required of them by their parent agencies, and also serve each other and the environmental quality mission in its totality. To carry out the task of building and operating such networks in the environmental pollution information area, the Committee recommends creation of a new, central organization—named the National Environmental Protection Information and Data Services (NEPIDS)—in the Environmental Protection Administration (EPA).

The overall mission of NEPIDS should be twofold. Inside EPA, it should: (1) identify and coordinate into a network the information and data programs in the organizations which were absorbed into EPA; (2) participate and give guidance to the establishment of new information and data systems, where required; (3) develop and apply standards which will aid in network formation and operation; (4) coordinate the R&D project reporting activities in EPA; (5) develop information and data handling technology in areas of particular importance to environmental problems; and (6) respond to requests for information and data from inside or outside EPA, either directly or by

[1] The roman numeral parts of the recommendation numbers refer to the Report Section in which the specific recommendation was made.