

B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C.
D. (6) \$2,137.50. E. (9) \$480.

A. Veterans of World War I of the U.S.A., Inc., 916 Prince Street, Alexandria, Va.
D. (6) \$82,808.12. E. (9) \$73,432.74.

A. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y.
E. (9) \$57.39.

A. Paul A. Wagner, 1126 16th Street NW., Washington, D.C.

B. International Union, United Automobile, Aerospace and Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) \$788.80. E. (9) \$150.08.

A. Wald, Harkrader, Nicholson & Rose, 1320 19th Street NW., Washington, D.C.

B. INA Corp., 1600 Arch Street, Philadelphia, Pa.

A. Franklin Wallick, 1126 16th Street NW., Washington, D.C.

B. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Solidarity House, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) \$480. E. (9) \$265.75.

A. Warner & Harris, Inc., 1030 15th Street NW., Washington, D.C.
D. (6) \$6,000. E. (9) \$6,203.

A. Leonard Warner, 1030 15th Street NW., Washington, D.C.

B. Warner & Harris, Inc., 1030 15th Street NW., Washington, D.C.
D. (6) \$1,375.

A. James A. Warren, 5500 Prospect Place, Chevy Chase, Md.

B. REA Express, Inc., 219 East 42d Street, New York, N.Y.
D. (6) \$450. E. (9) \$150.

A. Herman Webb, 400 First Street NW., Washington, D.C.

B. International Brotherhood of Electrical Workers, 330 South Wells Street, Chicago, Ill.
D. (6) \$708.43.

A. Fred Wegner, 1225 Connecticut Avenue NW., Washington, D.C.

B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.

A. Weissbrodt & Weissbrodt, 1614 20th Street NW., Washington, D.C.

B. Central Council of the Tlingit and Haida Indians of Alaska, Box 529, Juneau, Alaska.
E. (9) \$180.21.

A. Edwin M. Wheeler, 1015 18th Street NW., Washington, D.C.

B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C.
E. (9) \$125.

A. John C. White, Washington, D.C.
B. Private Truck Council of America, Inc., 1317 F Street NW., Washington, D.C.

A. Lee C. White, 1156 15th Street NW., Washington, D.C.

B. American Natural Gas Co., 1 Woodward Avenue, Detroit, Mich.
E. (9) \$70.66.

A. Bryan K. Whitehead, 400 First Street NW., Washington, D.C.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
E. (9) \$270.85.

A. Harry D. Williams, 1660 L Street NW., Washington, D.C.

B. Ashland Oil, Inc., 1409 Winchester Avenue, Ashland, Ky.
D. (6) \$250.

A. Kenneth Williamson, 1 Farragut Square South, Washington, D.C.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill.
D. (6) \$2,180. E. (9) \$755.18.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.
D. (6) \$3,309.

A. Burton C. Wood, 1625 L Street NW., Washington, D.C.

B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) \$4,500. E. (9) \$828.45.

A. Jack Yelverton, 1303 New Hampshire Avenue NW., Washington, D.C.

B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C.

A. Zero Population Growth, 330 2d Street, Los Altos, Calif.

D. (6) \$72,000. E. (9) \$2,400.

SENATE—Thursday, September 9, 1971

The Senate met at 10 a.m. and was called to order by Hon. ALAN CRANSTON, a Senator from the State of California.

PRAYER

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

Almighty God, who has given us this good land for our heritage, we beseech Thee to fit us for this day's duty and for work in the days ahead. Make us to be still and to know that Thou art God and sufficient for all our needs. Bless with a sense of Thy constant nearness all who are in the service of their country. Strengthen by Thy might and guide by Thy spirit the President and all whom the people have set in authority over us.

Give us, O Lord, attentive ears, alert minds, and warm hearts to receive the message of this day. And grant us hereafter the wisdom and the will to devise the best legislation for the well-being of the whole Nation.

As we honor the intrepid voyagers in space, we ask Thee to make us pioneers in the things of the spirit, creators of a life and culture built upon the untried ways of international accord, enduring peace, and universal justice.

And unto Thee we shall ascribe all the praise and glory, world without end. 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., September 9, 1971.
To the Senate:

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

ALLEN J. ELLENDER,
PRESIDENT PRO TEMPORE.

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

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 8, 1971, be dispensed with.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its read-

ing clerks, announced that the House had passed a joint resolution (H.J. Res. 850) authorizing the Honorable CARL ALBERT, Speaker of the House of Representatives, to accept and wear the Ancient Order of Sikatuna (Rank of Datu), an award conferred by the President of the Philippines, in which it requested the concurrence of the Senate.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Sen-

ate will now proceed to the transaction of routine morning business, not to exceed 15 minutes, with statements therein limited to 3 minutes.

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECESS DURING JOINT SESSION AND JOINT MEETING OF THE SENATE AND HOUSE OF REPRESENTATIVES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at 12:13 p.m. today, the Senate stand in recess for the purpose of allowing the Senate as a body to proceed at that time to the other body for a joint session to be addressed by the President of the United States, to be followed by a joint meeting to be addressed by the astronauts from the recent Apollo mission, following which Senators will return to the Chamber, at which time the Senate will resume the consideration of the unfinished business.

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

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. CRANSTON):

A joint resolution of the State of Wisconsin; to the Committee on Commerce:

"SENATE JOINT RESOLUTION 58

"Enrolled joint resolution requesting congress to enact federal legislation prohibiting promoters of closed circuit television and radio broadcasts which cover sporting events from barring public broadcasting networks from broadcasting the sporting event

"Resolved by the senate, the assembly concurring, That promoters of closed circuit television and radio broadcasts which cover sporting events be prohibited by federal legislation from barring public broadcasting networks from broadcasting the sporting event; and, be it further

"Resolved, That certified copies of this resolution be sent to the secretary of the senate of the United States, the chief clerk of the house of representatives and to each member of congress from Wisconsin."

A resolution of the House of Representatives of the State of Michigan; to the Committee on Public Works:

"HOUSE RESOLUTION No. 225

"A resolution memorializing the United States Congress to appropriate adequate sewage treatment works grant funds

"Whereas, Michigan has placed priority emphasis on fully confronting and solving its water pollution problems and has backed this priority by the administration of a strong water pollution control program; and

"Whereas, This Legislature in recent years has enacted a number of fundamental and

far reaching pieces of legislation designed to further environmental protection and enhancement; and

"Whereas, The citizens of Michigan have demonstrated their commitment to maintaining the quality of all of Michigan's waters through the passage of a \$335 million Clean Water Bond Issue; and

"Whereas, The Congress of the United States of America is currently considering pending amendments to the Federal Water Pollution control program; and

"Whereas, The Congress is also considering an extension and enlargement of the now expired Federal Sewage Treatment Works Grant Program; now therefore be it

"Resolved by the House of Representatives, That the Congress of the United States of America is hereby respectfully urged to fully retain in any amendments enacted to the Federal Water Pollution Control Act its policy to recognize, preserve, and protect the primary responsibilities of the States in preventing and controlling water pollution; and be it further

"Resolved, That the Congress authorize and appropriate sewage treatment works grant funds which will be adequate to fully support the Federal share of the national water pollution control program authorized, including full reimbursement of local and state funds advanced to make up deficiencies in Federal appropriations; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and to each member of the Michigan delegation to the United States Congress.

"Adopted by the House of Representatives September 2, 1971."

A resolution adopted by the Executive Committee of the Republican Party of Oklahoma, relative to safeguarding the national defense; to the Committee on Armed Services.

A resolution adopted by the Executive Committee of the Republican Party of Oklahoma, opposing further involvement of the Federal Government in the provision of or financing of health services; to the Committee on Finance.

A resolution adopted by the Executive Committee of the Republican Party of Oklahoma, expressing its opposition to the so-called welfare reform plan known as the family assistance program; to the Committee on Finance.

A resolution adopted by the Executive Committee of the Republican Party of Oklahoma, expressing hope for favorable results in the proposed Presidential visits to China; to the Committee on Foreign Relations.

A petition of the Unified Concerned Citizens of America, Dallas, Tex., in support of the neighborhood school concept and quality education for each schoolchild; to the Committee on the Judiciary.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF THE OFFICE OF MANAGEMENT AND BUDGET

A letter from the Director of the Office of Management and Budget transmitting, pursuant to law, a report on the operation of Section 501 of the Second Supplemental Appropriations Act, 1970 for fiscal year 1971 (with accompanying report); to the Committee on Appropriations.

REPORT OF EXPORT-IMPORT BANK

A letter from the Assistant Secretary, Export-Import Bank of the United States, Washington, D.C., transmitting, pursuant to

law, a report of that Bank, for the quarter ended June 30, 1971 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

STATEMENT ON NATIONAL TRANSPORTATION POLICY

A letter from the Secretary of Transportation transmitting, pursuant to law, a statement on national transportation policy (with accompanying papers); to the Committee on Commerce.

REPORT ON MINERALS EXPLORATION ASSISTANCE PROGRAM

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on the minerals exploration assistance program, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT OF THE DEPARTMENT OF COMMERCE

A letter from the Assistant Secretary of Commerce transmitting, pursuant to law, a report of personal property claims of employees which were settled during fiscal year 1971 (with accompanying report); to the Committee on the Judiciary.

REPORTS ON ACTIVITIES OF THE VETERANS' ADMINISTRATION

A letter from the Administrator, Veterans' Administration, Washington, D.C., transmitting, pursuant to law, reports concerning the activities of that Administration for the sharing of medical facilities and for exchange of medical information, for the fiscal year 1971 (with accompanying reports); to the Committee on Veterans' Affairs.

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. TAFT:

S. 2498. A bill to provide for a Federal Bureau of Investigation Trust Fund. Referred to the Committee on the Judiciary.

By Mr. BEALL:

S. 2499. A bill to provide for the striking of medals commemorating the 175th anniversary of the launching of the U.S. Frigate *Constellation*. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. McGOVERN:

S. 2500. A bill to establish producer owned and controlled emergency reserves of wheat, feed grains, and soybeans. Referred to the Committee on Agriculture and Forestry.

By Mr. BROOKE:

S. 2501. A bill for the relief of Daniel H. Robbins. Referred to the Committee on the Judiciary.

By Mr. GRAVEL:

S. 2502. A bill to establish Federal fisheries environmental disaster assistance. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TAFT:

S. 2498. A bill to provide for a Federal Bureau of Investigation Trust Fund. Referred to the Committee on the Judiciary.

Mr. TAFT. Mr. President, on June 2 of this year, I introduced the Law Enforcement Trust Fund Act whereby citizens who wished to do so could contribute to research and study in the field of law enforcement. Since that time several suggestions have been made which I feel improve the bill and, therefore, I am today introducing a modified version. The revised bill would create a Federal Bu-

reau of Investigation Trust Fund. This trust fund would be administered by a Board of Trustees composed of the Attorney General of the United States, the Director of the Federal Bureau of Investigation, and the Solicitor General of the United States.

By Mr. BEALL:

S. 2499. A bill to provide for the striking of medals commemorating the 175th anniversary of the launching of the U.S. frigate *Constellation*. Referred to the Committee on Banking, Housing and Urban Affairs.

COMMEMORATION OF THE LAUNCHING OF THE U.S. FRIGATE "CONSTELLATION"

Mr. BEALL. Mr. President, September 7, 1971, marked the 174th anniversary of the launching of the U.S. frigate *Constellation*, the first ship in the U.S. Navy. Although this milestone is significant, everyone involved with the restoration of this vessel is looking forward to the 175th anniversary next year. I am sending to the desk a bill that will mark the 175th anniversary by authorizing the Secretary of the Treasury to strike 100,000 commemorative medals. The proceeds from the sale of these medals will go to the *Constellation* Committee of the Star Spangled Banner Flag House Association, Inc., to further the work of restoring this historic vessel.

I would like to take a few minutes to review the history of this ship which parallels in so many ways the history of our Republic. On March 27, 1794, Congress authorized the building of six warships; the *United States*, the *Constitution*, the *President*, the *Constellation*, the *Congress* and the *Chesapeake*. The contracts were let to shipyards in six different States and considerable competition developed for the honor of setting to sea our Nation's first warship. With deference to my distinguished colleagues from Pennsylvania, I must admit that Philadelphia won the race when it launched the frigate *United States* in July 1797. However, the *United States* was damaged so severely on launching that it had to be returned to the drydock for extensive repairs. Thus, the *Constellation*, which was constructed in the David Stodder shipyards on Harris Creek in Baltimore, Md., became the first of the six vessels to be successfully launched on September 7, 1797.

With its shakedown cruises completed, the U.S. frigate *Constellation* was commissioned on June 26, 1798, and stationed in the Caribbean. Some of the highlights of this unique vessel's career are as follows:

January 1799: Recaptured an American merchant brig from the French.

February 1800: Defeated the 54-gun French warship *La Vengeance*.

May 1800: Recaptured three American merchant vessels from the French.

July 1802: Destroyed two Tripolitan gunboats and an enemy cavalry force on the beach.

1804-05: Patrolled the coast off Tripoli until a peace treaty was signed with the Barbary pirates.

1812-15: Was blockaded in the Chesapeake Bay by a large British fleet. It engaged the 38-gun British warship *Juno*, prevented the invasion of Craney Island

and destroyed eight landing boats carrying approximately 400 men.

May 1815: Assisted in the defeat of the 44-gun Algerian frigate *Mashuda*.

May 1819: Flagship for the fleet of Commodore Perry on station off the coast of Brazil.

October 1841: Under the command of Commodore Lawrence Kearney, the *Constellation* anchored off Whampoo Beach and helped to establish the "open-door policy" with Imperial China.

May 1843: The *Constellation* provided protection for Hawaiian Emperor Kamehameha thus frustrating a British attempt to take control of the Hawaiian Islands.

July 1855 to June 1858: The *Constellation* logged 29,277 miles in a cruise around the world.

June 1859-May 1861: Flagship of the American squadron stationed off the coast of Africa in search of slavers.

1861-65: During the American Civil War, the *Constellation* served in the Mediterranean where it searched for Confederate raiders and blockade runners. During the latter part of the war it was transferred to Admiral Farragut's squadron which patrolled the coast between Louisiana and Florida.

1871: *Constellation* served as a training ship for the U.S. Naval Academy in Annapolis.

March 1878: The *Constellation* sailed to France with supplies for the Paris exposition.

March 1880: Sailed from New York with food to relieve the Irish famine.

September 1892: The *Constellation* sailed for Gibraltar where it collected works of art for the Columbian exposition.

1894-1940: The *Constellation* served as a naval training ship. In 1914, she returned to the Port of Baltimore for the centennial celebration of the bombardment of Fort McHenry.

August 24, 1940: President Franklin D. Roosevelt commissioned the *Constellation* to serve as the flagship of the Atlantic Fleet. Admiral King and Admiral Ingersoll directed the movements of the Atlantic fleet from offices on board the ship.

July 22, 1955: The *Constellation* was returned to the *Constellation* Restoration Committee in Baltimore.

July 4, 1961: The *Constellation* was dedicated as a national shrine by the Under Secretary of the Navy.

May 23, 1963: The *Constellation* was designated as a national historical landmark by the U.S. Department of Interior.

Throughout its active career, the frigate *Constellation* was never limited solely to the realm of warfare. Numerous missions were undertaken for diplomatic, humanitarian, and educational objectives as well.

Since its return to the Port of Baltimore, the *Constellation* has assumed a significant role in efforts to revitalize the inner harbor region of Baltimore City where the ship is permanently berthed.

The *Constellation's* contemporary involvement in the life of Baltimore can be seen in several ways:

First. Over 70,000 people—approx-

mately one-third of which are school-children or youth groups—visit the *Constellation* yearly.

Second. The vessel is an integral part of the Community Action Agency's youth program as well as the Recreation Department's field trip project.

Third. The Maryland Naval Militia, comprised largely of innercity youth between the ages of 14 and 18, actively participates in the care and restoration of the ship, thus gaining valuable experiences, skills, and a meaningful sense of history.

Fourth. The *Constellation* will serve as a focal point around which the extensive inner harbor redevelopment project will grow. The importance of the *Constellation* to this urban renewal project was underscored by the Housing Commissioner of Baltimore City, the Honorable R. C. Embry, Jr. In a letter to the Department of Housing and Urban Development, Mr. Embry said:

It has been felt that the great historic significance of the vessel together with the importance of its role in the redevelopment of Baltimore's Inner Harbor would more than justify this commitment. It is anticipated that the *Constellation*, launched from Baltimore in 1797, the first vessel afloat in the U.S. Navy, will provide a major historic attraction and architectural focal point for a Project designed to restore public access to the water and focus attention on the role of the port in the cultural and commercial development of the City.

I think it is apparent that the *Constellation* is serving its Nation as well in peace as it did in war and as well today as it did in the 19th century. Thus, I hope the Congress will further the work of the U.S. frigate *Constellation* by promptly enacting this legislation.

By Mr. McGOVERN:

S. 2500. A bill to establish producer owned and controlled emergency reserves of wheat, feed grains, and soybeans. Referred to the Committee on Agriculture and Forestry.

WE NEED AN EMERGENCY FOOD RESERVE

Mr. McGOVERN. Mr. President, I have today introduced a bill to establish an interim, farmer-owned and farmer-controlled emergency reserve of wheat, feed grains, and soybeans.

We have talked about the need for emergency reserves of agricultural commodities for two decades, Mr. President, both in terms of some domestic or world production emergency resulting from droughts or other natural disaster, and in terms of a military emergency that would disrupt our food distribution system. But we have done nothing about establishing such reserves.

We have procrastinated about fixing the roof because it was not raining, but we should be about it.

I have limited the interim reserve proposal I made today to wheat, feed grains, and soybeans because this is an opportune time to establish them. Supplies of all of these commodities are so large that market prices are down and producers are suffering a serious economic squeeze. On August 15 wheat was selling for \$1.28 per bushel compared to \$1.46 2 months before, on June 15. Corn prices were 24 cents below June 15 and still falling. Soy-

beans dropped 9 cents from the previous month.

Production of these commodities this year will run over a year's requirements. There will be an increase in stocks to be carried over into the next marketing year for each of them. That is why prices are down.

The establishment of an emergency reserve at this time can remove from the market supplies not essential to meet current requirements, strengthen prices and relieve the farm situation in some measure, and give us—at long last—the sort of real emergency reserve that so many people both in and out of agriculture agree that we should have.

Incidentally, I might add that this should be accomplished without any appreciable movement in retail food prices. Retail prices of foods based on the commodities involved have not reflected the considerable drop that has occurred in raw material costs, and they should not rise if the basic materials go back up to previous levels.

The bill I have introduced authorizes the Secretary of Agriculture to make contracts with producers, on a pro rata basis for far as practicable, to put 200 million bushels of wheat, 500 million bushels of corn or other feed grains, and 100 million bushels of soybeans into storage, under producer control, either on their farms or in elevators.

In consideration for storing commodities to meet future emergencies, the Secretary of Agriculture would advance the producers 125 percent of the loan value of the commodity—the loan is only \$1.25 per bushel on wheat, \$1.05 on corn, and \$2.25 on soybeans. The Secretary would further agree to carry the interest and pay reasonable storage costs on the commodities and storage. The advances proposed are somewhat above current markets, but they are still less than parity, they are lower than the market should be, and they are lower than the market will be when supply is at the release level proposed in the bill.

When and if carryover of wheat should drop to 15 percent of annual requirements, feed grains to 10 percent, or soybeans to 5 percent, the bill authorizes the Secretary of Agriculture to terminate enough of the emergency reserve contracts to replenish the supply available to the free market by 5 percent in the case of wheat and feed grains and 3 percent in the case of soybeans.

Let me illustrate this in the case of wheat. If annual requirements are 1.4 billion bushels, the free stocks drop below 210 million bushels, then the Secretary could terminate contracts on 70 million bushels of wheat in storage. If the emergency absorbed that and stocks fell again he could terminate more contracts, but not more than 5 percent of a year's supply at a time.

Termination of the contract would mean simply that the producers would have to start paying interest and the storage costs on the reserves they had in storage. They could sell the commodity and repay their advance, or they could continue to hold at their own expense. They would have a year to arrange for other credit to repay the advance, to sell and settle, or deliver the collateral.

The bill provides that the reserve stocks can be rotated to keep them in good condition, and that farmers can withdraw upon 60 days' notice prior to the start of a new marketing year. This provision for withdrawal is essential to let farmers who are retiring, moving some distance, or have other reasons to drop out of the reserve arrangements, to do so. This provision is drafted to permit the Secretary of Agriculture an opportunity to arrange for replacement storage in the immediately subsequent harvest, so the emergency reserve stocks can be maintained.

Those who follow agricultural legislation and problems closely will, I am sure, identify two or three obvious advantages of this proposal for a farmer owned and controlled reserve, beyond meeting urgent needs for such a reserve, and the immediate need to bolster farm prices.

The provision for farmer ownership and control eliminates the fear that farmers and some agribusiness quarters have over Government dumping or withholding for price control purposes. Regardless of the validity of the charge that stocks have been dumped or withheld to affect prices in the past, the charge has been made. It is a matter of concern in agriculture.

Under the bill I have submitted, the quantity of any of the commodities made available to the market by the termination of reserve contracts would be limited to 5 percent of annual requirements, and the farmer-producers could determine whether or not they wanted to sell or hold. His holding would be available to the market but the market would have to be attractive enough to cause the farmers to sell.

The fact that release comes only when supplies are limited and prices should be good, reduces the need for searching for some agreeable scale of release levels. In reality, all such scales of release levels I have seen give the farmer-producers the least price protection when they need it most for the resale price is lowest when supplies are highest.

The farm price situation is extremely urgent, Mr. President.

Thousands of farmers are going to go broke this year if we do not take early action to increase their prices. Their distress will be multiplied if cheap feed encourages increased meat production—efforts to turn cheap feed into meat in the hope of getting higher prices—and cattle and hog prices are broken.

It is my hope that the Senate will process reserve legislation speedily, create a bona fide emergency reserve, and thus solve a number of our problems.

The existence of a reserve will provide security for all our citizens from the standpoint of food supplies in any eventuality. The reserve's maintenance in the control of farmers will assure a broad distribution throughout the Nation, on farms and in elevators. Its existence will give the Secretary of Agriculture a margin of safety in setting acreage allotments; he can set them more precisely on an average yield basis when there is a cushion to protect against abnormal weather conditions, and avoid great oversupplies.

It is my very earnest hope, Mr. Pres-

ident, that we can proceed to the early consideration of this bill, and to other constructive suggestions for a reserve. American agriculture needs to be relieved from the low-price penalty it is now suffering as a consequence of answering the Nation's call for increased production.

The Nation did ask for more wheat, feed, and soybean production. The producers responded, and we have an obligation to see that they are not penalized for their response by bankruptcy prices.

If the Senate will now show the way there is still time for the other body to consider a reserve bill.

By Mr. GRAVEL:

S. 2502. A bill to establish Federal fisheries environmental disaster assistance. Referred to the Committee on Commerce.

FEDERAL FISHERIES ENVIRONMENTAL DISASTER AND ASSISTANCE ACT

Mr. GRAVEL. Mr. President, the FDA warning last May that people should not eat swordfish has virtually wiped out the swordfish industry in this country.

The impoundment of swordfish because of mercury contamination has resulted in an inventory loss of some 4 to 5 million pounds, with an estimated value of as much as \$12.5 million. In addition, the swordfishermen of New England, California, and the gulf are faced with the obsolescence of their vessels or the cost of refitting them for another fishery unless the FDA changes its mercury guidelines.

The swordfish catastrophe is not, however, an isolated incident, but is just one of a number of blows that have hit the American fishing industry in the past 2 years.

Last year coho salmon fishing was eliminated in Lake Michigan when these fish were found to contain too much DDT to be acceptable as human food under FDA regulations.

This year DDT residues in chubs have risen above FDA standards, eliminating a \$3 million product. Lake Michigan is now a dead sea as far as commercial fishermen are concerned. Fishing vessels stand idle and fishermen are without jobs throughout the Great Lakes region.

Southern California fishermen have lost the kingfish to DDT. In the past, kingfish meant an annual catch of 500,000 pounds worth \$100,000.

In the past year mercury findings in particular have been damaging. In addition to the swordfish ban, fisheries with an annual production of \$2.5 million drawing on the western basin of Lake Erie, the Pickwick Reservoir in Tennessee, and Lake Calcasieu in Louisiana have closed because the fish in these waters contained excessive mercury.

The tunafish industry has also suffered a \$2.4 million inventory loss due to mercury findings.

Now there is speculation about other foreseeable contaminants in addition to mercury—cadmium, arsenic, selenium, PCB, and others.

The fishing industry is naturally concerned that these toxic substances might result in hazardous concentrations in one fish after another before proper environmental safeguards can be instituted.

There is no reason why one segment of our society—the fishermen—should have to bear the consequences of several generations of environmental carelessness.

In an attempt to set up some economic protections and safeguards I am introducing a bill which would establish an insurance program for the fishing industry much like crop insurance for the farmer.

My bill would create a Federal insurance corporation to insure fishermen and fish dealers against excessive losses caused by health authority action preventing the marketing of fish as a result of environmental disasters or newly discovered toxic contaminants.

If, for example, high mercury levels were discovered in another fish in the future, an insured fisherman would not be plunged into debt at the same time that his livelihood was taken away, as happened with swordfish. His insurance would offset to some degree his loss of future earnings.

Suppose an oil tanker spills its contents over a clam bed and wipes out a year's clam harvest. The insured shellfisherman could collect a year's earnings for the loss of his product.

Two years ago Hurricane Camille disrupted the oyster-growing waters in the gulf. The health quality of the waters could not be assured and consequently the oyster beds were closed. The oyster harvest was lost for an extended period. The insurance program I am proposing would protect the earnings of the shellfishermen to some extent from such unpredictable disasters.

Title I of my bill, the insurance proposal, is designed for the future. But I am also convinced that something must be done to assist the fishing industry in recovering from recent losses.

The swordfish situation stands out dramatically. In December the FDA ordered that cold storage stocks of swordfish not be marketed after testing 62 samples and finding the average mercury content exceeded 0.5 parts per million guideline.

Shipments from Japan, the major source of swordfish to this country, were discontinued. The swordfish dealers in the country cooperated by keeping their product off the market.

The swordfish dealers were forced to hold more than 4 million pounds of swordfish as FDA testing proceeded. On May 6 FDA announced that between 89 and 95 percent of the swordfish tested was above the guideline, and that the mercury level averaged more than one part per million.

The public is now not eating swordfish, and it is hardly likely that the situation will be remedied. The tested swordfish were caught worldwide. They came from every major fishing ground. It appears highly improbable that swordfish will be found in some new fishing area without similar mercury residues.

The 4 million pounds of unmarketable swordfish sitting in dealers' warehouses represents a substantial investment. Only what is bought back by importing countries can be salvaged. The rest, according to FDA regulations, cannot even be sold as cat food. Nor can it be mixed with another fish into some form of fish-

cake to lower the concentration of mercury below the 0.5 parts per million allowable maximum.

Title II of my bill would give swordfishermen, and other commercial fishermen in similar circumstances, subsidies to make up for the loss of a year's business. This could be as much as 70 percent of their previous year's gross earnings.

Title III of my bill provides funds to reimburse fishermen for obsolete vessels and equipment. It also authorizes direct grants to companies holding impounded fish stocks, such as swordfish.

I consider title II and title III emergency provisions necessary at this time. The creation of a Federal insurance program for the fishing industry would make such measures unnecessary in the future.

The fishing industry is a \$3 billion business at the wholesale level. It is a vital part of our economy. It provides employment for 140,000 people. It is an essential part of our food production. My bill would give some economic stability to the fishing industry and take some of the uncertainty out of a business which has today become riskier than ever.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2

At the request of Mr. JAVITS, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2, a bill to provide protection from the beneficiaries and participants of private pension plans.

S. 1461

At the request of Mr. MCGOVERN, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1461, the truth in advertising bill.

S. 2447

At the request of Mr. INOUE, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2447, a bill to permit a noncontiguous State to elect to use and allocate funds from the highway trust fund to achieve a balanced transportation system responsive to the unique transportation needs and requirements of such a noncontiguous State.

SENATE JOINT RESOLUTION 112

At the request of Mr. BROCK, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of Senate Joint Resolution 112, proposing an amendment to the Constitution of the United States relating to open admissions to public schools.

PUBLIC DOMAIN LANDS ORGANIC ACT OF 1971—AMENDMENT

AMENDMENT NO. 417

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

Mr. JACKSON. Mr. President, I submit an amendment to S. 921, the Public Domain Lands Organic Act of 1971, and ask that it be printed.

Mr. President, this amendment is a substitute for title II of S. 921, which I introduced along with several of my colleagues last February. Title I deals with

the lands administered by the Bureau of Land Management in the Department of the Interior, and is intended to provide permanent, statutory guidelines for their administration. It is based on a concept of retention and management on principles of multiple use. I am pleased that this title has received wide support and that the administration has submitted legislation similar in concept.

Title II, as introduced, affected all federally owned minerals by repealing the 1872 Mining Act and other laws relating to the disposition of Federal minerals, including the Mineral Leasing Act of 1920.

Mr. President, the primary objective that my colleagues and I were seeking was to modernize the laws relating to the management of the public lands and minerals estate which belong to all the people. The main target was to place on a leaseable basis the so-called hardrock minerals now subject to location and patent under the antiquated mining law of 1872. Leasing has been the method of disposing of oil and gas values since 1920.

When I introduced S. 921, I stated:

No one is satisfied with the present system of exploration and exploitation of the Federal mineral values on our public lands whereby under the "location" system of the mining law of 1872 even the title of the surface of the land can pass for nothing. No environmental safeguards are now required. Our public officials have no real control or in some cases even knowledge of certain mining activity and the development which accompanies it. Roads may be constructed to get to a deposit without regard to a master plan for a forest or public domain area. Furthermore, exploration by heavy machinery can destroy fragile ecology without any requirement for restoration or rehabilitation. Abandoned mining claims dot the public domain, casting clouds upon the title to property which belongs to all the people.

In short, Mr. President, 99 years is enough. There may have been good reason a century ago to provide for disposal of a young Nation's resources in such a manner to encourage settlement and growth, but no longer. Just as we have moved out of the era of the old, solitary prospector with pick and shovel into a highly sophisticated mining technology, we need also to modernize our method of administering our Nation's mineral resources. I believe a mineral leasing system is the most practical way of achieving the proper balance. We must assure access to these lands that are available under existing law for mining, but we must provide for the protection of the land and for the other values at the same time. It is not the purpose of the authors to prohibit mineral activity. Indeed the forecast is for more minerals for the Nation's economy, not less. However, we must update and provide sensible laws for the administration of the land and minerals.

There is in my judgment a better way to achieve the goal we are seeking than to place all minerals under a single leasing act as title II of S. 921 would do. Since we are primarily concerned with the mining law of 1872, my amendment is limited to the minerals subject to that act. The Mineral Leasing Act has been operating reasonably well for 50 years, and the Secretary of the Interior has authority and discretion to provide environmental safeguards pursuant to that law. He has virtually none under the mining law. The environmental provisions of S. 921 are left intact and this authority should give the Secretary the management tools he needs to protect the land resources and at

the same time insure that the needed minerals on our public lands are developed.

The amendment will assure that the individual or small mining concern continues to have a fair opportunity for access and to participate in mineral activity on the public lands.

The proposal calls for a prospecting permit to be issued to a qualified applicant who, if he makes a valid discovery, will be entitled to a preferential lease for the area where the deposit is located. This will protect the small companies and allow them to continue much as they are today, but the land managers will have an opportunity to exercise greater control over the activities on the land.

The States will benefit because now they receive nothing from the mining law except what taxes are generated. Under my proposal they will be entitled to 37½ percent of all revenues received under the leasing system.

More importantly, the people's land will no longer be subject to indiscriminate disposal through the patenting procedure. It is time the Government acted to bring modern methods to bear in administering this great public resource.

Mr. President, hearings have been scheduled on S. 921 for September 21 and 22. I have transmitted this amendment to the Federal agencies and asked that they comment on it in lieu of title II as originally introduced. The same request is being made of other public witnesses who wish to testify at these hearings.

The bill submitted by the Secretary of the Interior, S. 2401, will also be heard at the hearing along with S. 921.

NOTICE OF HEARING ON SCHOOL LUNCH REGULATIONS

Mr. TALMADGE. Mr. President, I wish to announce that the Committee on Agriculture and Forestry has scheduled a hearing on the school lunch regulations published by the U.S. Department of Agriculture on August 13.

The hearing will be held on September 16 at 10 a.m. in room 324 of the Old Senate Office Building.

ADDITIONAL STATEMENTS

DEHUMANIZING DECREES OF THE SUPREME COURT

Mr. ALLEN. Mr. President, I invite the attention of Senators and the public to a recommendation to the President made by the distinguished syndicated columnist Kevin P. Phillips in his column published in the Washington Post this morning.

In a nutshell, Mr. Phillips calls on President Nixon to challenge the authority of the U.S. Supreme Court to issue orders which compel involuntary busing of children in order to distribute them throughout schools in cities and counties to meet court prescribed racial ratios.

Mr. Phillips cites historical precedents for challenging the authority of the Supreme Court in the past when the Court has gone against commonsense and the wishes of the people.

In my judgment, the Supreme Court

has invited a confrontation with the people of the United States in its busing decrees. It is not the first time that the Supreme Court has risked the loss of public acceptance, which is the necessary basis of its authority. Mr. Phillips observes:

These confrontations did not occur simply by chance. The Supreme Court lags behind the times. By and large it has greeted every critical juncture of U.S. society, politics and history with an outpouring of obsolescence—poor sociology and stale jurisprudence rooted in a credo and era that have already failed. Such error has led our greatest Presidents to challenge the court and its authority.

Then Mr. Phillips turns to the late Supreme Court Justice Robert Jackson's thought-provoking lectures in his book, "The Struggle for Judicial Supremacy," for this observation:

Surprise turns to astonishment when we reflect that time has proved that its judgment was wrong on the most outstanding issues upon which it has chosen to challenge the popular branches.

Mr. President, the U.S. Supreme Court is wrong in its decision which compel or condone massive crosstown busing to achieve racial balance in public schools.

Mr. President, this issue is quickly shaping up as a national political issue. Candidates for President of the United States cannot avoid taking a stand. President Nixon has stated his position; Senator MUSKIE has stated his position, according to the Washington Star of September 8, 1971; and George Wallace has stated his position. Who is next? Furthermore, an item in this morning's Washington Post is headlined "Anti-Bus Pressure Initiated." The story indicates that the battle is being joined in the House to compel action on an antibusing constitutional amendment. These are signs of determined opposition.

In this court-invited battle with the people, the Court has at its disposal the weapon of trial for contempt of court, whereby elected school officials can be hauled into court and threatened with fine and imprisonment without benefit of trial by jury for failure to comply. This is indeed a potent weapon because unquestionably few public officials can afford to pay a confiscatory fine of \$300 a day or to go to prison for failure to obey the dictates of judges of U.S. courts. So the Court can continue to get temporary compliance. However, the people can fight back. Their weapon is the ballot. Thus, the political issue. Thus, the wisdom of Mr. Kevin Phillips' advice to President Nixon to challenge the authority of the U.S. Supreme Court. These busing decisions are founded on shifting sands of irrationality. They are propped up by sophistic semantics and sloppy reasoning. They offend commonsense. The time is ripe for leadership in this battle. I, too, urge President Nixon to assert that responsibility of leadership.

I join Mr. Phillips in inviting President Nixon to follow the examples of Presidents Jefferson, Jackson, Lincoln, Theodore Roosevelt, and Franklin D. Roosevelt, each of whom successfully challenged the authority of the U.S. Supreme Court. The cause is at hand. It is to rid our Nation of dehumanizing decrees

which adversely affect the safety, health, education, and general welfare of millions of innocent schoolchildren.

Mr. President, I ask unanimous consent that Mr. Phillips' column be printed in the RECORD.

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

NIXON, BURGER TILT IS LIKELY

(By Kevin P. Phillips)

Although Chief Justice Warren Burger seems to be in retreat, President Nixon may still have to take on the Supreme Court over the issue of school busing. Mr. Nixon is not going to be able to carry water on both shoulders—to convince people of his own sincere opposition to busing while his administration continues to support federal court busing demands.

Right now, the President's position is that he, personally, opposes busing, but that he will enforce the Supreme Court's limited busing mandate—and no more.

This won't work. Mr. Nixon can't support 3X worth of busing in one place, because the courts demand it, and then expect to be applauded when he opposes 4X worth of busing somewhere else. And besides, busing per se is merely an incidental issue, although it is the one seized upon for dramatic purposes. The real issue is racial balance. Should we, in the name of desegregation, integration or whatever, scrap the idea of schooling children in their own neighborhood in order to distribute them citywide in appropriate racial ratios?

Real arguments can be made on both sides, but if Mr. Nixon opposes busing for racial balance—as I, for one, believe he does—he should say so, and never mind the court. Past Presidents have not hesitated to take on the court when it has gone against common sense and the wishes of the people.

The late Supreme Court Justice Robert Jackson, who previously had served as Franklin D. Roosevelt's Attorney General, has described this opposition in his book, "The Struggle for Judicial Supremacy":

"It (the court) has been in collision with the most dynamic and popular Presidents in our history. Jefferson retaliated with impeachment; Jackson denied its authority; Lincoln disobeyed a writ of the Chief Justice; Theodore Roosevelt, after his presidency, proposed recall of judicial decisions . . . and Franklin D. Roosevelt proposed to reorganize it."

These confrontations did not occur simply by chance. The Supreme Court lags behind the times. By and large it has greeted every critical juncture of U.S. society, politics and history with an outpouring of obsolescence—poor sociology and stale jurisprudence rooted in a credo and era that have already failed. Such error has led our greatest Presidents to challenge the court and its authority.

Another point should be made and underscored. The U.S. Constitution nowhere gives the Supreme Court the vast authority it has been exercising of late. Actually, the court assumed this power on its own back in the early 19th Century.

First Thomas Jefferson and then Andrew Jackson despised the Supreme Court. After it upheld the constitutionality of the Bank of the U.S., Jackson vetoed the bank's charter anyway, saying that he deemed it unconstitutional. Said President Jackson: "John Marshall has made his law. Now let him enforce it."

Abraham Lincoln, too, ignored the court when it got in his way during the crucial years of the Civil War.

In fact, the Supreme Court has a pretty poor all-around record. To quote Justice Jackson again:

"Surprise turns to astonishment when we reflect that time has proved that its judgment was wrong on the most outstanding

issues upon which it has chosen to challenge the popular branches. Its judgment on the Dred Scott case was overruled by war. Its judgment that the currency that preserved the Union could not be made legal tender was overruled by Grant's selection of an additional justice. Its judgment invalidating the income tax was overruled by the 16th Amendment. Its judgments repressing labor and social legislation are now abandoned. Many of the . . .

During this decade, the federal judiciary seems disposed to thrust the "Equal Protection" clause of the U.S. Constitution even further into the thicket of requiring this and that sort of racial balance and social engineering. If President Nixon opposes such policies, now is the time for him to take his stand against the federal judiciary and alongside the great men of American history.

THE PRESIDENT'S ECONOMIC MESSAGE TO THE CONGRESS

Mr. DOLE. Mr. President, President Nixon has offered Congress a great opportunity to join with him in meeting the challenges of peace. And I believe the people of Kansas applaud his efforts and the spirit of cooperation he extended to the legislative branch. In his economic message to today's joint session of Congress President Nixon addressed many issues which are of vital concern to the people of Kansas: Job development increases in productivity, and reduction of the cost-of-living spiral.

The programs urged by the President will be of great benefit to Kansas. A State which has strongly felt the impact brought about by the change from a wartime to a peacetime economy.

The President's programs will help businesses in Kansas by strengthening their competitive position against foreign goods and by offering incentives to invest in new machinery and equipment.

These programs will also help the workingman in Kansas, by increasing the personal income tax exemption, by creating more jobs, and by ending runaway inflation. This last point is especially crucial to the farmers in Kansas, who for many years have borne a heavy share of inflation's cruel burden.

The people of Kansas responded to the announcement of the new economic policy with overwhelming approval, and I believe they will continue to support the President in his efforts to achieve a generation of peace with prosperity and without inflation.

THE FUTURES MARKET

Mr. McGOVERN. Mr. President, one of the most unique and colorful aspects of our country's highly sophisticated agricultural marketing system is the futures market, where such diverse products as grain, silver, and plywood are traded each day. The history of the commodity exchanges includes periods of great turbulence, and much change has been brought about over the years in the manner in which they are regulated. Their basic function is to facilitate marketing, and marketing is an area of much concern for American agriculture. In fact, there is considerable evidence to suggest that we are on the threshold of a marketing revolution somewhat comparable in terms of significance to the

production revolution of the past two decades.

What does this era of change portend for the futures market? That question is explored in considerable depth in a recent address by Mr. Robert C. Liebenow, who is president of the Corn Refiners Association, Washington, D.C., and a distinguished South Dakotan. As a former president of the Chicago Board of Trade, Mr. Liebenow is well acquainted with agricultural marketing techniques, and most especially with what is perhaps the most unique of all market institutions—the futures market. His remarks help put in sharp perspective an important topic, and for that reason I ask unanimous consent that his address, presented on June 23 before the Association of Commodity Exchange Firms, Inc., in New York, be printed in the RECORD.

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

COMMODITY FUTURES TRADING TODAY AND TOMORROW

(By Robert C. Liebenow)

A few years ago, Henry Bakken, a fine scholar and one of marketing's most assiduous students, wrote that historically "many members of the commodity exchanges were slow to recognize that they owed any obligations to the public. This kind of attitude was not uncommon in the formative years of the exchanges—the years of rugged individualism and *laissez faire* philosophy in commerce."

A great deal has changed since then, and to the credit of the exchanges, and their members, most of the change has been initiated from within, coming about at a fairly constant, though certainly unenforced, pace.

The boom and bust cycles that have characterized American agriculture over much of the last century have contributed substantially to the somewhat spectacular history of the exchanges. Perhaps it was inevitable that indelible imprints would be etched in the public mind.

The business has changed and to an incredible degree; however, I suspect that public perception of both the extent and nature of the change is not only incomplete, but also somewhat inadequate.

Is it possible that herein we find the basic elements of a persistent problem that periodically has posed a significant threat to traditional operations?

CONVENIENT TARGET

We can agree that the exchanges have provided a convenient (and sometimes willing) target for critics espousing a wide assortment of causes. It is interesting, too, to note the critics have ranged from those representing no cause other than self-interest, to the President of the United States. Frequently the debate has generated more heat than light. Partially as a result, much of what the public has learned about commodity trading was derived from such negative sources as the opinions of critics, and past instances of abuse.

Unfortunately, human nature exhibits a remarkable preference for the malevolent, the dark side, the villain if one can be found, and over the years the exchanges and their membership have furnished a wealth of material to satisfy public taste on this score.

I suspect that while the date October 5, 1947, means little, the occasion of the first Presidential address televised from the White House is highly indicative of what the public remembers. President Truman spoke to the nation that day on the food crisis in Western Europe. His primary purpose was to urge Americans to conserve their food, but he felt obliged also to comment on rising prices. These were his words:

"Another factor that contributes to the high prices of food is gambling in grain. Grain prices naturally respond to the law of supply and demand, but they should not be subject to the greed of speculators who gamble on what may lie ahead in our commodity markets."

The phrase "Gambling in Grain" has faded with time, but it has hardly been erased.

Mr. Truman went on to acknowledge that there was a place for legitimate trading, but because of heightened speculative activity he would instruct the Commodity Exchange Commission to increase margin requirements to at least 33 1/2 percent.

"I say this," the President added, "because the cost of living in this country must not be a football to be kicked about by gamblers in grain."

That is one of the more revealing episodes in trading's spectacular history.

A step or two back further in time, criticism was not merely justified, in many instances it was even of individuals.

CLIQUE AND CLUBS

Henry Bakken also accounts perhaps better than anyone for the atmosphere that so dominated that era:

"The associations these men had formed were, in their opinion, private clubs. Many of them were guilty of loquacious and misleading statements which only served to intensify suspicions. They condoned abuses and defended such ill-considered practices as periodic raids on the market for the purpose of cornering and squeezing the shorts. Manipulative practices created considerable mischief among the traders, but the sagacious ones were not always able to thwart such infamous tactics summarily. These spectacular forays on the Exchanges attracted wide public notice and created unfavorable public impressions of their functions and purposes."

Many notorious cases might be cited to illustrate Bakken's point, but none would be more dramatic than the wheat corner of September 1888.

Taking advantage of an early frost and the scarcity of wheat, a trader popularly—though certainly not affectionately—known as "Old Hutch" seized virtual control of the Chicago market. Almost alone he jacked the contract price to \$1 per bushel for the first time in five years; eventually it skyrocketed to double that amount. As the story goes, the shorts were standing in line, glad to buy in at any price. Within a short time Hutchinson had triggered a "bear raid" and by December wheat was selling for under \$1 per bushel.

The elements of that story are sufficient to stagger the imagination of a Walter Mitty.

The public's memory of these and other flagrant instances of abuse seems interminable. The most unfortunate aspect of the problem is that in terms of public attention, progressive change has been eclipsed by the remembrance of corners, mass washouts or pauper-turned millionaire on the strength of a rumor.

REGULATORY LEGISLATION

The Grain Futures Act of 1922 and the Commodity Exchange Act of 1936 represent milestones in the effort to curb unethical practices, and certain specific instances in which market positions might be abused.

The Act of 1936 came about largely as a result of public reaction to market manipulation.

During 1938 large speculators had taken sizeable positions in wheat, and just as the crop started coming in, they began liquidating holdings. The market quickly became a debacle for the small, thinly-margined speculator. Within three days wheat and corn contracts totaling 38 million bushels were dumped, all of which had been controlled by only three individuals.

Such activities gave considerable impetus to the regulatory movement, and brought about strengthened curbs on price manipula-

tion, market corners, and speculative positions.

Certainly this was a critical juncture for the exchanges, and fortunately, they were permitted to continue to be largely self-regulatory.

Nevertheless, the threat of drastic types of regulation, including some with such terminal features as outright abolition, continues today.

Proposals of this kind have shown considerable tenacity in the regularity with which they are proposed.

ABOLITION OF TRADING

In the 1860's several state legislatures attempted to abolish futures trading. The first bill to prohibit futures trading was introduced in Congress in 1884, and another was nearly passed in 1893. Between the appearance of the first bill and the mid-fifties, at least 330 bills were introduced in Congress to regulate, investigate, delimit, prohibit or otherwise obstruct futures trading in commodities.

Between 1890 and 1924, no less than 30 investigations of futures trading were authorized by Congress.

If you doubt the intensity or the gravity of the context in which the issue was debated during much of that period, then consider the phraseology of the following bill, introduced in 1908 and again in 1909 by Congressman Jeff Davis of Arkansas. His bill sought to prohibit anyone from, "delivering, receiving, or transmitting, and from being interested in, or aiding in any manner, the receiving, delivering, or transmitting by mail, telegraph, telephone, or other means whatever, in any State, district, country, territory, or place over which the sovereignty of the United States of America now exists, any message, information, intelligence, letter writing, card, device, sign, symbol, cipher, or other thing whatsoever . . . relating to or in any manner of form concerning any transaction or proposed or suggested transaction, scheme, or plan to speculate or gamble, or gain or lose sums of money called margins, which gains or losses, respectively, are made to depend upon the future increase or decrease of the market price of any product of the soil . . ."

On the basis of the foregoing, it seems only fair to conclude that Mr. Davis must have been long about a million wheat when "Old Hutch" broke the market.

PROJECTING POTENTIAL

Both evolution and revolution have exerted remarkable influence since Rep. Davis introduced his bill.

Today, many economists conclude that the futures market represents the highest type of market institution yet developed by man. More important, they predict that eventually a great volume of manufactured goods will be traded in a similar manner (albeit a time frame involving certainly many decades, and perhaps a century or more).

The available directional signals are encouraging.

Last year's record volume of trading—a 23 percent increase in volume of transactions—is significant by any standard; so too is the 33 percent increase in value of goods traded.

The popular suggestion that such increases are primarily a manifestation of "homeless money" in a time of falling stock prices is questionable at best. Trading volume has maintained a substantially higher level over the past few years, and this year's volume probably will exceed the record set last year.

However, increased popularity will also mean increased demand in the area of public accountability; general trading practices . . . the conduct of the exchanges . . . will continue under close, or even increased, scrutiny.

And the potential for controversy cannot be eliminated any more in commodity trading than in the exchange of securities or

other important, highly visible, business dealings.

For example, corn blight and drought continue to build speculative fever, and the market seems quite willing to move occasionally on even the flimsiest evidence. Large price fluctuations brought about in this manner will sooner or later bring about substantial criticism. Prices that change significantly purely on the basis of unsubstantiated reports are very difficult to defend.

The restraints needed to minimize such activity can and should be self-imposed.

Certainly a Commodity Exchange Authority with only 170 employees and an annual budget of only \$2.6 million cannot be expected to prevent rumors from having an impact on the market.

In recent years futures markets have shown clearly that they can and generally do function in a manner permitting the fulfillment of their basic purpose: that of establishing price, and bringing about the orderly transfer of commodities.

I would expect even the most grudging critic to admit that futures markets have enabled us to establish a level of market stability that, short of extensive government controls, would otherwise be impossible.

In this same vein, it seems especially significant that government restrictions over agricultural production are now undergoing changes which superficially may seem only slight, but in actuality may be quite profound.

One of the basic concepts behind the Agricultural Act of 1970 involves much wider latitude in producer production decisions. For example, marketing quotas have been eliminated in cotton, and after basic land diversion requirements are fulfilled, farmers can grow whatever they choose.

The new set-aside approach is designed to permit basic commodities to gravitate to the areas where they can be grown most economically. While it is possible that very difficult adjustments may be triggered as a result of the new program, producers will be much less restricted in what and how much they plant.

In fairness I must say that the producer still faces a thorny dilemma: his profit potential from increased efficiency has already shrunk to a low level; the level of spending for the commodity programs continues under attack; and with our loan levels pegged below-cost-of-production, it may be increasingly difficult to gain adequate production in some crops. The present cotton situation somewhat painfully illustrates this point. For the first time in many years, the cotton industry has an opportunity to recapture lost domestic and export markets; yet despite greater freedom under the new program, acreage apparently has not increased appreciably.

Pressures of price account in part for today's strong movement to provide agricultural producers with new and pervasive bargaining authority. The House Agriculture Committee will begin public hearings in September on the question of national marketing and bargaining legislation for agriculture. A key feature of one of the bills already introduced would require purchasers to negotiate prices with only one marketing group at a time, preventing discussions with any other group until negotiations with those approached first are either consummated or terminated. Obviously the enactment of such a feature would profoundly affect present marketing methods.

Rest assured that as industry leaders your reserves of experience, judgement and creativity will be called upon.

Advocates of greater government regulation over trading are well-informed; they expect high standards on the exchanges; and I suspect that to the extent that the public has taken a position, it is with them.

Effective market regulation is essential even though it may require greater effort.

Obviously the public knows much more about commodity exchanges than it used to; and increasing levels of public acceptance and participation will be determined at least to some degree by standards you demand.

NEW YORK'S SHOOTING DEATHS EXCEED THOSE OF VIETNAM

Mr. KENNEDY. Mr. President, it would be impossible to overemphasize the need to reduce gun violence in the United States. Every instance of death or injury caused by guns should serve to remind us that firearms play a distorted role in American society.

The sad fact is that there are so many guns in our civilian society—at least 90 million according to the Eisenhower Commission—that Americans have accepted guns as an integral and necessary part of life.

Yet, the daily toll of victims mounts with increasing horror—a man is shot and killed in New York's Central Park trying to defend his girl friend from a rapist, a Rhode Island doctor is gunned down in a hospital parking lot, a Maryland newsboy on his morning rounds was the victim of a homeowner who mistook him for a prowler, and a Virginia naval officer and his son are slaughtered right before the eyes of their family while returning from July 4th ceremonies at the Washington Monument.

There is no certainty that these deaths would have been avoided if effective gun controls existed. Yet, it is certain that the alarming increase in gun deaths will continue unless we move to control the availability of guns to the public.

Gun lobbyists insist that more laws and more controls are needless and useless. They use New York's strict laws as an example of the misdirected intentions of those who want to battle gun violence with legislation rather than with heavy prison sentences. But, I share the beliefs of writers like Flora Lewis, whose recent article in the Washington Post, explains that:

The local New York law is meaningless when anyone can buy a gun nearby.

She graphically describes how murder in New York is mounting tragically because guns come into New York from areas where controls are much less stringent. The obvious solution to the inconsistent pattern of lax controls is the enactment of a nationwide federal system of firearms regulations.

Flora Lewis tells us how New York is struggling with the daily battle against armed civilians who in 1 week produced more casualties in New York City than were produced in Vietnam.

Mr. President, I commend to this Senate the article prepared by Miss Lewis as it appeared in the Washington Post on September 4. I ask unanimous consent that the article entitled "New York's Shooting Deaths Exceed Those in Vietnam" be printed in the RECORD.

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

NEW YORK'S SHOOTING DEATHS EXCEED THOSE OF VIETNAM

(By Flora Lewis)

NEW YORK.—More Americans were shot dead on the streets of New York City last

more than in Vietnam. They included two policemen, a candy store owner, a supermarket clerk, a hotel clerk, a high school teacher visiting the city on the first vacation he ever took and at least two would-be robbers.

Most of the murders involved attempted holdups but not all. At least two, including the candy store owner who was a survivor of Nazi concentration camps, were provoked by stupid little arguments. Beno Spiewak, who ran the corner store with his wife, was killed because two men who wanted apple pie at 6 in the morning were furious that he had none and offered Danish pastry instead.

That's the way it is at war, the news reports tell us. Men go crazy over petty frustrations and use the weapons they are carrying because they are at war. That's the way it was in the wild, awful West, the movies tell us. Men went bad and killed each other out of stupid pride and bluster, because they knew no other way to prove their manhood against the awesome background of an untamed nature.

But there are no bears or rattlesnakes roaming American cities. There are no foreign armies lurking in the shrubs beside the superhighways. There are only Americans, clerks and teachers and civil servants and laborers and salesmen, living an urbanized life but fighting nonetheless an undeclared war.

It is a war of guns. If there were no guns, some people would still be murdered. So it has always been, for there is a dark strain in the human animal which breaks away from time to time against the burden of reverence for life. But none of these people was likely to have died if guns were not so common. They might have suffered a broken nose in a fist fight, or cut themselves in a struggle to wrest away a knife or twisted an ankle running from an assailant. They almost certainly would not have been killed.

The week's toll provoked New York's Mayor Lindsay to one more despairing appeal for gun control laws. New York City has a strict law, but there are no guards, no inspection points, no document checks at New York City's frontiers. The local law is meaningless when anyone can buy a gun nearby.

Lindsay's appeal was despairing because he knows the force of the arguments against gun control. It is the force of a bullet. No issue seems to stir the bile and the venom of large segments of the public so fiercely as a suggestion that we give up our guns and try to be more civilized, try to remember that we live in metropolitan areas, try to remember that no enemy troops have landed on our shores.

They are familiar arguments, circular and self-serving. There is the argument of the Constitution, as though King George III's militia still threatened and nothing else in the basic law had ever been found obsolete, requiring change.

There is the argument that criminals wouldn't obey gun laws, so controls would only disarm innocent citizens, as though making it hard to buy and carry concealed guns would cause more shooting. There is the argument of self-defense, as though lives were being saved in this mad devotion to gunfighting.

The force of the argument against guns is simply a corpse. It is a fresh corpse, day after day, because yesterday's victim is soon forgotten except by the grieving family. I could give you the names of last week's casualties, but all I can say about this week and next week is that there is bound to be a list and none of us yet knows who will be on it. Maybe you, maybe me. We are all at the battlefield.

How high does the weekly toll have to go before the country decides the regular casualty lists are intolerably long? Does there first have to be a Tet offensive on the streets of America before a decision is made against more escalation? The war in Vietnam costs

more money, but the undeclared gun war on the streets of the United States takes many more American lives. The disarmament pact most urgently needed now is among the citizens of the United States.

DEVELOPMENT ASSISTANCE AND THE U.N. SECOND DEVELOPMENT DECADE

Mr. JAVITS. Mr. President, I ask unanimous consent that there be printed in the RECORD the text of my statement on Development Assistance and the United Nations Second Development Decade, delivered in my capacity as a U.S. Representative to the Interparliamentary Union and as a Representative of the U.S. Parliamentary Group to the Economic and Social Committee, at the Plenary Session, September 6, 1971 at the Palais Bourbon, Paris.

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

STATEMENT ON DEVELOPMENT ASSISTANCE AND THE U.N. SECOND DEVELOPMENT DECADE (By Senator Jacob K. Javits)

It may seem anomalous that at this time—when the President of the United States has just proposed a New Economic Policy and put into effect such parts of it as are within his executive power—a member of the United States Group should address himself to development assistance and the problems of the Second Development Decade. Yet this is logical and right, for development assistance and the Second Development Decade involve so strikingly the problems of foreign aid from its primary source since World War II; and also the problems of international trade and the international monetary system to which the developing as well as the developed countries must look so importantly for their economic future, all of which are an integral part of the New Economic Policy. And, I feel that this is more appropriate than ever, for the United States is seeking by this New Economic Policy to put itself in a position to work with the nations here represented more than ever towards the common objective of an open, trading, peaceful, just, and more prosperous world.

It should be well-known to the members of the other parliamentary groups that our country was approaching the brink of economic catastrophe through the combination of inflation in our domestic cost of living, unacceptable unemployment and unacceptable pressure on the dollar.

This crisis has threatened for years and is heavily attributable to the financial load which the United States carried—quite willingly and voluntarily—in the redemption of a war torn world—succeeded by the exigencies of military operations in Korea and Vietnam, and elsewhere, we then considered to be part of the same responsibility. The annual U.S. balance of payments deficit has been a fact of international life for a number of years now, and it has contributed to the weakness of the dollar, and hence to the instability of the entire monetary system built around the dollar. Yet until this year the value of U.S. commodity exports continued to exceed that of imports. The deficit resulted from the invisibles, U.S. direct investment abroad, the sale of foreign securities in the United States, tourism, loans and other transfers. With increased pressure on the dollar came increased demands on the U.S. gold reserve. Finally, this year the United States faced the prospect of an actual excess of commodity imports over exports, of even larger payments deficits as a result and a dangerous escalation of the dollar crisis. Something had to be done, and some-

thing was done. Indeed, the measures taken in the New Economic Policy by our President are in the main measures which responsible authorities in the developed countries have been urging us to take for years. For, the critical importance of a healthy United States economy to the future of so much of the world on every continent is very well-known to almost every country represented here by its parliamentary group.

In addition, our delegation feels justified in speaking positively on the subject of development assistance and the Second Development Decade because our record in the fields of foreign trade and investment and international cooperation in the last twenty-five years is a record of which the United States delegation and the American people are deservedly proud. As President Nixon noted when he informed the American people of his New Economic Policy, from July 1946 through June 1970 the United States has provided \$143 billion in foreign assistance. Roughly \$93 billion of this sum has gone to aid the process of economic development. The remaining \$50 billion has gone to the developed countries to assist in their recovery after World War II and to the rebuilding of their armed forces to purposes of mutual security in the postwar era.

It is true that the United States is much farther down the list in terms of per capita assistance than most DAC countries—much farther down than many believe it ought to be—and the President has just ordered a 10% foreign aid cut as part of the New Economic Program. Nevertheless, U.S. aid for development is still first in total volume, amounting to 34% of the total flow in 1969 and 47% of official development assistance. Furthermore, there has been a marked increase in U.S. grant assistance, particularly to multilateral organizations. The net flow of total official and private resources from the U.S. to developing countries in 1969 was well more than double the flow of the second ranking contributor, while official development assistance from the United States was more than three times as much as that furnished by the next ranked donor—and the ordered 10% cut is unlikely to change the order of magnitude.

In appraising the New Economic Policy of the United States let us therefore weigh properly the catastrophe avoided against the difficulties that exist.

For what has been too little noticed in our New Economic Policy is its domestic application; and, the temporary nature of the measure which is considered most onerous by our trading partners, the ten percent surcharge on imports.

Let us note carefully that we are now determined to stop the inflationary spiral in our country and that in this the U.S. Congress is called upon for a leading role. We have proposed to seek a major increase in productivity through a new job development credit of domestic income taxes for investment in new equipment. The increased investment will stimulate both employment and advances in productivity. We will, in addition, seek a material reduction in our governmental expenditures, contributing further to counter-inflationary stability. And finally, while we have temporarily suspended dollar convertibility into gold we stand ready to discuss with our partners of the other industrialized and developing countries major international monetary reform—including our gold stock.

From this great effort and its sequels the United States should emerge in an infinitely strengthened position to join in world efforts—including the non-discriminatory and non-reciprocal scheme of preferences in favor of the developing countries—to accelerate the closing of the economic gap that persists between developed and developing countries; and for the further expansion of the liberal

international trading pattern which has served so effectively to bring the world back from the ruin of World War II.

I do not see the surcharge on imports as a permanent or even long-term feature of the New Economic Policy. The key to its early suspension is realignment of currencies, requiring the capacity to increase U.S. productivity, and further trade negotiations. All these could be accomplished in the near term.

Already the signs are clear that currency relationships are in the process of realignment and that there is increased receptivity to widening the bands of permissible variance between the principal world currencies; and to relieve the world further of the dangers of basing the total world payments structure on an amount of gold which cannot support the existing structure let alone the broadening and expansion of it to which we all aspire. Indeed, it is my suggestion that the Group of Ten, beginning with its ministerial meeting opening in London on September 15 next, could well constitute a committee which could usefully reach an understanding in principle on the type of fundamental changes required to modernize the international monetary system and even to prepare an agenda for an international conference, the first since Bretton Woods which could lead to this objective.

I have made these references neither to magnify the United States role nor to denigrate the contributions of others, but simply to point out the obvious fact that the United States had inevitably reached a new point in its postwar exertions. And, that notwithstanding our grave problems—concerning the maintenance of extensive military establishments at home and abroad—even in countries now well able to maintain their own—pending and impending negotiations respecting non-tariff and other barriers to trade including the need to alleviate the drastic impact of phenomenally pyramiding imports on the United States domestic economy and employment, the United States nonetheless is prepared to continue to play its role in the world. The question is will the developed and developing world now show their understanding of the kind of service rendered by the U.S. to the world in the last quarter century which is so much responsible for the present economic difficulties of the United States? I estimate the turn around time at one year.

The fact is that there has not been a change of heart or purpose in the United States, and that the New Economic Policy is designed to restore the U.S. economy and is not an indication of any longer-term reduction in U.S. interest in the developing countries.

It is the fervent hope of my delegation that if our New Economic Policy is successful—and its success will depend so heavily upon the countries whose parliamentary groups are here and our own Congress—the United States economy will be able to shake off the sluggishness that has gripped it for months and that such an upturn will be most helpful to all who are here. For, the United States absorbs about one-seventh of the whole world's exports and a sound United States economy will mean a flourishing international trade, an end to the danger of trade wars and a better market for the products of developed and developing countries, plus a strengthened world monetary and economic system.

I had the honor of personally pledging on behalf of the United States at the last meeting of the General Assembly of the United Nations to which I was a United States delegate, our acceptance of the target confirmed by the resolution of the Economic and Social Committee of our own organization of the "annual transfer to the developing countries until 1975 of financial resources equivalent to not less than one percent of the gross national product at current rates". It is this goal toward which we all aspire. For as this

committee has so well stated it, what we seek to do is to enable our parliaments to join in those measures which can bring about "A just distribution of income and wealth aimed at promoting both social adjustment and efficient production"—and I may add on my own—promoting peace for our time.

GENOCIDE: THE KEY IS PREVENTION

Mr. PROXMIRE. Mr. President, what would it have been worth to save over 6 million human beings from Nazi gas chambers? Genocide exacts a high toll in cynicism, in nihilism, in apathy. It exacts a high toll from the conscience of sensitive individuals the world over. It costs a lot besides the obvious loss of human resources and human dignity. Is it a price we can afford to pay again in the future?

What we need is a means of preventing the occurrence of future genocide. We need to unite with other nations of the world community to insure that this price is never again paid. Already more than 70 nations have ratified the Convention for the Prevention and Punishment of the Crime of Genocide. It is time for the United States, the leader of the free world, to join with these nations in declaring genocide illegal.

The key term is prevention. And the key tool is the law. We can hope to prevent future mass murder only by a strong stand behind international laws that would make the murder of a racial or religious group clearly illegal. It is time for the United States to join the 75 other nations which have already ratified the Genocide Convention. It is time to take an uncompromising stand against mass murder.

LEADING AMERICA LIKE THE WHOLE WORLD DEPENDED ON IT

Mr. DOLE. Mr. President, I read an editorial this morning that I consider to be an accurate summation of recent initiatives of the Nixon administration. It also casts a revealing light upon some of the motives of those who hastily find fault with the actions of the President and his administration.

The editorial gave me great encouragement. It exemplified the constructive role that a free press can play in our society. It demonstrated an intelligent, well researched, and well written expression of one man's opinion. I was further encouraged when I learned that the editorial was written by Dave Mudrick, a junior at Kansas State University majoring in journalism. This young journalist does not represent a small vocal minority of our college-age youth but, in fact, represents by far the great majority of America's young—intelligent, responsible, and industrious. I commend him for his endeavor and thank him for this reflection of his thoughts in the Kansas State Collegian article.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

[From the Kansas State Collegian, Sept. 1, 1971]

NIXON KEEPS PROMISES

(By Dave Mudrick)

Richard Nixon is leading America like the whole world depended on it.

He has played peacemaker in Vietnam and the Middle East, turning optimistic campaign promises into solid achievements. He used Henry Kissinger's feigned stomachache to try to dissolve the communication barrier with Red China. And he boldly declared a temporary wage and price freeze, leaving the opposition wondering where all the issues had gone.

The inherited war was the main obstacle blocking the President's program for a generation of peace. On Sept. 25, 1968, President Lyndon Johnson's Defense Secretary Clark Clifford admitted, "We had no plan to reduce the number of troops in Vietnam at all."

But the new President's plan soon became "perfectly clear," even to the suddenly dovish Clifford. Nixon ignored the bomb-Hanoi hawks and the lose-the-war doves, choosing instead to wind down the war.

Over a half million Americans were trapped in the sit-still war when Nixon was inaugurated. By Dec. 1, troop levels will have been slashed to 184,000. Weekly U.S. combat deaths have dropped from 279 in early 1969 to less than 30 in recent counts. Though any casualties are too many, the war's close is now more than just a light at the end of an endless tunnel.

Nixon's peace moves in the Middle East have also been aimed at reaching the desired era of negotiation. While maintaining sufficient support for the courageous Israelis, he has pressured both sides to soften their stands. Though he has avoided all-out backing of Israel, the U.S. Sixth Fleet remains poised in the Mediterranean to discourage any Soviet attempts to ignite new hostilities. The results are not yet clear, but the tension has lessened somewhat.

The planned trip to China and the Nixon economic measures may or may not succeed, but they have proved the decisiveness of the President. Both steps had been previously suggested by other national leaders, who had criticized the President for not crossing his traditional ideological lines. Those lines are now bypassed, shattering the inflexible image that was wrongly pinned on the President.

Ultra-liberals are still far from enchanted with Nixon, but they now have added some temporary allies to their sustained struggle. Their displeasure is being echoed by the far Right, who claim the U.S. has retired as champion of the free world.

Labor boss and all-purpose expert George Meany blasted the President as the nation's number one stuntman. Conservative columnist William F. Buckley has suspended support for Nixon's re-election drive, leading a half-serious right-wing exodus from the President's camp. And, oh yes, the chronic Democratic Presidential candidates, whose campaigns began with Nixon's inauguration, are playing their divisive political instruments as tridentally as ever.

But the new Middle America, a political territory that exists between the two extremes, will still be Nixon Country in '72. Hopefully, the second four years of the Nixon Administration will be as productive as the first four.

Despite the assaults from both directions, the heart of America the President praised in his K-State speech still beats. After all, a generation of peace sounds most appealing.

ATOMIC TEST AT AMCHITKA

Mr. GRAVEL. Mr. President, I ask unanimous consent that an editorial

published in the *Scottsdale Daily Progress* be printed in the *RECORD*.

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

AMCHITKA QUESTIONED

When the Atomic Energy Commission announced plans for the largest nuclear blast ever, it said the explosion was needed to test the Spartan missile component for the ABM system. Now this justification has come into question.

Dr. Harold Agnew of the Los Alamos Laboratory says that the Spartan would be useful in only a limited way.

A second justification was to keep the Russians from gaining a lead in knowledge of underground tests. Now, however, scientists tell us that all but the smallest tests can be detected from earthquake activity. Thus the way is open for a treaty banning underground nuclear activity without requiring on-site inspection.

These new developments cast further doubt on the AEC's need for the giant test under Amchitka Island.

The project, called Cannikin, has caused deep concern among Alaska and West Coast residents, as well as people in various countries in the Pacific area. The main reason for this is that Amchitka is located in an unstable geological area, and the potential for something going wrong is high.

The great Alaska earthquake of 1964 began with a shock of about 6.5 on the Richter scale. Cannikin may provide a trigger of between 6.8 and 7.2 on the scale according to seismologists. If an earthquake is imminent, the explosion could trigger one of the worst quakes in history.

In answer to this fear the AEC says it is unlikely. But that is hardly a reassuring answer. The AEC's own literature tells us that a shock of over 7.5 level almost certainly will create a major Pacific tidal wave.

When we also consider the danger of radiation venting or underground radiation leaks in the ocean which could pollute water for hundreds of years, the risks appear far greater than possible gains.

The other day the Senate voted to withhold support for the Amchitka test "unless the President gives his direct approval." This is an encouraging step. It puts the matter squarely up to Mr. Nixon. We hope that he will postpone it indefinitely unless guarantees of safety can be given. And we do not think such guarantees can be made in light of the fact that 10 percent of previous AEC tests have failed to perform as expected.

RAPID POPULATION GROWTH: CONSEQUENCES AND POLICY IMPLICATIONS

Mr. PACKWOOD. Mr. President, a special study committee of the National Academy of Sciences, has recently completed a report entitled "Rapid Population Growth: Consequences and Policy Implications." Their two-volume work represents an effort to define and describe various problems arising from today's worldwide population growth rates. As the committee points out:

Study and research about the physiology and chemistry of the human reproductive system proceed space. Comparable research on the social and economic, political, and educational consequences of high and sometimes rising birth rates, falling mortality, differing age patterns in changing societies, and what a policy maker can do about these phenomena, has lagged sorely behind the research on demographic and contraceptive aspects of the problems.

With support from the Agency for International Development, and under the aegis of the Office of the Foreign Secretary of the National Academy of Sciences, the study committee was formed to delve into these very critical areas of population research. While the complete report is too lengthy to place in the *RECORD* in its entirety, I commend it to Senators for their reading and ask unanimous consent that chapters I and V of volume 1, entitled "An Overview" and "Recommendations," respectively, be printed in the *RECORD*.

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

RAPID POPULATION GROWTH: CONSEQUENCES AND POLICY IMPLICATIONS

CHAPTER I. AN OVERVIEW OF THE PROBLEM

In this book we are concerned with the most fundamental event of our times—the enormous growth of the world's population during the last 3 decades, and the prospects for continued growth in the future.

Many people believe, as Malthus did at first, though he later changed his mind, that the numbers of human beings will always increase up to a level set by the available food supply, or by enemies and disease. "Gigantic, inevitable famine stalks in the rear of misery and vice to limit the numbers of mankind." Even though death rates today are lower than they have ever been, and the proportion of the world's human population that is seriously malnourished is probably less than at any time since the Old Stone Age, the belief is widespread that uncontrolled population growth in the earth's poor countries is leading to catastrophe. It is possible, however, to take a different view, based on what we know about the history of human populations and on the behavior of many people at the present time—a view that social inventions will lead to a deliberate limitation of fertility by individual couples.

At the same time the technical potentialities exist, not only to feed all human beings, but greatly to improve the quality of human diets, at least until the end of this century. During the next 20 years no change in human fertility patterns can have much effect on the dimensions of the world food problem. And the natural resources available to present technology are sufficient to allow a vast improvement in the standard of living of all the people who will inhabit the earth 20 to 30 years from now. This is not to say that such an improvement in diets or standard of living will inevitably occur. It will depend on the improvement of social and economic institutions, and on the growth of cooperation and interdependence among the peoples of the world.

Nevertheless, a reduction in present rates of population growth is highly desirable from many points of view, because high fertility and rapid population growth have seriously adverse social and economic effects. A reduction in human fertility is an important component of social and economic development, although such a reduction cannot be a substitute for large capital investments and massive transfers of technology.

Rapid population growth has economic, social, and political effects. It also interacts with public education, health and welfare, and the quality of the environment in which people live. As we shall show, many of these consequences are not well understood, and their magnitude is uncertain. The significance of others is less than is generally believed. Without at this time assigning quantitative values, we may very briefly list the categories of consequences that are usually recognized. In later sections, these consequences are discussed more fully.

Categories of consequences

Economic Consequences

Rates of population growth in many less developed countries are at least half the rates of economic growth and in some cases almost equal the latter. Chiefly because of the high fertility of these countries, the ratios of children to adults are very high when compared with these ratios in developed countries, and the numbers of young people reaching the age of labor force participation are rapidly increasing. Both of these factors produce serious economic consequences.

Rapid population growth slows down the growth of per capita incomes in less developed countries and tends to perpetuate inequalities of income distribution. It holds down the level of savings and capital investment in the means of production and thereby limits the rate of growth of gross national product. Food supplies and agricultural production must be greatly increased to meet the needs of rapidly growing populations, and this constrains the allocation of resources to other economic and social sectors. The number of persons entering the labor force grows very rapidly. Because the number of people seeking employment is larger than the number of available jobs, unemployment and underemployment are increasingly serious problems. An ever larger number of workers cannot be absorbed in the modern (industrialized) sector. They are forced into unproductive service occupations or back into the traditional (agricultural) sector with its low productivity and bare subsistence wage levels. Large supplies of cheap labor tend to hold back technological change, and industrialization is slowed by mass poverty, which reduces the demand for manufactured goods. Low savings rates and low labor skill inhibit the full development and utilization of natural resources in some countries, while in others the growing populations outrun the levels at which renewable resources can be sustained, and the resource base deteriorates. Widespread poverty, the low productivity of labor, the growing demands for food, and slow industrialization distort and degrade the international trade of the less developed countries.

Social Effects

Large-scale internal migration and rapid urbanization are among the most important social effects of rapid population growth. The growing numbers of children who survive their parents place new strains on intergenerational relationships. Social mobility is impeded by continuing widespread poverty. Because only a fraction of the growing population can be absorbed into the modern sector, the numbers of people in the traditional sector rapidly increase and the gap between the two continually widens. Thus two "nations," one relatively well off and the other backward and poor, exist side by side in the same country.

Political Effects

Political and social conflicts among different ethnic, religious, linguistic, and social groups are greatly worsened by rapid population growth. Political and administrative stresses are increased by the rural-urban migration which is partly caused by this growth, and by increasing demands for government services in health, education, welfare, and other functions. The large proportions of young people, particularly those who are unemployed or have little hope for a satisfactory future, form a disruptive and potentially explosive political force, although there is no evidence that rapid population growth is by itself the cause or even the major contributing factor in violence and aggression.

Consequences for Education

Because the numbers of children grow even more rapidly than the total population, the need for educating ever larger numbers in-

hibits the raising of enrollment ratios and improvement in the quality of education. High proportions of children reduce the amount out of any given educational budget that can be spent for the education of each child. Because each cohort, or age group, of the population is larger than its predecessor, it is difficult to recruit sufficient numbers of teachers from among the adult population.

Health, Welfare, and Child Development

The cost, adequacy, and nature of health and welfare services are affected by rapid population growth in much the same way as are those of educational services. In the individual family, maternal death and illness are increased by high fertility, early and frequent pregnancies, and the necessity of caring for excessive numbers of children. The physical and mental development of children is often retarded in large families because of inadequate nutrition and the diseases associated with poverty, and because the children are deprived of sufficient adult contact. Poor and crowded housing in the urban slums of rapidly growing cities produces further illness and retardation.

Environmental Deterioration

Necessarily rapid increases in agricultural production, both of crops and livestock, in many areas increase erosion, soil and water deterioration, and destruction of wildlife and natural areas. Pollution, caused by the indiscriminate use of pesticides, poisons people and domestic and wild animals.

Efforts to solve the problem

Over a billion births will have to be prevented during the next 30 years to bring down the world's population growth rate from the present 2 percent per year to an annual rate of 1 percent by the year 2000. The task may well be the most difficult mankind has ever faced, for it involves the most fundamental characteristic of all life—the need to reproduce itself. An unprecedented effort is demanded, yet success will depend on the private actions of hundreds of millions of individual couples.

Until very recently, few nations had explicit population-influencing policies. Like the movement of a glacier, population changes were barely perceptible from year to year and yet were inexorable in character, seemingly beyond the range of government policy. Only within the last few years, when the vastly accelerated rates of population growth have become apparent to all, have governments recognized the needs and the possibility of actions to protect their people from the consequences of their own fertility and to effect reductions in fertility. Population policies are thus a new and untested area for politicians and administrators, who have neither tradition nor public consensus to guide them.

Nevertheless, many governments of developing countries are now adopting policies aimed at reducing birth rates and high rates of population growth. During the 1960's fifteen governments in Asia, nine in Africa, and fifteen in Latin America and the Caribbean area began to undertake fertility control programs, or to give support to unofficial programs in the absence of explicit formulation of government policy. The total population of the countries which have or support family planning programs is nearly 1,900 million, 80 percent of the population of the less developed world. Several of the rich countries, many intergovernmental agencies, and private foundations are providing financial help and expert advice for these fertility control programs.

This book is designed to stimulate planners and decision-makers of developed and developing nations to examine the consequences of rapid population growth for their own social and economic policies and patterns of action. That governments can and will take action we assume as the natural course of human affairs. Our goal is to encourage a thoughtful examination of the

consequences of rapid population growth and their implications for public policy.

CHAPTER V. RECOMMENDATIONS

This study of the consequences of rapid population growth and their policy implications has led to the policy recommendations that follow. Having offered a number of options in the preceding sections, we now select those we think are the most viable for the near future to help societies cope with and influence population trends.

We are deeply conscious that the issues and actions associated with population questions are of enormous importance in the lives of individual men and women. For this reason we base our first recommendation on the ethical premise that freedom and knowledge should be extended so that people can act in their own best interest—both individually and collectively. It seems quite contrary to society's highest aspirations for men to assume, as some do, that their salvation can be accomplished only through coercion.

Recommendation one: freedom to determine family size

We urge that governments extend to women and men the freedom and means to determine the number of children in each family and the knowledge which will help them exercise responsible parenthood.

1. A full range of acceptable, easily used, and effective means of preventing births ought to be made accessible by governments to all persons of reproductive age; if necessary, at nominal or no cost.

2. Wide dissemination of full information on all the means of preventing births, on the economic, social, and health benefits of small family size, and on the cumulative nature of the burdens caused by large families should be given high priority both by governments and private institutions.

Information and advice about family planning must be factual and based as far as possible on the special conditions in each country. Very few countries come even close to fulfilling these ideals, not even the developed countries, which can most easily afford their costs. Real freedom of choice of family size with access to the best modern technology of fertility control is completely beyond the reach of well over half a billion families on the earth today.

3. Legal and social barriers to fertility control should be promptly removed and broad social acceptance and support of fertility control should be fostered, including, where health services permit, medically safe abortions and sterilization.

Recommendation two: national population-influencing policies

To serve national objectives of economic development, public health and welfare, and environmental conservation, we recommend that all nations establish policies to influence the rate of growth of their populations and to adopt politically and ethically acceptable measures toward this end that are within their administrative and economic capability. For most nations of the world the major goal of population-influencing policies should be a reduction in fertility.

Responsible population-influencing policies require adequate demographic data and analysis and will always take into account the attitudes and felt needs of the people. They can be formulated best in the light of economic and political analysis of the complex interrelationships between population growth and economic and social development and with full understanding of the benefits to individual families of a small number of children in each family.

1. The highest level of government is the natural locus for leadership in the formulation of population-influencing policies and the coordination of policy-implementing programs.

Many departments of government, including those concerned with education, health and welfare, public laws, food and nutrition,

biological and social research, housing, social security, and national service, should be involved in planning and carrying out welfare and other policies that have fertility reduction as one objective. These policies can best be coordinated and resources allocated for their implementation by the planning or budgeting agencies of governments if they are to make a maximum contribution to the national goals of fertility reduction.

2. Public policies and programs pertaining to human fertility require review at frequent intervals to facilitate modification in the light of changing conditions.

There is much room for experimentation because such programs are highly innovative, but the experimentation will be most useful only if the results are realistically evaluated. If they are successful, the programs will pass through a series of stages. At all stages, the attitudes, values, and level of information of the people being served should influence the program planners.

The effects of population shifts, urbanization, mortality reduction programs, and other population-influencing factors must be carefully weighed as conditions change, because age and sex distribution patterns, as well as population density, create a continuously changing matrix for policy.

Recommendation three: short-term growth rate, death rate, and birth rate goals

First: We urge that countries in which rapid population growth is now occurring seek to reduce their rates of natural increase to less than 15 per 1,000 per year over the next 2 decades. Relatively low-fertility countries that are already growing more slowly than this should seek to approach more closely a stationary population level over the next 20 years.

Second: We urge that in high-mortality countries, modernization policies sufficient to accomplish a reduction in fertility be accompanied by policies of equivalent priority in order to reduce death rates to less than 10-15 per 1,000 per year.

Third: We urge that high-fertility countries set as a goal of population policy the reduction of birth rates within the next 2 decades to less than 25-30 live births per 1,000 people per year.

What constitutes a rational fertility level will obviously vary with circumstances, but we urge that significant limits can and should be identified. Thus it seems to us that there are clear disadvantages of a national birth rate above 30 live births per 1,000 people per year. The weight of evidence and rational presumption concerning socioeconomic consequences strongly favors a birth rate of 25 or less over one of 35 or higher. It is unquestionably desirable for the welfare of children and mothers to reduce the number of children ever born in the average family to a much lower level than the range of six or more that now exists in many countries.

Within the proposed limits on birth rates, individual societies and nations would find ample room for specific policies of fertility reduction that meet their criteria of cultural self-determination and socioeconomic prudence.

As death rates are brought below 10-15 per 1,000 in present high-fertility, high-mortality countries, birth rates should be correspondingly reduced. For present low-fertility countries, the recommendation implies an effort to approach a "replacement level" of fertility.

The magnitude of the policy challenge underlying the attainment of the above proposed limits on fertility is extraordinary. For the large majority of the world's population and for nearly all less developed nations, a drop in the birth rate below 25-30 per 1,000 per year would represent a historic break with the past and would be spectacular if accomplished within 1 or 2 decades. Demographically, the fertility targets being urged here represent a call to revolutionary dem-

ographic transition, moderated by a precautionary regard for cultural pluralism, and by a generous allowance for different socioeconomic welfare goals in different parts of the world.

Moreover, the central point of the recommendations is that they contemplate the near future—the next 20 years. From a practical point of view, little is gained by proclaiming the virtues of very long-term demographic equilibrium conditions, even if these virtues could be demonstrated uncontestedly. Indeed, we see room for harm if such an approach were to usurp the place of considered deliberation by national leaders about needed next steps toward demographic amelioration. A policy approach that proposes an unrealistic goal and threatens disaster if it is not adopted is likely to promote, rather than allay, apathy or opposition.

Recommendation four: accelerating the trend toward the smaller family

Governmental and private efforts should be expanded to accelerate the trend toward the smaller family and the sense of individual responsibility toward society.

Planned and coordinated factual campaigns of public education and communication through television, radio, the press, outdoor advertising, voluntary associations, community leaders, and personal explanation by family planning workers are means to accomplish this end.

True freedom to determine family size can be realized only if it is, like all other human freedoms, tempered by the concern of the individual for the rights and interests of others. The essence of the matter is to protect both society and the individual. In this instance society needs protection from the undesirable effects of high fertility and the individual needs protection from ignorance, coercion, and inequitable access to the technical resources of society.

Recommendation five: multi-objective policies

We recommend that many of the social policies of governments include among their objectives that of increasing the desirability of small families.

The attitudes of parents toward family size are most likely to change if the social environment, opportunities, and personal relations are altered in ways that help parents perceive their interest differently.

Policies that increase parents' interest in small families, while at the same time serving other desirable goals, include days prohibiting child labor; compulsory education and provision of educational facilities; social security, old age insurance, and pensions; employment, educational, and career opportunities for women; improvement in the status of women; improvement in maternal health; and reduction of infant and child mortality.

Other policies, related to methods of financing education and welfare services, allocation of resources and occupancy levels for housing, and various types of compulsory or voluntary national service, can likewise be directed toward reducing fertility, as well as toward other objectives.

Population policies should be understandable and widely acceptable to the people. They should help children and the poor and deprived, not place burdens on them. This approach in reducing fertility is particularly relevant for policies involving tax and welfare incentives and disincentives. The alleviation of poverty and greater welfare both for children and adults is the ultimate objective and should be clearly perceived as such by the people.

Recommendation six: population-responsive policies

We urge that policies designed to deal with the effects of population change be established by government departments concerned with education, health, agriculture, urbaniza-

tion, transportation, labor, housing, welfare, finance and defense.

Economists and planners who advise these agencies can enhance their effectiveness greatly by seeking greater knowledge and understanding of the ways in which population changes affect their areas of concern and by developing the demographic and economic data and analytical tools needed for this purpose.

The changing effects of age and sex distribution patterns and shifts in population density make population-responsive policies ever vulnerable to short- and long-term demographic changes, many of which can be anticipated by close examination of trends. Policymakers and planners must be alert to these changes as they affect current legislation and administrative practice and as they set the stage for the future.

Recommendation seven: population policy in the international context

We recommend that developed countries expand their multilateral and bilateral technical assistance to developing countries by providing material, technical, and human resources to help carry out policies and programs aimed at lowering mortality and fertility, improving the conditions of urbanization, and solving other population problems.

It is vital to recognize, however, that population programs and support for fertility limitation cannot be regarded as a substitute for long-term assistance designed to raise people's standards of health, education, consumption, and welfare. A rapid decline in fertility may not be possible without rising levels of education and communication.

Technical assistance can often be effectively provided directly by a developed country to a developing one or by one developing country to another.

The developed countries cannot fail to recognize the long-term nature of many aspects of population problems and their profound relationship to national aspirations in the developing countries. Multilateral and bilateral programs of technical assistance require continuity over many years and should emphasize economic and social development as a primary goal.

By virtue of its leadership in population research and its commitment to the enhancement of the lot of the poor of the world, the United States of America is in a unique position to provide continuing support on a long-term and unequivocal basis to help other countries and international agencies carry out voluntary fertility-limiting programs.

1. The United Nations and its specialized agencies, particularly the U.N. Fund for Population Activities, the World Health Organization, and UNESCO, ought to give high priority to helping their member states learn from one another about population goals and the conduct of fertility-reducing programs.

Information exchange among countries has been one of the most successful activities of the United Nations agencies in other fields, and these agencies are uniquely qualified for this function. Among the promising possibilities is the "confrontation" technique of the Organization for Economic Cooperation and Development.

2. The United Nations Development Program and other U.N. agencies and regional organizations, such as the Pan American Health Organization and the Organization of American States, are urged to greatly strengthen their staffs and procedures to increase the effectiveness of their technical assistance for fertility-reduction programs. Multilateral assistance through intergovernmental agencies will often be more acceptable than bilateral assistance to developing countries; therefore it is important to improve its quality.

3. A United Nations agency (such as the World Bank) should take the lead in preparing a world budget of the needs during the

next 2 decades to carry out programs of fertility and mortality reduction in all developing countries.

Such a world budget would be comparable to the *Indicative World Plan for Agricultural Development* prepared by the Food and Agricultural Organization. It is suggested that it include, among other things, provision for research; training; collection and analysis of demographic data; public education and communications; contraceptive materials; services of physicians, paramedical and other personnel; transportation and other expenses; program evaluation; and welfare policies that would reduce the desired numbers of children and are feasible in different countries. It will be important to try to forecast alternative sequences of program development and identify potential sources of funds and modes of financing; particularly the requirements for technical and financial assistance among countries.

4. We applaud the work of foundations, voluntary associations, and other private organizations and urge that they be encouraged in research and action programs for fertility reduction.

The private agencies are a superb source to be looked to for innovation, experimentation, and approaches not feasible for governments, rather than for duplication of government services.

Recommendation eight: the need for research

To the student of population problems the need for further research is painfully obvious. Our study on the policy implications of rapid population growth has demonstrated this need to us with extraordinary clarity. It is the habit of scholars to call for more research appears to us to be compelling for the people of the world. Therefore:

First: We urge that governments, in both developed and developing countries, support research on reproductive physiology and methods of fertility control and on the economic, social, and health factors that determine fertility behavior.

International cooperation in such research can contribute greatly to its effectiveness because the many types of research needed in different cultures, the interdisciplinary character of such research, and the numbers of institutions and people involved require global exchange of information and mutual assistance.

Second: In addition to strengthening ongoing efforts, we propose that a number of international research centers on population problems be established and supported, at least in part, through intergovernmental technical assistance mechanisms.

Third: We urge governments and private agencies to expand university research and teaching on the role of demographic factors in economic and social change.

Problems concerning which more information and understanding are needed include the consequences of population change for economic and social development; urbanization and internal migration; labor policy and industrialization; agriculture and nutrition; health and welfare; education and communications; natural resources and environmental quality; and conflicts among ethnic, linguistic, and other social groups.

These recommendations and our comments are not designed to present a comprehensive solution to the world's population problems; they are simply our selection of the most useful options as of summer 1970. We have, as one result of this study, come to realize that comprehensive closure on most aspects of population is impossible simply because we do not know enough. This is our best estimate of the immediate needs in terms of both prompt action programs for the next few years and the research required to make future policies more effective through an expanded base of knowledge.

NATIONAL ASSOCIATION OF COUNTIES HONORS MILWAUKEE

Mr. PROXMIRE. Mr. President, in mid-July of this year the National Association of Counties held their annual convention in Milwaukee, Wis. At that time they presented a "New County Achievement Award" to Milwaukee County for its cultural affairs program.

Milwaukee County richly deserves this recognition, particularly for its outstanding series of "Music Under the Stars" concerts, offered to the public free of charge. This series has won international recognition, being praised by the Spanish Ambassador among others.

Mr. John-David Anello, director of cultural activities for the county, conducted this year's concert series. To Mr. Anello, the Milwaukee Cultural Affairs Department, and the Milwaukee County Parks Department, go my congratulations on their receiving this award. Their fine work has done much to fill a cultural need in Milwaukee.

I ask unanimous consent that two editorials, which appeared in the Milwaukee Sentinel and the AFL-CIO Milwaukee Labor Press on this award, be printed in the RECORD.

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

NATIONAL APPLAUSE

The 34th annual Music Under the Stars series begins at Washington Park Friday night with a presentation of "The Music Man."

The series of musical programs, presented free of charge in the last several years, has been taken for granted by Milwaukeeans but it symbolizes a dedication to fill a cultural need in the community.

No small contributor to the "Stars" program and other county cultural events has been John-David Anello, director of cultural activities for Milwaukee County, who will be in a familiar post as musical conductor Friday.

And it is encouraging to know that his efforts and those of public and private interests, which have shared in maintaining the high level of cultural fare in the county, will receive national recognition.

This recognition will come in mid-July when the National Association of Counties holds its annual convention here. NACO, as the group is called, has designated Milwaukee County as a recipient of a "New County Achievement Award," for its cultural affairs program.

Congratulations to all who share in the honor of the award.

A DESERVED AWARD

A high honor has been paid Milwaukee County in the announcement by the National Association of Counties that it will present the County Achievement Award to Milwaukee for its outstanding cultural affairs program.

Milwaukee County richly deserves this recognition particularly for its outstanding series of "Music Under the Stars," concerts offered to the public free of charge.

This series has won international recognition and among the many tributes is one from the Spanish Ambassador to the Milwaukee County Park Commission commending it for a concert entitled "A Salute to Spain". Ambassador Jamie Arguelles had this to say: "Your plans for 'A Salute to Spain' program in Milwaukee gives me great pleasure and pride. I am certain that through the endeavors of dedicated individuals and institutions as the Milwaukee County Park

Commission, the cultural awareness of the heritage and beauty shared by our countries, through music, will penetrate the minds and spirits of everyone taking part in this celebration."

"Please count on the support of this Embassy to help you realize the praiseworthy undertaking on which your Commission has embarked. I wish you all the best of success."

This year's concert series under the gifted baton and direction of Maestro John Anello will again give our citizenry a wonderful opportunity which is being recognized so well in the award by the National Association of Counties and the message from the Spanish Ambassador.

THE MOTIVATION CRISIS IN THE UNITED STATES

Mr. JAVITS. Mr. President, I ask unanimous consent that there be printed in the RECORD the text of my remarks on "The Motivation Crisis in the United States," delivered as a lecture before the Aspen Institute on Humanistic Studies at the Institute's Paepke Hall, Aspen, Colo., on August 24, 1971.

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

THE MOTIVATION CRISIS IN THE UNITED STATES (By Jacob K. Javits)

Something has gone out of the heart of America, and perhaps for the first time in our history, most Americans feel a serious doubt as to our nation's destiny. According to the polls, they say by almost three to one that we are on the wrong track, and they are right.

There is much frustration with government, on the grounds that it has floundered in the quagmire of Vietnam and found it so hard to get out of the inflation and unemployment attributable to it, and out of pollution, urban decay, poverty, racial tension and drug addiction.

There is much frustration with business on the grounds that it has failed to develop adequately economic justice in our country.

There is much frustration with education on the grounds that so much of it is irrelevant to our times and has still not even adequately met the legitimate challenges of students and faculty for a share in its administration.

There is much frustration with the establishments of religion as being no longer satisfyingly real to many.

Now, much in these frustrations may be unjustified, but they are vividly current nonetheless. They have led to the erosion of pride in achievement throughout the American society. They have substituted for interest and curiosity and the zest for learning and doing in our young people a desire to fall away, to opt or drop out, to adjure both the joy and responsibility of self-realization. Young people seek instead the opiate of self-contemplation.

These are all signs of the decay of the nation and the sickness of a people, but must it be so?

We have health and vitality within us as a people. We are still a new land by the calendar of history and our resources are vast. We have the greatest machinery and organization for the production of things mankind wants and needs that mankind has ever known. We are at heart a decent and a compassionate people. What then is holding us back?

I believe that it is the failure to establish new goals and a new destiny for America. The goals of prosperity, national preeminence and world peace are no longer satisfying. We need to be brought forth into new ideals of the dignity of man, world law, world develop-

ment, and the effective conservation of the world's human and material resources.

We have lost much of our motivation because we have lost much of our idealism. As a nation we need a moral regeneration. We need new forms of organization as well as new goals.

We need a new birth of confidence, that just as the world can be redeemed for most people from the age-old grind of poverty and want by science and technology, so too it can be redeemed from war, injustice and oppression by human intervention. The new tools and the new energy have brought us the unparalleled means to do both.

The authority and therefore the responsibility rests greatly in the hands of the generation over thirty-five. It is our duty to listen, most carefully and respectfully and with the deepest concern, to the views of youth. Yet it is we who can do the most to redeem the nation and our people. If we do, youth will be inspired to work with us. We were born before 1937, and we have got the nation to where it is. Ours must be a passion for justice at home and abroad. What can be done is shown by a few sample contemporary accomplishments.

First, ending—since 1954—the social order of the South which ordained the black as a lesser person and which had persisted for a hundred years. It is by no means finished business, but it is well under way.

Second, granting the vote to those eighteen to twenty-one years of age.

Third, the withdrawal from Vietnam when the people turned against that war and recognized it as one of our greatest blunders as a nation. It is well under way and while not in all its aspects what I and many others would want still signals the end of the terrible tragedy of Vietnam.

Fourth the President's proposal for the Family Assistance Plan for the first time placing a floor under welfare in the United States; and the President's New Economic Plan just announced recognizing for the first time since World War II that severe inflation and unemployment cannot be cured without controls which we have always associated with war rather than peace.

Within these terms I feel that there are five national priorities domestically and four abroad. These are as follows:

First the conquest of poverty and hunger in America. This struggle is far from won. At the very minimum twelve to fifteen per cent of all Americans are still economically at the poverty level and the power and effectiveness of our country are at stake in the solution of this problem. I believe the first step is the enactment of the Family Assistance Plan proposed by the President and we must strive mightily toward that end.

Second I would put the pollution of the environment. This is a matter of deep concern to all Americans. Air and water and land resources have long been neglected and need prompt remedial action. The establishment of the Environmental Protection Administration by the Federal government is a great step forward but we need more effectively to rationalize protection of the environment and all of the activities of the country without at the same time blocking those activities; and incidentally there is a dangerous tendency toward that latter possibility right now. This is a problem of expediting decision making both in the courts and at all levels of government as well as of increasing public knowledge and sophistication.

Third, I would seek to revise completely the format of formal education in this country. Much education today is irrelevant to the times. Much of it takes a greater amount of time than necessary. And much of it is out of touch in timing with the priorities of the day. One of the startling examples is the tremendous shortage of doctors and our relative slowness in taking up the idea of assistant physicians or other aspects of what

the Soviet Union has developed as the so-called Felcher System. We have made some progress in education through the recent passage in the Senate of the new Higher Education Bill which is capable of completely revolutionizing American higher education. This needs to be followed by a review of the Elementary and Secondary Education Act on the federal level and the adoption of the objective of education reform by all states and local units of government which deal with education, as well.

Fourth, and what I consider one of the most important priority areas, is a realignment of the whole question of corporate power and corporate responsibility in the United States, and this includes labor as well as management and investors. There is deep concern about that throughout the country, and yet we know the tremendous capability of the American industrial machine to produce goods and services to the advantage of all the American people and to the peace of the world. What worries us now is a seeming lack of pride in workmanship by the American worker; and a certain slackening by American management in the whole sharpness of its competition with nations throughout the world, especially Japan and the German Federal Republic. A great deal can be accomplished by upgrading basic motivation among the American people. But, more needs to be done with respect to research and development and automation in the American economy, conservation and care for the environment; and its greater rationalization in terms of a world complex of industrial operations rather than simply as a national industrial plant. This can result in a considerable upgrading through technical training of the whole American work force. It is not the subject so often referred to of "the export of jobs," which reflects the narrow view that our economy can remain static in face of tremendous world industrial development. It includes, as well, a greater rationalization of the activities of the so-called multi-national corporations, of which so many are American, and the development of more effective trade relations, especially with the under-developed countries which need to have assistance from the developed countries to enter the industrial age.

Also in the United States, there is a tremendous need for a far greater amount of corporate democracy. Participation in corporate voting by stockholders should be as widespread as political voting by the citizens; reforms in pension and welfare plans are urgent, now covering thirty-million American workers with \$130 billion in assets which are growing at the rate of \$20 billion a year in order to give the worker some assurance of effective participation. A great mutualization of the ownership of American corporations is also needed through stockholding and profit sharing. Our estimated 17 million share holders should grow to 70 million, as large as the work force!

A revision of the American antitrust laws is also long overdue, as these are now archaic in terms of modern practice and modern conditions.

All together, a veritable revolution in the private enterprise system is needed, but a revolution which will make it even more the possession of the citizen as an individual rather than the fiefdom of "big business" or a creature of the state. The dominant note should be "Business in the Public Interest" as most characteristic of the best that America can develop for itself and the world.

Fifth is the whole issue of the drug culture, which is so very deeply worrying the American people. This will take large applications of resources, both human and material. It will take massive research and development to find a suitable "antagonist" for heroin and other hard drugs. And, as we relax in respect to the use of hard drugs,

because we are able more effectively to deal with them, it will require a much more intelligent view of marijuana, the government's attitude toward the possession and use of which, considering the near barbaric laws in so many states, has engendered a sense of outrage in so many of our young people, especially those on college campuses. Also, much greater efforts will be needed to control the illegal international flow of drugs subject to abuse.

In the international field, of course, our great ideal must be the rule of law over the rule of force. This means constant strengthening of the United Nations and regional organizations; and of the most critical importance, success in the SALT and other talks for a limitation of nuclear armaments. We must strengthen regional organizations for cultural and educational interchange, as well as for security. Even great—and super—powers need to be willing to be guided in their foreign policy by international decisions, in which smaller and weaker powers would join. Within this context I put as objectives for the relatively near term the following:

First, the means to deal with undeclared war, the terrible result of which we have seen in Vietnam. I offer as to this issue my own War Powers Bill which divides the powers to wage undeclared war, to deal with war, between the Congress and the President and which is now under active consideration in the Senate, a similar measure being under consideration in the House of Representatives. Within this context, too, would come a review of the vast network of military commitments which the United States has throughout the world. Twenty-five years after World War II, these need to be tested and evaluated in the light of the new capability of many countries and of the true interest of the United States in attaining world peace. We are engaged in doing that now in the Foreign Relations Committee through a special subcommittee, but this work needs to be forwarded and to have wide public understanding and acceptance.

The second item that I would list is the anomalous position of the United States in aiding military dictatorships, like those in Greece, Pakistan, Brazil and Argentina. And, as a corollary, our relationships with countries still engaged in the remnants of imperialism, like Portugal. We cannot be summary about this, as vast interests are involved and they are by no means simple to manage. But a recognition of the problem and the fact that we need to hold to a high moral tone reflecting it are essential: and if we propose to deviate from it, these are decisions which ought to be made openly and in the Congress, as we are making them right now about military aid to Greece and Pakistan, rather than behind closed doors as was evidenced by the Pentagon Papers.

The third matter with which I would deal in the world is the problem of international segregation, the most blatant example of which is the Union of South Africa. Here, too, we have to hold to a moral tone worthy of the future which we wish the world to have, and willingly cooperate internationally in order to bring an end to this barbaric practice, in what is an otherwise so highly civilized part of the western world.

The fourth item with which we must deal is the international monetary system, which is today, as has just been shown by the suspension of gold payments on the part of the United States, completely out of date and much too limited to deal with the vast expansion of the world's economy which is in progress. A bold attitude on the part of the United States toward the revision of the Bretton Woods Agreements would give the world, and especially the developing world, hope and encouragement for realizing the dreams of their peoples for a better future. For, it is the developing world which suffers

so seriously, not only being disadvantaged when compared with the developed world but even looking forward to decades more of the unacceptable economic gap between the developing and the developed world.

Finally, as symbolized by the proposed new relationship between the United States and the Peoples' Republic of China, there is the need for opening wide the doors to the full exchange in the world of ideas, people and goods. This must be in every way one of the prime objectives of ourselves and of all mankind. It is by no means without risk, as we well understand, but the goal is infinitely superior to the risks which need to be run in attaining it. We have hardly begun, even in the Atlantic community, to exploit the benefits and possibilities which are inherent in this concept, and it is one of the most inspiring activities of which we are capable as a nation.

Twenty-six years after the end of World War II, we are ascending to a new plateau, built upon new concepts and new needs at long last disengaged from the liquidation of World War II. We face a completely new world in terms of its physical limitations—we now have attained the moon and will go further than that. In terms of its organizational limitations, we have now shown a sustained capacity for international action, even international action to repel aggression, as was evidenced in Korea. In terms of the recognition of the critical nature of the threat to our whole environment and in moral terms of the evaluation of what is right and what is wrong in international conduct, we are beginning to show a willingness to admit the great mass of humankind to a share in these deliberations. A new burst of power, energy, resourcefulness and constructive action on the part of the United States is essential. There is a deeply moral and spiritual impetus for this purpose in the deep feeling in the hearts of so many Americans that our crisis is one of the soul and the spirit far more than it is physical or in our relations with the rest of mankind or even with one another. It is my deep conviction that the dedication of the generation which brought this on to better preparing the world for the generation which is following, as we are their trustees, will inspire us and will inspire the new generation to again accept America's destiny as an honorable leader for all mankind in the paths of peace, development and enlightenment.

SENATOR MUSKIE'S VIEWS ON BUSING

Mr. THURMOND. Mr. President, the Members of this body and the members of the public generally are always interested in the views of potential presidential candidates on problems of great importance to the Nation.

While our colleague, Senator MUSKIE of Maine, is not yet an avowed presidential candidate, only a cursory glance at the daily newspapers and at the Gallup poll indicates that he is the front runner for the Democratic presidential nomination.

For these reasons, Senator MUSKIE's views on the most important subject of busing students to achieve racial balance are of great interest. I noticed in yesterday's Evening Star where Senator MUSKIE discussed this subject at length, and his views were most interesting.

Mr. President, I ask unanimous consent that the article entitled "Muskie Dislikes Busing but Says It's Needed," which appeared in the Evening Star, Wednesday, September 8, 1971, be printed in the RECORD.

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

MUSKIE DISLIKES BUSING BUT SAYS IT'S NEEDED

(By James M. Naughton)

SAN FRANCISCO.—Sen. Edmund S. Muskie has joined President Nixon in voicing distaste for the busing of children to desegregate public schools, but he has sharply criticized the President for attempting to prohibit the use of federal funds to acquire the buses.

The senator from Maine, touring California in search of money and support for his undeclared candidacy for the Democratic presidential nomination, yesterday announced this position at a news conference in the Fairmont Hotel.

"Like everyone else, I don't like busing," Muskie said in response to a question. "It's inconvenient to parents, consumes time that students could better use for studying and it uses up resources for the purchase of buses and so on that might be better used."

CALLS IT NECESSARY

"I disagree with the President's position because it has had the effect of disrupting movements that have been under way, plans that have received (or parents) as they accepted the necessity for moving toward the integration of their schools."

But, Muskie said that until the nation successfully integrates its cities "we're going to have to rely on busing to some extent to deal with the problem."

Thus he took issue with Nixon's declaration on Aug. 3 that the attorney general and the secretary of Health, Education and Welfare should work with Southern school districts "to hold busing to the minimum required by law."

Nixon also directed his administration to submit an amendment to the Emergency School Assistance Act to stipulate that none of the act's \$1.5 billion in aid to desegregating school systems may be used to acquire buses.

"His proposal to deny federal support for school districts in implementing busing programs, I think, is a disservice to those communities. And it has a disruptive effect on public opinion in those communities."

PARENTS ARE OUTRAGED

Parents of Chinese-American pupils in San Francisco have cited Nixon's statements in expressing their outrage at a court-ordered plan for widespread busing to achieve racial balance in the city's schools.

Muskie said he understands the "fears of parents" about the busing of their children, "but this is a difficult social problem that threatens great division in our country, threatens the peace of the country, really."

"So all of us, including parents, have a responsibility for undertaking to recognize the problem at the same time that we search for better answers."

Asked for his own solution, Muskie said that there is "no perfect answer" to a problem rooted in "a distortion of our values over a long period of time, which has produced communities that are segregated and separated people from each other for reasons that are wrong in terms of the American ideal."

POSSIBLE ALTERNATIVE

As possible alternatives to busing, he mentioned redrawing of neighborhood school boundaries—an approach which federal courts in urban areas of the South have found unsatisfactory—for the creation of new school facilities "in a way that avoids separatism."

One newsman pressed the senator to be more specific in recommending a better solution than busing.

"I'm afraid you're not listening to what I'm proposing, sir," Muskie snapped back. "You're asking me for a blueprint, which nobody has yet proposed."

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? The Chair hears no response, and morning business is concluded.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of the unfinished business which the clerk will report.

The assistant legislative clerk read as follows:

Calendar Order No. 328, S. 2007, a bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to recommit, offered by the Senator from Ohio. Who yields time?

Mr. TAFT. Mr. President, I hope that my motion to recommit S. 2007 and report the same back forthwith, except for the child development portion of that bill, will not fall victim to narrow partisan attitudes on either side.

The child development program is of such critical importance that it deserves broad-based and bipartisan support. I believe that type of support is entirely possible if the committee would simply give adequate consideration to a few of the problems related to the language of this measure.

The reason we are faced with problems with respect to child development is that the committee did not give this matter the thorough review which it deserves. This bill was marked up in great haste and as to the child advocacy portion, for example, there were not even any hearings.

We have not given sufficient attention to the very fundamental question as to whether or not OEO should be an operating agency or a research and development agency.

The issue on the question of earmarking is simply whether the research and development programs, which are bread and butter programs across the length and breadth of this country, are to suffer a disproportionate cutback or even complete elimination in the event of a shortfall in appropriations.

No one here disputes the vital role which child development councils will have to play if this program is to be a success. The question is, however, whether they should be advisory or whether they should have direct control over programs. In other words, is it a sound practice to separate control from responsibility?

The committee has not given sufficient consideration to the definition of "economically disadvantaged."

I think this became very clear yesterday as we discussed the possible family income levels which might be used in deciding whether to charge fees for the services to be provided under the program. Yesterday, I asked the distin-

guished chairman of the subcommittee and the distinguished Senator from Minnesota (Mr. MONDALE), repeatedly, how many children will be served under this program. I must have asked that question 10 times and the question was never answered. The hard fact is, that this program cannot possibly serve much more than one-half of the 3½ million children from families with incomes of less than \$4,200 per year. For every child served free from a family with a higher income, there will be a child from the Nation's most desperately poor who will have to go without child care services. What the proponents of this approach are doing is taking from the poor and giving to those who are better off. This is really the issue. Are we going to give the services where they are most desperately needed?

If this is to be an across-the-board program, and the committee might well have gone that route, then we should face up squarely to the magnitude of the problem rather than restrict the availability of services which are already insufficient to handle the poorest of American families.

Rather than jeopardize the entire bill I would hope that the Senate would agree to recommit the child development portion of this bill so that it can receive some additional consideration by the committee on these important questions. Perhaps then it can be reported back to the Senate with the broad base of support which it surely deserves.

The ACTING PRESIDENT pro tempore. Who yields time?

QUORUM CALL

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

The ACTING PRESIDENT pro tempore. On whose time?

Mr. TAFT. I ask unanimous consent that the time be charged equally to both sides.

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

The second assistant legislative clerk proceeded to call the roll.

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

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

APPOINTMENT BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Vice President, appoints the Senator from Rhode Island (Mr. PELL) to attend the third session, Preparatory Committee for United Nations Conference on Human Environment, to be held in New York, N.Y., September 13-24, 1971.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

The Senate continued with the consideration of the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. NELSON. Mr. President, would

the Chair inform me how much time is left to the Senator from Ohio and to me?

The ACTING PRESIDENT pro tempore. The Senator from Ohio has 13 minutes; the Senator from Wisconsin has 12 minutes.

Mr. NELSON. Mr. President, I hope that the Senate will quickly reject the motion to recommit the bill to committee. Recommittal would be a completely fruitless and unnecessary move.

The Subcommittee on Employment, Manpower and Poverty held a total of 18 days of hearings on the Economic Opportunity Act Amendments of 1971, 5 of which were precisely on the child development title. We also held hearings on the child development proposal in the last session of Congress. We have taken testimony from the outstanding educational, medical, psychiatric, and child development experts in the Nation on this issue.

We held extended executive sessions on the bill both at the subcommittee and full committee level. The child development title of the bill occupied more of our time in the markup sessions than any other issue in the bill. The question of whether the child development issue should be handled as a part of the Economic Opportunity Act was carefully and thoroughly discussed. In the end the committee voted unanimously to report out this bill exactly as it now stands here on the Senate floor.

The junior Senator from Ohio raised the question of separating the child development title of the bill during these deliberations. Members of both the majority and minority strongly expressed the view that these closely related issues should be kept intact in one piece of legislation, and in the end the junior Senator from Ohio made no move to separate the issues in either the subcommittee or full committee, and he joined with the unanimous committee in voting to approve and report out the bill as it now stands.

Thus, it serves no purpose, it seems to me, to send this bill back to committee at this stage after it has been given such detailed consideration and after it has been approved unanimously in its present form.

On the merits of separating the child development title from the Economic Opportunity Act, let me say it is absolutely imperative that these two issues be kept together. We already have a Headstart program under which some 1,700 local agencies run programs in more than 8,000 different locations. There will be substantial similarities between the child development centers authorized in S. 2007 and the existing Headstart programs. It would be unthinkable to set up two completely different systems in two completely different pieces of legislation, both designed to reach the same basic goal of providing medical, educational, and nutritional assistance to children of lower income families during the most crucial years of their development.

I hope that the Senate will reject the motion to recommit and go on to pass this bill including the child development section which is so desperately needed by the Nation.

I wish to say at this time that the hearings on the child development title conducted in the last Congress and conducted this year were handled by the distinguished senior Senator from Minnesota (Mr. MONDALE), and I think that all people in the country who are concerned about this very important problem owe a debt of gratitude to the Senator from Minnesota, who devoted so much time in developing this exceptionally fine piece of legislation.

I might point out that at the President's Conference on Children and Youth, the top rated priority project by those who participated in that conference was the development of legislation respecting the question of comprehensive child development. That is what the Senator from Minnesota (Mr. MONDALE) has done by his extensive hearings and hard work in preparing this piece of legislation. If it passes, as I hope and trust it will, I think it will be the most important piece of legislation ever passed in this country respecting the rights and interests of children in this country.

I yield whatever time the Senator from Minnesota may desire to speak on the motion to recommit.

Mr. MONDALE. Mr. President, I thank the distinguished Senator from Wisconsin for his gracious remarks. None of the work could have been undertaken without the support of the Senator from Wisconsin, who is chairman of the Subcommittee on Employment, Manpower and Poverty, from which this measure arose. The issue is a terribly important one, and it had the support of the Senator from Wisconsin from the very beginning.

We have had, I think, as much consideration of this proposal as of any proposal the Senate has acted on since I came to the Senate 7 years ago. We have had extensive hearings, which involve three volumes of hearing records in this session alone. Essentially the same measure was introduced in the last Congress, and two volumes of hearings were consumed in considering that measure in the last Congress. Similar deep consideration and hearings have been held by the House Select Subcommittee on Education under the gifted leadership of Representative JOHN BRADEMAs.

In addition to that, this measure had the thoughtful and thorough concern of a coalition of over 20 impressive organizations knowledgeable about and involved in child development efforts.

I ask unanimous consent that the list of the coalition of organizations supporting this proposal appear at this point in the RECORD.

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

AFL-CIO; Americans for Democratic Action; Americans for Indian Opportunity Action Council; Black Child Development Institute; Committee for Community Affairs; Common Cause; Day Care and Child Development Council of America, Inc.; Friends Committee on National Legislation; Interstate Research Associates; International Ladies Garment Workers Union; League of Women Voters; Leadership Conference on Civil Rights; National Council of Churches; National Council of Negro Women; National Education Association; National League of

Cities and U.S. Conference of Mayors; National Organization of Women, president, and vice president for Legislation; National Welfare Rights Organization; United Auto Workers, U.S. Catholic Conference, and Washington Research Project Action Council.

Mr. MONDALE. I remind the Senate, in reading that list of organizations, that they constitute the most thoroughly knowledgeable and experienced groups in this field in this country. Their advice and counsel helped lead to the development of the comprehensive child development proposal which is now about to be voted on by the U.S. Senate. They, too, spent literally months assisting us in the development of this proposal.

In addition to that, the President of the United States, Mr. Nixon, convened a White House Conference on Children in December, to which virtually every known child development specialist was invited, together with parents, children, and professionals who are most knowledgeable about the problems of children in this country.

At the conclusion of that conference, a new and unique weighted vote was taken to determine what the delegates thought was most important among all their recommendations. I think it is significant that the delegates concluded that the No. 1, most important recommendation, of the highest priority, was the establishment of a comprehensive, family-oriented child development program, including health services, day care, and early childhood education.

In fact, this proposal is entirely consistent with the recommendation of President Nixon's White House Conference on Children.

Finally, this proposal draws from the enormous experience and knowledge we gained from Headstart. Headstart has now been in being for over 5 years. It has affected the lives of hundreds of thousands of American children. It has been examined, evaluated, and studied by literally hundreds of professionals. The proposal which we act on today draws upon the cumulative experience of all of these efforts concerning Headstart.

Thus it seems to me only fair to say that this proposal to be acted on today is as fully considered as any proposal in the social reform field to come before the Senate in a long time, and perhaps even at all; and it would seem highly unrealistic to now refer the proposal back to the Committee on Labor and Public Welfare. All I can conclude is that such a vote would not be a vote on procedure, but a vote against child development programs—a vote to kill this proposal—because it is hard to conceive of what further steps we could take of a procedural nature to satisfy the opponents of the proposal.

I believe this measure in fact was ready for adoption in the last Congress, and I had proposed it as an amendment at that time, but in deference to requests of the administration and from others, we decided to provide only a simple extension of the Economic Opportunity Act at that time. But if we let this opportunity pass by, it could well be several years before we would be in a position to act on a proposal of this magnitude, and

there would be millions of children who would be denied a decent opportunity for the fullness of American life because we failed them. I do not want that on my conscience. I do not think the country should have it on its conscience.

Therefore, I strongly oppose the motion to recommit offered by the Senator from Ohio.

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

The ACTING PRESIDENT pro tempore. All time of the Senator from Wisconsin has expired. The Senator from Ohio is recognized.

Mr. TAFT. Mr. President, I am happy to yield 5 minutes to the junior Senator from New York.

Mr. JAVITS. Perhaps the Senator from Ohio can let me have about 3 minutes when he is through, or whenever it is convenient.

Mr. BUCKLEY. Mr. President, I rise to support the motion of the Senator from Ohio. Its purpose, of course, is to eliminate title V, or the "comprehensive child development program" from what otherwise constitutes a reasonably routine bill for the extension of the OEO programs. Because of its packaging, some may assume that the child development sections of the bill are aimed specifically and exclusively at helping the least privileged members of our society. To overcome any handicaps of their social environment by means of early remedial treatment.

Nothing, however, could be further from the truth of the matter. The program which we are being asked to enact is infinitely wider in scope. It is a program which would revolutionize the concept of child rearing in the United States. It is a program which is intended, initially, to cover the children of 32 percent of all American families—one out of three—a program whose long-term and explicit objective is to extend these federally designed and, therefore, federally controlled programs to encompass all American children, regardless of family income.

I cannot believe, Mr. President, the Congress or the American people are really prepared to embrace a concept so revolutionary in design and so all encompassing in scope as that contained in the child development sections of this bill. Child development may be, as some suggest, an idea whose time has come; but, if so, its hour has not yet arrived—not, at least, on the basis of the far-from-complete evidence so far advanced in its favor.

The very term "child development" is but a few years old. So new is it that no one really seems to know what exactly it embraces. Yet Congress is today being asked to underwrite a massive new program—and it is massive—which involves \$100 million in tooling up costs for the current fiscal year and which will commit us to a \$2 billion program for fiscal year 1973, and to who knows what thereafter. Thus, in what is laconically styled "A bill to provide for the continuation for programs authorized under the Economic Opportunity Act of 1964 and for other purposes," we find that these "other purposes" will consume almost 70 percent of what is to be authorized for the ensuing

fiscal year. It seems that while specialists in the field may not be able to agree on what child development is, they are very much agreed that the Federal Government ought to impose it overnight on the Nation as a whole.

The phrase "child development," to be sure, sounds innocent enough. And there are no doubt those who will support the concept precisely because it does seem so innocent. It all seems quite innocent, Mr. President, until one takes the trouble to sit down and read the bill.

Consider, if you will, the very first section of title V. Section 501(a) states that Congress—

Finds that million of children in the Nation are suffering unnecessary harm from the lack of adequate child development services, particularly during early childhood years.

It may very well be that millions of children are suffering unnecessary harm these days, Mr. President, but I, for one, am not yet persuaded that it is from lack of adequate federally sponsored child development services. And I am not at all convinced that Congress wants to put itself in the position of declaring once and for all that that is the case. Nor am I at all convinced that Congress wants to go on record as declaring as a matter of law, as the next section would have it, that—

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. . . .

This is not mere legislative boilerplate, Mr. President. These are words and phrases carrying profound legal implications. They are words and phrases committing Congress and the American people to a social policy that threatens to destroy parental authority and the institution of the family. What does it mean to say, as section 501(a)(2) does, that "comprehensive child development programs shall be available as a matter of right to all children . . .?" What is the nature of this right? Is it a right that a child will possess over against his parents? Over against the Government? Over against both? Over against school authorities or others who may from time to time be placed in authority over him? Is it a right that he can take into court and sue upon? I do not know, Mr. President. I do not know the answer to any of these questions. And I am not sure that anyone knows. What I do know, however, is that the passage of such seemingly harmless boilerplate is an invitation to legal and social chaos.

How many Senators, I wonder, are truly aware of what this comprehensive child development program entails. I know that I was not aware of it until a few days ago. How many Senators, I wonder, are aware that this proposal would authorize the Federal Government—I quote now from the committee report, at page 43:

To involve itself in comprehensive physical and mental health, social and cognitive development services; food and nutritional services (including family consultation); special programs for minority groups, Indians, and bilingual children; specially designed programs (including after school, sum-

mer, weekend, and overnight programs); identification and treatment of physical, mental, and emotional problems, including programs for emotionally disturbed children; prenatal services to reduce malnutrition, infant and maternal mortality, and the incidence of mental retardation; special activities for the physically, mentally, and emotionally handicapped children and children with special learning disabilities; training in the fundamentals of child development for family members and prospective parents; use of child advocates to assist children and parents in securing full access to other services; and other activities.

The last phrase, Mr. President—"and other activities"—is a grandfather clause to end all grandfather clauses, for it comes at the end of what is surely the most exhaustive list of social services ever assembled in a single paragraph of a Senate report. The imagination boggles at trying to conjure up a single conceivable activity that was not specified in the preceding list. But how many Members of the Senate, Mr. President, are prepared to put the Federal Government fully and finally into the business of caring for each and every aspect of each and every life that happens to be born American? How many Members of the Senate are aware of the all-embracing scope of the proposal before them?

Let there be no mistake about it: The enactment of the child development sections of this bill may prove to be one of the most deeply radical steps ever taken by Congress. I am not alone in this judgment, Mr. President. The highly esteemed head of the Office of Child Development of the Department of Health, Education, and Welfare, Dr. Edward Ziegler, recently declared himself "very apprehensive" about the prospect of establishing a nationwide network of child-care centers. Dr. Ziegler is quoted in a recent article in the San Francisco Examiner as saying that he questions whether "America is ready for them." He continues:

I am very apprehensive that this nation may set up a system of warehouses for children.

The article goes on to express Dr. Ziegler's fear that day-care centers might supplant the family.

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

Mr. BUCKLEY. I yield.

Mr. MONDALE. Is the Senator from New York aware that while Dr. Ziegler testified in favor of modification in some features of this bill such as the delivery system and mechanism, I think it is quite clear from his testimony that he believes the general twist of this bill is toward comprehensive, quality, developmental programs—not custodial centers. In fact he testified in favor of a similar measure introduced in the last Congress.

Mr. BUCKLEY. The Senator from New York is aware of that, and I do want to call attention to the fact that Dr. Ziegler does have some significant misgivings.

Mr. President, I ask unanimous consent that the article referred to 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. BUCKLEY. Mr. President, Dr.

Ziegler's remarks are potent evidence, indeed, for the proposition that the child development sections of this bill are truly revolutionary. Dr. Ziegler is certainly the most conspicuous—and he may be the most persuasive—proponent of comprehensive day-care in the country. I am, therefore, inclined to grant him a certain authoritativeness when he says that the concept of nationwide, governmentally controlled child care is "quite alien to the American ethos." I would like to put the question flat out, Mr. President: How many Members of the Senate are today prepared to vote for a measure that no less an authority than Dr. Edward Ziegler calls "quite alien to the American ethos"? How many Members of the Senate are today prepared to vote for a measure that the head of the Office of Child Development assures us might very well supplant the family? Very few, I believe, if they truly understood the long-term implications of title V. That is why the Senate ought to support the amendment of the Senator from Ohio, which will have the effect of striking those sections from the bill.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

The Senator from Ohio has 5 minutes remaining.

Mr. TAFT. I yield 2 additional minutes to the Senator from New York.

Mr. BUCKLEY. Mr. President, I feel very deeply about the matter at hand. I believe that the Senate would be most ill-advised at this time to enact so far-reaching a proposal, so radical an undertaking. We have nowhere near enough evidence so far to justify the enormity of the undertaking proposed by title V of this bill. Expert opinion is itself sharply divided on the issue—although if one were to go by the committee report, he would think professional opinion to be virtually unanimous on the subject. I quote from a recent article in the San Francisco Examiner:

A University of Michigan psychiatrist warns that putting children in day care centers can damage them to the point that they become "irretrievable casualties."

Such services, said Dr. Humberto Nagera, can become "dumping places of children who have proven burdensome to some in the new generation of parents."

The damage would result, Nagera said, because the parents as auxiliary super-ego—that is, a substitute conscience that helps the child learn control—would be absent too much of the time.

"Many young mothers," he went on, "are, of course, totally unaware of the potentially damaging effects of such practices to their children's emotional growth, but are led in that direction by the biased activist-feminists who demand equal rights for men and women. I do have objections to the rights of the child being neglected."

"Such babies . . . as will grow up under inappropriate conditions in the new day care services will in due time become adolescents. I fear that many of them will be damaged to the point of becoming irretrievable casualties during their own adolescent revolt."

Nagera is director of the Child Psychoanalytic Study program at Children's Psychiatric Hospital at the University. He addressed an annual meeting attended by 3000 members of the Cuban Medical Association in exile.

Nor is Dr. Nagera alone. Dr. Jack Raskin, director of the Children's Orthopedic Hospital Psychiatry Service in Seattle, Wash., stated recently.

There is no good substitute for a mother's presence. The best day-care center in the world cannot begin to compete in this regard with even the average mother. A lot of people are crying for day-care centers. What they are saying is "do something" rather than "what's the problem?"

To rely upon day-care centers as a viable substitute for the family, he concludes, would be a very foolish undertaking indeed.

Mr. President, I ask unanimous consent that an article published in the Seattle Times setting forth Dr. Raskin's views be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 2.)

Mr. BUCKLEY. Mr. President, I do not want further to consume the time of the Senate. Speaking for myself, I believe the pending amendment to be determinative of my position on the entire bill. Despite my sympathy for many of the undertakings of the Office of Economic Opportunity, and despite my desire to see its primary functions extended for another 2 years, I cannot in conscience support a bill which contains a measure so dangerous and so little understood—however well-intentioned—as title V.

I yield back the remainder of my time.

EXHIBIT 1

[From the San Francisco Examiner, Feb. 10, 1971]

U.S. AIDE FEARS CHILD CENTERS

(By Joel Tlumak)

The U.S. director of child development said here today he was "very apprehensive" of legislation to set up a nationwide network of day-care centers.

"This is a concept quite alien to the American ethos," said Dr. Edward F. Zigler, director of the U.S. Office of Child Development.

While he himself favors extensive and quality day-care services for children in all economic classes, he questions whether "America is ready for them."

This country is in for what amounts to an institutional revolution, according to Dr. Zigler's view of what is inevitable.

QUALITY

"It is not a question of whether we are going to have it (a nationwide network of day-care centers), but what quality is it going to be.

"I am very apprehensive that this nation may set up a network of warehouses for children."

Instead of supplementing the family, Dr. Zigler fears the day-care centers might supplant the family—and thus revolutionize American family attitudes.

Dr. Zigler, who today addressed the South Pacific Regional Conference of the Child Welfare League and talked extensively to newsmen, is in a personal dilemma.

COST FACTOR

He sides with advocates of quality day-care services—estimated to cost \$1600 a year for a child—and believes less expensive care is short-sighted and more costly in the long run.

Yet he fears what he favors.

He pointed out to newsmen that the Soviet Union, once oriented toward the day-care concept, is now moving in an opposite direction.

"It seems a metamorphosis took place where the family reasserted itself," he said.

DIRECTION

The United States, however, appears to be headed in an institutional direction.

Dr. Zigler once headed the Head Start program, which is now under his jurisdiction as chief of the Children's Bureau in the Department of Health, Education and Welfare.

EXHIBIT 2

[From the Seattle Times, Dec. 26, 1970]

DAY-CARE CENTERS CAN'T FILL CHILD'S NEED FOR HIS MOTHER

(By Al Dieffenbach)

The lack of a mother's love, warmth and attention in a child's early months and years results in the severest kinds of emotional troubles later, a Seattle psychiatrist said here yesterday.

"There is no good substitute for a mother's presence," Dr. Jack Raskin, director of the Children's Orthopedic Hospital psychiatry service, said in an interview.

"The best day-care center in the world cannot begin to compete in this regard with even the average mother," he said.

"A lot of people are crying for day-care centers. What they are saying is 'do something' rather than 'what's the problem?'" Dr. Raskin said.

Money spent on job-training programs for mothers with small children and on day care for these children would better be spent on financial support and some help from a social worker to keep the mother at home with her child, the psychiatrist said.

A 7-month-old child moved to a day-care center has a major disruption in his life, he said. These are the children who later are seen "flunking out of kindergarten" because of behavior problems, tensions, anger, frustration, or hopelessness, Dr. Raskin said.

Situations vary, however, he admitted. Some working mothers may feel guilty about leaving their child to the care of someone else, but they may spend their at-home time showing warmth to the child.

These mothers, in fact, may sometimes be doing better than an uncaring mother, who, although she is home all day, is further away from the child, emotionally speaking, than the working mother, Dr. Raskin said.

"The quality of the love given a child is more important than the quantity, but the quantity helps, too," he said.

"Give a child two or three years of love, and he's going to 'make it' in life," the psychiatrist said, adding that "It is the erratic early years that cause future problems."

A child's self-control, learning abilities and cooperation are by products of the emotional stability that come from being loved, being needed and being wanted, he said.

"The unloved child feels worthless and hated, and he hates in return," Dr. Raskin said.

By the age of 2 or 3, the unloved child will show lagging development. By the age of 5 or 7, there are serious management problems in school.

When the child reaches the 10-13 bracket, his self-hate and the hate directed outward may result in anti-social acts of violence. Young adults, who lacked early mother love, feel valueless, angry, degraded and dehumanized, Dr. Raskin said.

"I've heard it hundreds of times in psychiatric clinics: 'I wonder where my mother is' or 'When is my mother coming back?'"

"I've said it dozens of times: 'Your kid doesn't listen to you or obey you because he feels and knows that you haven't and don't care about him.'"

"The thing that frightens me is to see a child and his mother in my office and his mother in my office with no apparent attachment or involvement between them," the psychiatrist said.

Poverty, poor housing, poor job opportunities and inadequate education can be corrected, but they are superficial, he said. "The

basic fact is that so many of our so-called problem children never learned that they were loved and never learn to be able to love in return," the psychiatrist said.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. TAFT. Mr. President, as we come to the time for a vote on the motion to recommit, I just want to restate again the position I have stated here earlier, to the effect that this is a procedural rather than a substantive question. I have every confidence that if the motion to recommit is agreed to and the child development portions of the bill go back to the Committee on Labor and Public Welfare, it will be reported by the committee in a reasonable period of time. I hope that if that happens, we will have an opportunity to consider, in greater detail than we have, many of the questions which have come up with regard to the makeup of the council and the powers of the council and the method by which these child development programs are going to be operated by the sponsors or the council.

I hope, also, that we can get into some clarification of the very apparent confusion that still exists as to the question of the fee charges being proposed and the family income levels that would be related to those fee charges.

I feel that the present provisions in the bill which I tried, but failed to amend yesterday—are extremely confusing and, unfortunately, arbitrary in their application.

I feel that the child advocacy program has had entirely insufficient discussion in committee, with no real opportunity for expert witnesses to appear on either side of that measure.

I feel that the question as to who may be the prime sponsors of the program is something that ought to be considered further by the committee before the Senate finally acts upon these measures.

The other provisions in the bill—the earmarking provisions and the reorganization provisions—which we failed to amend yesterday could be clarified far more easily in the House and in the conference committee, if we were not complicating them by having them included in the same legislation with the new child development program.

For all these reasons, I feel that the motion to recommit deserves the favorable support of the Senate, and I urge the Senate to support it.

Mr. BYRD of West Virginia. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from New York (Mr. JAVITS) be recognized for not to exceed 5 minutes, after which the rollcall vote is to begin.

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

Mr. JAVITS. Mr. President, I have asked for this time—and I am obliged to the deputy majority leader for yielding it to me—because I am the ranking Republican member of this committee. I joined with Senator MONDALE in working out the child development title; hence, I wish to express my view about it to the Senate before it votes.

In my judgment, this is the very best

result the committee can produce. A significant amount of the thinking of the administration is represented here, and amendments offered by all members of the minority, including Senator TAFT; I deeply believe that to send the bill back to the committee is only a way of saying to the committee, "We disapprove of this title"—not just a matter of reworking some defect which may have been found in the bill.

I am a coauthor of this title, with Senator MONDALE, the chairman of the Subcommittee on Children and Youth, Senator SCHWEIKER, the ranking minority member of the Subcommittee on Employment and Poverty, and Senator NELSON, the chairman of the subcommittee.

We regard the title as a direct and meaningful response to the call of the President's White House Conference on Children, held last December, for the formulation of effective procedures for implementation and administration of child development programs:

By which all available or committed resources can be identified, coordinated and harmonized into a National effort, having as its goal the enhanced development of the American child through the remaining years of the Twentieth Century."

The establishment of a comprehensive program of child development, with emphasis on local decisionmaking, parental involvement, comprehensiveness of services and adequate funding was identified by the more than 1,500 delegates at the Conference as the top priority for the next decade.

To this recommendation, the sponsors of this bill have tailored a title with specific regard to the four elements identified by the conference which I have just listed.

I consider it important that these elements be highlighted briefly so that the Senate will understand more extensively the rationale behind the title.

First decisionmaking at the local level: In the opinion of the sponsors, essential responsibility must be placed at the local level if truly comprehensive services are to be provided parents and other members of the family are to participate and existing programs are to be coordinated.

This was the thrust of the Comprehensive Community Child Act of 1971 which I introduced last December, and it is the major aspect of this bipartisan proposal which the Senate now considers.

Mr. President, it is vital that this emphasis be maintained. As President Nixon stated in the state of the Union address at the beginning of this Congress—sensing the frustration of the American people:

We hear you and will give you a chance. We are going to give you a new chance to have more to say about the decisions that affect your future—to participate in government—because we are going to provide more centers of power where what you do can make a difference that you can see and feel in your own life and the life of your own community.

I can think of no more appropriate subject area for the application of this principle than the crucial matter of child development.

Mr. President, in committee the sponsors of this bill have attempted to achieve an appropriate balance—consistent with

the concept of community control—between the role of local general governments on the one hand and State governments on the other.

In my opinion, an appropriate balance has been struck as follows:

First, the committee bill provides that any city, municipality, or county having general governmental powers, or combinations thereof, Indian tribe on a Federal or State reservation, and, under certain circumstances, public and private nonprofit agencies are eligible to serve as prime sponsors for comprehensive child development programs.

However, we were mindful that all local units may not have the capability to carry out adequate programs. We included therefore two essential tests of capability into the bill. Section 513 requires that as a further condition to eligibility, prime sponsorship plans must include assurances that—

Administrative expenses for child development councils will not exceed 5 percent, with the authority of the Secretary to make exceptions in certain cases.

The prime sponsor will have the capacity to provide or enter into arrangements to provide family, social, health, educational, nutritional, and related services.

The first stipulation, which I submitted, should test the extent to which the proposed prime sponsorship area is, in terms of cost effectiveness, an appropriate unit for the conduct of programs. If administrative expenses are excessive then it may be assumed that the area is not of an appropriate size to make combined administration worthwhile.

We have chosen 5 percent as the limit, but, in recognition of higher startup costs for the first operational year of the program and other factors that may pertain have given the Secretary the discretion to make exception, pursuant to regulations in certain cases.

The second stipulation, submitted by Senator CRANSTON, deals with the essential relationship between the child development programs to be conducted and the availability of related services that will be necessary if programs are to be truly comprehensive. A unit too small or otherwise unable to enter into appropriate arrangements to link up with hospital services, educational units, would not be able to meet this requirement.

Second, State government is given a significant role in child development programs.

A State government may serve as prime sponsor as to the areas as to which local general governments have not made application or are unable to meet the criteria which I have outlined. This authority is set forth in section 513(e).

The Governor must be given an opportunity to comment upon the prime sponsorship plans and comprehensive child development plans submitted by units of general local government. These authorities are set forth in sections 513(g) and 515(b) (3) respectively.

Up to 5 percent of the funds apportioned for use within a State may be utilized by the Secretary for a number of activities by the States in support of local programs. This authority is outlined in sections 510(c) and 517.

The latter section—which I authored—

is included in recognition of the substantial role that the States may play in providing an overview of activities and achieving coordination.

Specifically, section 517 authorizes grants for the following purposes within the State:

Identifying child development goals and needs;

Assisting in the establishment of child development councils and strengthening their ability to run programs;

Encouraging the cooperation and participation of State agencies;

Developing information useful in evaluating prime sponsorship plans and comprehensive child development plans;

Encouraging the full utilization of resources and facilities for child development programs within the State;

Disseminating the results of research on child development programs;

Conducting programs for the exchange of personnel involved in child development programs within the State;

Assisting public and private nonprofit agencies and organizations in the acquisition or improvement of facilities for child development programs;

Assessing State and local licensing codes as they relate to child development programs within the State; and

Developing information useful in reviewing prime sponsorship plans under section 513(g) and of comprehensive child development plans under section 515(b) (3).

Mr. President, during the Committee on Labor and Public Welfare's consideration of child development legislation, I attempted to reconcile the position of the administration, which favors a straight population requirement of 100,000 for prime sponsorship of localities, with that of the sponsors of this bill, which regard such a limit as inflexible and damaging to the concept of community decision-making. I consider it my duty, to make this effort to see if the parties might reach agreement and I felt that there could be little doubt that my preferences were clearly for the undiluted community approach, which I first proposed last year.

When it became clear that the parties could not reach agreement on my proposal—which would have used the 100,000 as a guidepost in shifting the burden of proof—I indicated my opposition to the inclusion of any population cutoff, whether arbitrary or even with some flexibility, and accordingly, I indicated my opposition to the amendment proposed yesterday by Senator TAFT to that end.

Second, parental involvement: The bill requires that parents provide at least one-half of the membership of child development councils, which are responsible for formulating the programs for the area under the title that each project applicant maintain policy committees with similar parental representation. These provisions coupled with sections of the bill encouraging parental participation in the programs themselves, should insure that programs under the title reinforce rather than obstruct the family life and environment.

Third, comprehensiveness of services: The bill emphasizes the need for services that will provide the educational, health,

nutritional and related elements necessary for the full development of each participating child.

While child development programs are necessary in many cases to permit parents to work, we should keep in perspective their principal objective of providing adequately for the child. It is appropriate therefore that the bill, takes as its base the Headstart program which has placed great emphasis on such services.

Mr. President, the bill authorizes \$2 billion for fiscal year 1973, the first full year of operation for the child development title, as well as \$100 million for fiscal 1972 for startup costs. These are substantial sums in terms of present Federal expenditures for child development programs, but, as noted in the committee report, they are in a sense grossly inadequate to needs, at even the present time.

Mr. President, one of the key matters considered in the committee was the desirability of section 581(5) which defines "economically disadvantaged" in terms of the lower income budget defined by the Bureau of Labor Statistics—which may reach \$6,900 for a family of four in certain areas of the country, coupled with section 516(a) (8) (A) which provides that no charge may be made for such children; a sliding scale of fees would apply to those above the level.

These sections are designed to insure that this comprehensive program is one that is not limited to those in the poverty category—where the line is drawn at \$3,920 for an urban family of four or those who fall within the welfare cutoff—where the line is drawn at \$4,320 for such a family—but includes the near poor and other groups, so that each can benefit from the other.

Mr. President, again, although I sought to achieve a compromise between the position of the administration and the bill when the matter was considered in committee, I support generally these provisions as they now stand in the bill.

Mr. President, in response to my colleague from New York, for whom I have the greatest affection and respect, let me say that I will lend myself to an amendment which will make clear that this is a measure in the interests of the Nation and that it does not involve any coercion of the child or the child's parents or guardian. There is no such purpose or intent, either expressly or by implication, and it should not be so construed. Whatever my colleague from New York may feel—we will check it to see that it has no other implications, and will assure those who have to live with this measure of that fact—I will certainly lend myself to endeavoring to bring about its inclusion in the bill. That is only fair and just, and we are indebted to him for pointing out this overriding moral responsibility which remains in the parent and the guardian and the rights of the child to be a child of a parent or under the care of a guardian.

I thank my colleague from West Virginia for giving me this time to make these comments.

In conclusion, we have worked with children and we have had the children's bureau for decades. We have recognized that the child is a care of the State. State

law recognizes it. Federal law has recognized it in many affirmative programs. This is but the summation, the articulation, in a sophisticated way, of programs to deal with the care of children insofar as society is interested in a sound, healthy, educated, and well cared for child.

Mr. President, the base of great reforms in this country, including welfare reform, depends upon what we do upon this measure. The question is whether we shall narrowly confine it to the economics of the child? In other words, if it is a poor child or a disadvantaged child, shall we give it assistance, or shall we broaden that concept in order to free the parent for constructive work, which is what we are aspiring to do in our welfare reform, and also to see to the adequate development of the child, whatever may be his economic status, if that development is deficient?

One of the strongest points of this bill, rather than its weakest, is the fact that for the first time it will bring about an admixture in respect of children's development, among children of various economic levels. I wish it could have been greater. But, Mr. President, with the basic statistic that 6 million children need day-care slots—and there are now only 700,000 such slots—we can well see that an appropriation of \$2 billion per annum is no monumental revolution in this respect. It will just begin to do something. We should certainly make a beginning on it, in view of our passion for welfare reform.

In my judgment, we would have no right to pass a war against poverty bill at this stage of our national life without this child development title and the concept of child development. The concept of looking after only poor children as it relates to title I of the Elementary and Secondary Education Act, has demonstrated to us why it is too narrow and why the broader concept of child development is absolutely essential to our national future.

For all these reasons, Mr. President, I hope that the motion to recommit will be rejected.

The PRESIDING OFFICER (Mr. STEVENSON). All time has now expired.

The question is on agreeing to the motion of the Senator from Ohio (Mr. TAFT) to recommit the bill, S. 2007.

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 (after having voted in the negative). On this vote I have a pair with the Senator from Minnesota (Mr. HUMPHREY). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Having already voted in the negative, I withdraw my vote.

Mr. FANNIN (after having voted in the affirmative). On this vote I have a pair with the Senator from Indiana (Mr. HARTKE). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from

Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. MAGNUSON), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Montana (Mr. MANSFIELD), and the Senator from Utah (Mr. MOSS) 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), and the Senator from Oklahoma (Mr. HARRIS) would each vote "nay."

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

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from New Jersey (Mr. CASE), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Wyoming (Mr. HANSEN), the Senator from Idaho (Mr. JORDAN), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from Nebraska (Mr. HRUSKA) and the Senator from Iowa (Mr. MILLER) are absent to attend funeral of the Honorable Bourke B. Hickenlooper. The Senator from Kentucky (Mr. COOPER), the Senator from South Dakota (Mr. MUNDT), and the Senator from Vermont (Mr. PROUTY) are absent because of illness.

If present and voting, the Senator from Nebraska (Mr. HRUSKA) and the Senator from Maine (Mrs. SMITH) would each vote "yea."

On this vote, the Senator from Iowa (Mr. MILLER) is paired with the Senator from New Jersey (Mr. CASE). If present and voting, the Senator from Iowa would vote "yea" and the Senator from New Jersey would vote "nay."

The result was announced—yeas 17, nays 46, as follows:

[No. 218 Leg.]

YEAS—17

Allen	Byrd, Va.	Roth
Baker	Cook	Stennis
Beall	Dole	Taft
Boggs	Goldwater	Thurmond
Brock	Griffin	Tower
Buckley	Gurney	

NAYS—46

Bentsen	Chiles	Eagleton
Brooke	Church	Ellender
Cannon	Cranston	Ervin

Fulbright	McClellan	Randolph
Gambrell	McGee	Ribicoff
Gravel	McGovern	Schweiker
Hart	McIntyre	Spong
Hatfield	Metcalf	Stevens
Hughes	Mondale	Stevenson
Inouye	Montoya	Symington
Jackson	Nelson	Talmadge
Javits	Packwood	Tunney
Jordan, N.C.	Pastore	Weicker
Kennedy	Pearson	Williams
Long	Percy	
Mathias	Proxmire	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Byrd of West Virginia, for.
Fannin, for.

NOT VOTING—35

Alken	Dominick	Miller
Allott	Eastland	Moss
Anderson	Fong	Mundt
Bayh	Hansen	Muskie
Bellmon	Harris	Pell
Bennett	Hartke	Prouty
Bible	Hollings	Saxbe
Burdick	Hruska	Scott
Case	Humphrey	Smith
Cooper	Jordan, Idaho	Sparkman
Cotton	Magnuson	Young
Curtis	Mansfield	

So the motion to recommit was rejected.

The PRESIDING OFFICER. Under the previous order the Chair recognizes the Senator from Kentucky (Mr. COOK).

Mr. COOK. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. COOK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. I will explain it.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

Strike out on page 87, line 9, down through line 3 on page 115 (section 901) and insert in lieu thereof:

"TITLE IX—LEGAL SERVICES CORPORATION

"ESTABLISHMENT OF CORPORATION

"SEC. 901. (a) There is authorized to be established in the District of Columbia a nonmembership, nonprofit corporation to be known as the 'Legal Services Corporation' (hereinafter referred to as the 'corporation'), for the purpose of providing legal services in noncriminal matters to persons financially unable to afford as ascertained pursuant to guidelines established by the corporation under section 905(a)(2) (hereinafter referred to as 'eligible clients'). The corporation shall not be an agency or establishment of the United States. To the extent consistent with this Act, the corporation shall be subject to the provisions of the District of Columbia Nonprofit Corporation Act.

"(b) The initial board of directors appointed pursuant to section 902 of this Act shall take whatever actions are necessary and appropriate to establish the corporation pursuant to the District of Columbia Nonprofit Corporation Act.

"(c) The corporation shall maintain its principal office in the District of Columbia and shall, at all times, maintain therein a designated agent to accept service of process for the corporation. Notice to or service upon the agent shall be deemed notice of service upon the corporation.

"GOVERNING BODY

"Sec. 902. (a) The corporation shall have a board of directors (hereinafter referred to as the 'board') consisting of eleven members appointed by the President, by and with the advice and consent of the Senate, no more than six of whom shall be of the same political party. A majority shall be members of the bar of the highest court of a jurisdiction and none shall be a full-time employee of the United States.

"(b) The term of office of each member of the board shall be three years or until his successor has been appointed and has qualified; except that of the members first appointed, five members designated by the President shall serve for a term of two years. For purposes of this subsection, the term of two years. For purposes of this subsection, the term of office of the initial members of the initial members of the board shall be computed from the date of incorporation. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term. The term of all members shall be computed from the date of termination of the preceding term. No member shall be reappointed to more than two consecutive terms immediately following his initial term.

"(c) The members of the board shall not, by reason of such membership, be deemed officers or employees of the United States.

"(d) The board shall select a chairman from among its members who shall serve for a term of one year.

"(e) A member of the board may be removed by a vote of seven members for malfeasance in office, persistent neglect of or inability to perform duties and for no other cause.

"(f) Within six months following the appointment of all members of the board, the board shall appoint an advisory council. The advisory council membership shall include persons who meet the client-eligibility standards described in section 905(a)(2) and representatives of the organized bar. The council shall be convened by the president of the corporation, at least twice annually, and shall render advice to the corporation on matters pertaining to the corporation's activities.

"OFFICERS AND EMPLOYEES

"Sec. 903. (a) The board shall appoint the president of the corporation, who must be a member of the bar of the highest court of a jurisdiction and shall be a nonvoting, ex officio member of the board, and such other officers as may be necessary. No officer of the corporation may receive any salary or other compensation for services from any source other than the corporation during his period of employment by the corporation. All officers shall serve at the pleasure of the board.

"(b) The president of the corporation, subject to general policies established by the board, may appoint and remove such employees as may be necessary to carry out the purposes of the corporation.

"POWERS, DUTIES, AND LIMITATIONS

"Sec. 904. (a) To the extent consistent with this Act, the corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act.

"(b) In addition to the powers conferred by subsection (a), the corporation shall have authority—

(1) to obtain grants from and to make contracts with individuals, and private and State and local government agencies, organizations, and institutions;

(2) to contract with or make grants to individuals, partnerships, firms, organizations, corporations, or other appropriate entities (hereinafter referred to as "recipient") for the purpose of providing legal assistance to eligible clients;

(3) to represent the collective interests of the eligible clients under this Act before Federal agencies with a view to identifying and resolving issues which might otherwise result in multiple litigation arising out of the administration of the agencies' programs;

(4) to accept gifts, devises, and bequests not inconsistent with the purposes of the corporation; and

(5) to undertake, either directly or by grant or contract:

(A) research;

(B) training and technical assistance;

(C) to serve as a clearinghouse for information; relating to the delivery of legal services under this Act.

"(c) (1) The corporation shall have authority to insure the compliance of recipients and their attorneys with this Act, the corporate charter and bylaws and to terminate funding where a recipient fails to comply.

(2) If an attorney participating in a program funded by the corporation violates the provisions of this Act or the charter, bylaws, or guidelines of the corporation, the recipient shall take appropriate disciplinary action.

(3) The corporation shall not interfere with any attorney in carrying out his professional responsibility to his client or abrogate the authority of a particular jurisdiction to enforce the applicable standards of professional responsibility which apply to the attorney.

"(d) The corporation shall have no power or authority—

(1) to initiate or defend litigation on behalf of clients other than the corporate entity itself;

(2) to undertake 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 their committees, unless such bodies, their members or their committees request that the corporation make representations to them.

"(e) (1) The corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) No part of the income or assets of the corporation shall inure to the benefit of any director, officer, or employee except as salary or reasonable compensation for services.

(3) The corporation may not contribute to or otherwise support any political party or candidate for elective public office.

"CORPORATE GRANTS AND CONTRACTS

Sec. 905. (a) With respect to contracts or grants to provide legal assistance to eligible clients, the corporation shall—

(1) Insure the maintenance of the highest quality of service and professional standards, adherence to the preservation of attorney-client relationships, and the protection of the integrity of the adversary process from any impairment in furnishing legal services to eligible clients.

(2) Establish guidelines to insure that eligibility of clients will be determined by recipients on the basis of factors which include:

(A) the assets and income level of the client;

(B) the fixed debts, medical expenses, and other factors which affect the client's ability to pay;

(C) the size of the client's family;

(D) the cost of living in the locality; and

(E) such other factors as relate to financial inability to afford legal assistance; and establish priorities to insure that those least able to afford legal services are given preference in the furnishing of such services.

(3) Establish a graduated schedule of fees which will require the client, if able, to pay at least a portion of the cost of legal services, based on the factors enumerated in paragraph (2) of this subsection.

(4) Insure that grants or contracts are made in such a way as to provide adequate

legal representation to persons in both urban and rural areas.

(5) Insure that attorneys employed full time in legal service programs funded by the corporation represent only eligible clients and refrain from any outside practice of law.

(6) Insure that all attorneys refrain from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representatives to such bodies, their members or their committees, while engaged in activities carried on by legal service programs funded by the corporation, unless such bodies, their members, or their committees request that the attorney make representations to them; and that attorneys employed full time by legal services programs funded by the corporation refrain from such lobbying at any time, unless such bodies, their members, or their committees request that the attorney make representations to them.

(7) Insure that all attorneys, while engaged in activities carried on by legal services programs funded by the corporation, refrain from—

(A) any partisan political activity associated with a candidate for a public or party office or an issue specifically identified with a National or State political party;

(B) any activity to provide voters or prospective voters with transportation to the polls or provide similar assistance in connection with an election (other than legal representation in civil or administrative proceedings); or

(C) any voter registration activity (other than legal representation), and insure that attorneys employed full-time in legal services programs funded by the corporation refrain from the above enumerated activities at any time.

(8) The corporation shall establish guidelines for a system for review of appeals to be implemented by each recipient to insure the efficient utilization of resources and to prevent the taking of frivolous and duplicative appeals.

"(b) No funds made available by the corporation pursuant to this Act, either by grant or contract, may be used—

(1) To provide legal services with respect to any criminal proceeding (including any extraordinary writ, such as habeas corpus and coram nobis, designed to challenge a criminal proceeding);

(2) For any of the political activities described in paragraph (7) of subsection (a) of this section; or

(3) To award grants or enter into contracts with so-called "public interest law firms" which intend to expend at least 75 per centum of their resources and time litigating issues either in the broad interests of a majority of the public or in the collective interests of the poor, or both.

"(c) In making contracts or grants for legal assistance, the corporation shall insure that any recipient organized solely for the purpose of providing legal services to eligible clients is governed by a body consisting of a majority of lawyers.

"(d) The corporation shall monitor and evaluate recipient programs in order to insure that the purposes of this Act and the charter and bylaws of the corporation are carried out.

"(e) Grants and contracts pursuant to this Act shall be made or refused by the president of the corporation, but the board shall have authority to establish, by rules, which classes of grants or contracts it wishes to review and approve prior to such action by the president.

"(f) At least thirty days prior to the corporation's approval of any grant or contract application, the corporation shall notify the Chief Executive Officer of the State, Commonwealth, District of Columbia, or possession in which the recipient will offer legal services. Notification shall include a reason-

able description of the grant or contract application.

"RECORDS AND REPORTS

"Sec. 906. (a) The corporation shall have authority to require such reports as it deems necessary from recipients with which it has made contracts or grants.

"(b) The corporation shall have authority to prescribe the keeping of records with respect to funds provided by grant or contract and shall have access to such records at all reasonable times for the purpose of insuring compliance with the grant or contract.

"(c) The corporation shall publish an annual report by April 15 of each year which shall be filed by the corporation with the President, the Congress, and the Commissioner of the District of Columbia.

"AUDITS

"Sec. 907. (a) The accounts of the corporation shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants who are certified by a regulatory authority of a State; except that for the period ending December 31, 1975, such audits may also be conducted by:

"(1) Independent public accountants who are not certified but who are licensed to practice by a regulatory authority of a State; or

"(2) Independent public accountants who, although not so licensed or certified, meet, in the opinion of the board, standards of education and experience representative of the highest prescribed by the licensing authorities of the several States which provide for the continuing licensing of public accountants and which are prescribed by the board in appropriate regulations; provided that if the board deems it necessary in the public interest, it may prescribe, by regulation, higher standards than those required for the practice of public accountancy by the regulatory authorities of the States.

"(b) The audits 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 other papers, things or property belonging to or in use by the corporation and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons. The report of the annual audit shall be filed with the General Accounting Office and shall be available for public inspection during business hours at the principal office of the corporation.

"(c) In addition to the annual audit, 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 by the General Accounting Office in accordance with such rules and regulations as may be prescribed by the Comptroller General of the United States. 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. A report of any such audit shall be made by the Comptroller General to the Congress and to the President, together with

such recommendations with respect thereto as he shall deem advisable.

"(d) The corporation shall have a right to require an audit report from any recipient of a grant or contract with respect to funds received from the corporation. The Comptroller General of the United States shall have access to such reports and may, in addition, inspect the books, accounts, records, files, and all other papers, things, or property belonging to or in use by the recipient, which relate to the disposition or use of funds received from the corporation. Notwithstanding this subsection, neither the corporation nor the Comptroller General shall have access to individual case records subject to the attorney-client privilege.

"FINANCING

"SEC. 908. There is authorized to be appropriated such sums as may be necessary to carry out the activities of the corporation. The first such appropriation may be made available to the board at any time after six or more members have been appointed and qualified, notwithstanding that incorporation may not yet have been accomplished. Subsequent appropriations shall be for three-year periods or such other periods as appropriation Acts may designate, and, if for more than one year, shall be paid to the corporation in annual installments at the beginning of each fiscal year in such amounts as may be specified in the appropriation Acts.

"RIGHT TO REPEAL, ALTER, OR AMEND

"SEC. 909. The right to repeal, alter, or amend this title at any time is expressly reserved.

"APPLICABILITY OF OTHER PROVISIONS OF LAW

"SEC. 910. In the absence of specific reference to this title, the provisions of other titles of this Act (and references to this Act in other statutes) shall not be construed to affect the powers and activities of the corporation or to have any applicability with respect to programs and activities assisted by the corporation."

SEC. 9. The Economic Opportunity Act of 1964 (78 Stat. 508) is further amended (42 U.S.C. 2701 et seq.) by striking out paragraph (3) of section 222(a) thereof.

SEC. 10. (a) Title IX of the Economic Opportunity Act of 1964, as added by this Act, shall take effect on the date of enactment of this Act.

(b) Section 3 of this Act shall take effect on (1) the date of incorporation of the Legal Services Corporation, or (2) the date on which the first appropriation after incorporation becomes available to the corporation, whichever is later.

SEC. 11. Notwithstanding subsection (b) of section 4, grants and contracts for the provision of legal services and related activities which are made by the Office of Economic Opportunity prior to the effective date of section 3 of this Act shall remain valid until their expiration date or their modification or termination as provided therein: *Provided*, That the corporation shall succeed the Office of Economic Opportunity as a party thereto, and shall have the same supervisory authority and contractual relationship with respect thereto as the Office of Economic Opportunity had on the day prior to the effective date of section 3 of this Act. The Office of Economic Opportunity shall cause to be paid promptly to the corporation the portion of its unexpended balances equal to the unpaid balance of such grants and contracts.

SEC. 12. In employing its personnel, the corporation shall give due consideration to those persons employed in the Office of Legal Services of the Office of Economic Opportunity on the effective date of this Act.

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

Mr. COOK. I yield.

Mr. BYRD of West Virginia. Is it the Senator's intention to ask that the yeas and nays be ordered?

Mr. COOK. Yes.

Mr. BYRD of West Virginia. Will the Senator make the request now?

Mr. COOK. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a further parliamentary inquiry?

Mr. COOK. I yield.

Mr. BYRD of West Virginia. Is it the intention of the Senator from Kentucky to ask for additional time from those who control time on the bill?

Mr. COOK. I would think it might be necessary, yes; but at this time I do not know.

Mr. BYRD of West Virginia. I made the inquiry for the purpose of indicating to the Senator that if he stays within the time allotted on the amendment the rollcall vote would occur before the Senate proceeds to the other body, but if the Senator requires additional time—and the Senator is entitled to additional time if he wants it and those in control of the time are entitled to give the Senator additional time—the vote would then go over until after the joint meeting with the House of Representatives.

I thank the Senator for yielding.

ORDER OF BUSINESS

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

Mr. COOK. I yield.

Mr. McGOVERN. Mr. President, I respectfully ask unanimous consent that S. 2464, the bill I introduced just before the recess, be referred to the Committee on Post Office and Civil Service.

Mr. BYRD of West Virginia. Mr. President, I do not like to interject, but I must object because this constitutes morning business and the Pastore germaneness rule is still in operation.

Mr. McGOVERN. I misunderstood the situation. I thought the request was in order.

The PRESIDING OFFICER. Objection is heard.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

The Senate continued with the consideration of the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. COOK. Mr. President, this amendment is identical to S. 1769, a bill I introduced along with Senators BAKER, SCOTT, TAFT, and WEICKER on May 5. It substitutes the language of S. 2007, starting with title IX at line 9 on page 87, and running through line 3 on page 115.

The National Legal Services Corporation which is set up in the committee bill actually represents an anomaly that I do not understand. We first have a five-man incorporation board which then appoints an 11-man Clients Advisory Council, then appoints an 11-man Attorneys Advisory Council, then a 15-

member board of directors which then appoints a five-member executive committee.

I am not sure how any corporation is going to function under this procedure, but let me get to some of the other serious problems involved here. Under this 15-man board, the President allegedly appoints nine members. In reality, however, he only appoints four because three of his appointees must come from a list of 10 submitted by the Client Advisory Council, and two of his nine members must be appointed from a list of 10 submitted by the Project Attorneys Advisory Council. So in effect the advice and consent of the President's appointments really only affect four of a 15-member board of directors.

Second, it is rather strange, and I think there is a serious constitutional question because of the 15-member board the Senate is asked to advise and consent on only nine of them, and six of them become automatic direct appointments of specific individuals as a result of the offices they hold in private life.

Remember, Mr. President, this Commission is going to handle, if this bill passes, an annual appropriation of \$61 million. They are not accountable to the public, but accountable to the individual organizations from which they come.

I believe in legal services for the poor, as I think everyone in the Senate does. However, we do not know if all of these individuals automatically appointed also believe in this concept. Because this bill is mandatory and because this bill provides that part of the board must be the president of the American Bar Association, the president of the National Bar Association, the president of the American Trial Lawyers Association, the president of the Association of American Law Schools, and the president of the National Legal Aid and Defender Association, what do we do if these respective individuals are opposed to legal services, or are opposed to the concept of legal services as expressed by the Congress in this bill. What do we do then if this board, which is supposed to operate and bring these things into existence is opposed to the concept of legal services? We find ourselves in a position where we have frozen ourselves to named individuals and there is nothing we can do about it.

Third, and I seriously raise the question because I think it is important, what of the potential conflict of interest of these board members who come from the presidents of the various organizations. We have three who come from the Clients Advisory Council, and three from the Project Attorneys Advisory Council. Suppose all of these members are within the framework of organizations which are direct grantees of funds that will be appropriated under this act. What do we do with the people on the 15-member board who are direct grantees and who have a direct conflict of interest and are on the board, and from organizations receiving funds as a direct contribution of funds appropriated under this act?

Mr. President, one of the most important questions is the constitutionality of the Congress taking for itself the naming

of the members of the board of directors of the Legal Services Corporation and delegating such authority to private groups and to the Chief Justice of the United States.

The Constitution's deliberate separation of powers is one of the most important, fundamental principles of the American system of justice, and each branch of the Government is bound to respect it. Historical and constitutional precedent suggests that S. 2007 is inimical to our system of government. Back in the 1920's, the Philippine legislature had created two corporations, the vast majority of the shares of both being held by the Government, and the legislature vested the voting power in a board consisting of the Governor General, the President of the Senate and the Speaker of the House. Relying on provisions of the Organic Act which established a separation of powers very similar to that in the U.S. Constitution, the Supreme Court of the United States held that the legislature had acted unlawfully and in rendering its decision said that—

It may be stated then, as a general rule inherent in the American constitutional system, that, unless otherwise expressly provided or incidental to the powers conferred, the Legislature cannot exercise either executive or judicial power . . .

Legislative power, as distinguished from executive power, is the authority to make laws, but not to enforce them or appoint the agents charged with the duty of such enforcement. The latter are executive functions." Springer v. Government of the Philippine Islands, 277 U.S. 189, 201, 202 (1927).

This case is directly related to section 904 of the legal services title, and casts grave doubt upon the constitutionality of that section. The Legal Services Corporation, although stated to be independent of the executive branch, will be carrying out Executive functions. As a matter of fact, it will be charged with carrying out a law, passed by Congress, which provides for a nationwide program funded by general tax revenues. It will be performing the same functions as those currently performed by the Office of Economic Opportunity, which is part of the executive branch. As previously quoted, the power to appoint the agents charged with enforcing the laws is an Executive power. By providing that private groups and the Chief Justice may appoint Directors of the Legal Services Corporation, the section grants away a power which constitutionally belongs to the President.

It may be argued that Congress has previously established independent entities and either appointed the individuals responsible for administering them or delegated that power outside the executive branch without challenge. However, I believe that closer examination will reveal that none of these provides a precedent for the action contemplated in this bill. Either these other entities were legislative or judicial in function, or they were not funded by general tax revenues, or they had other characteristics which would not bring them within the general constitutional doctrines enumerated in the Springer decision.

Let me bring one other case to the attention of Senators which deals with this matter, because in section 906(h),

as presently in the bill, if Senators will turn to page 103, it provides:

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.

We have discussed this matter in this body on many, many occasions, with respect to legal services under the Legal Services Act for criminal matters. I refer the Members of the Senate, for instance, to the May Day activities in Washington. This means that the guidelines of the Corporation—which are not subject to review by the Senate, which are not subject to review by the OEO, which are not subject to review by the executive branch—can be determined and the money of the taxpayers can be used on legal services for any criminal activity in the United States if it is within the guidelines established by the Corporation.

I would suggest to Members of the Senate that in the substitute I have offered, under section (1), on page 10, the language is as follows:

No funds made available by the corporation pursuant to this Act, either by grant or contract, may be used—

(1) To provide legal services with respect to any criminal proceeding (including any extraordinary writ, such as habeas corpus and coram nobis, designed to challenge a criminal proceeding).

I might say to my colleagues that S. 2007 involves the setting up of a corporation which is not responsible to the taxpayers, which is not responsible to the Congress, and which is not responsible to the executive branch. We have a board that is going to handle \$61 million of the taxpayers' money and be responsible to absolutely nobody. They establish the guidelines. They are to meet with 11-member committees twice a year and conceivably deal with a five-man executive committee.

I am not sure how this body was created or how it was written, but I cannot conceive of the Congress approving a 15-man board, of which only nine shall receive the advice and consent of the Senate, and six of whom shall be automatically appointed because of their position, regardless of how they feel on the matter.

I submit to my colleagues that this does not even make sense. I submit to my colleagues that I do not know of any such corporation in the entire United States. Obviously, I do not know of any private one, and I could not conceive of any public one.

I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. Mr. President, on behalf of the floor manager, I yield myself 3 minutes.

I will respond first to the point about criminal proceedings, because the pending amendment would prohibit under any circumstances the right of project attorneys to defend in any criminal matter.

Referring the Senate to page 38 of the committee report, the committee states:

Section 906(h) permits representation in criminal proceedings—including any extraordinary writ, such as habeas corpus or coram nobis, designed to challenge a criminal proceeding—only—

I underline that—only—

Where pursuant to guideline established by the corporation it is determined that such services are not adequately available.

The Corporation's primary purpose is to represent eligible clients in civil matters. However, the Committee realizes that in some areas of the country, there is inadequate representation in criminal proceedings.

The Committee also realizes that even in areas where representation in criminal matters is generally adequate, situations may occur in which it would be necessary and proper for programs funded by the Corporation to provide criminal representation. For example, these attorneys might be called upon by judicial officials to relieve burdens caused by mass arrest situations (as they have been under the present Legal Services Program); a criminal case may arise out of and be connected to a civil matter which is being handled by a program funded by the Corporation, and legal services lawyers may bring cases to reform aspects of the criminal justice system which could not be handled by a public defender office.

These examples are not intended to be all inclusive. The Committee strongly believes that the Corporation's Board of Directors must have the discretion to determine those circumstances in which criminal representation—including the filing of extraordinary writs designed to challenge a criminal proceeding—would be permissible.

As the National Advisory Committee to Legal Services stated in its March 21, 1971 report to the President:

"A restriction on criminal representation (should) not be included as an inflexible charter provision. Difficulties in distinguishing between criminal and civil cases in some instances, variances in state legislative provisions and unavailability of competent defense services in some areas recommend that the formulation of guidelines in the criminal representation area be left to the discretion of the Board of Directors."

Permit me to make it as clear as I can that in no sense was it the intention of the committee to establish a new system of public criminal defenders; but it was recognized that in certain circumstances it may be necessary to permit a project attorney to participate in criminal matters. This is essentially the system we have today, and today there is a very, very small percentage—less than 1 percent—I believe far less than 1 percent—of the activities of the legal services attorneys involved in criminal cases. We would anticipate that that would continue to be the case, and we only wish to have criminal representation under board discretion for extraordinary circumstances.

There is one other point I wish to make. We had hearings—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MONDALE. I yield myself 2 more minutes.

We had hearings before the committee at which the president of the National Legal Aid and Defender Association and several other bar organizations testified.

Most of those witnesses—as well as the National Advisory Committee to Legal

Services—concluded that there would be occasions on which an attorney would find it essential, under the canons of ethics, to be in a position to defend in a criminal proceeding.

It seems to me that in light of all of these considerations, the work of the committee dealing with these difficult questions of handling criminal offenses was the proper way to proceed.

There was also a question about the constitutionality of this proposal. I do not believe there is any doubt that it is constitutional. We have many, many such boards. Howard University is governed by a board made up of alumni, students, and faculty. Gallaudet College is governed by 18 private citizens appointed by a congressional board. The Railroad Retirement Board, which administers a massive program, is appointed in part from persons recommended by employees and carriers. The Appalachian Regional Commission is made up of representatives other than those appointed by the President.

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. MONDALE. I yield myself 2 more minutes. The Farmers' Land Bank is made up of a board of directors from individual banks selected by the members. The Comsat Corp. is made up of members of a board appointed by the communication common carriers and by stockholders. And the enormous FNMA Corporation is governed by a board, 10 of whom—a majority—are selected by stockholders.

The key question, of course, is whether we are going to have an independent board of directors, so that, to the fullest extent possible, these legal services attorneys are going to be free to serve only the interests of their clients—as do other attorneys—or whether it will be a board which has been established for the purpose of imposing certain political and other restrictions upon the activities of these attorneys.

I feel very strongly that there should be an independent board. The National Advisory Committee to Legal Services, which reported this legislation to the President of the United States, felt the same way; it called for legislation almost identical to the committee bill. To say we have got two systems of justice in America, one for the rich—where they can go out and hire their own lawyer, who is not only free but who, under the canons of ethics, must pursue all remedies on behalf of his client—and then another system for the poor—which is dominated by a board selected by the President of the United States, and as such will be answerable to him and thus will be under political restraints and the other restrictions on the attorney found in the administration's bill—is to say to the poor, "We want you to believe in law and order, we want you to believe in a system of justice, we want you to take your grievances to court, we want you to get out of the streets, we want you to abandon violence, and we will decide under what terms and under what circumstances you will be permitted to make your case."

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MONDALE. Under our system of

law, I believe there should be the same system of justice for the poor as for the rich, and that primarily means the availability of an independent attorney, qualified and capable, and authorized to pursue all remedies available to him under the law.

That is why I strongly oppose the amendment offered by the Senator from Kentucky.

Mr. COOK. Mr. President, I have listened to the Senator's statement with great interest, because I believe in these services. I am not here to argue about essential justice, and I think the Senator knows I am not.

I am delighted that what the Senator read from page 39 shows that what I said was correct, that this does mean legal services can be utilized for criminal prosecutions and to defend in criminal actions, and although the Senator spoke of "extraordinary circumstances," the language of his bill says that—

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.

This does not say "extraordinary circumstances." It merely says that a corporation which is free of the scrutiny of Congress, which is free of the scrutiny of the Executive, can establish guidelines, and can provide that some of the \$61 million—can be used in defense of criminal actions against individuals.

My substitute says that none of it shall be used for that purpose. As a matter of fact, I am delighted that the Senator read from the report in regard to my remarks, because the committee itself said:

For example, these attorneys might be called upon by judicial officials to relieve burdens caused by mass arrest situations.

The PRESIDING OFFICER. All of the Senator's time has expired.

Mr. COOK. I ask for time on the bill.

Mr. JAVITS. I yield the Senator from Kentucky 3 minutes on the bill.

Mr. COOK. Which gets down to the very situation I have brought up, that the funds could be used for the entire situation that occurred here, or other situations of mass arrests. This is not what legal services were designed for, or contemplated for.

The Senator said that they should be responsible to the President. I might suggest that the President is responsible to the people; \$61 million of the people's funds is going to be expended here, and the Senator wishes an independent board, which is not responsible to the people, which is not responsible to Congress, which is not responsible to the President, to have the absolute freedom to expend \$61 million on legal services.

I get back to the same point: Out of a 15-member board, the President of the United States really appoints only four; because, although it says he shall appoint nine, three of them shall come from the client advisory committee, which he must take out of 10; two of them come from the attorneys' advisory committee, and

he must take them; and the rest of them are automatically appointed by virtue of their positions in private life.

I suggest to my constitutionalist friend, the senior Senator from North Carolina, that I would like to know of a time when a 15-member board was approved by Congress when nine of them had to receive the advice and consent of the Senate and six of them received no consent of any kind whatever, other than the fact that they fell within the classification or happened to hold an office in a private organization in the United States. These private organizations will be some of the largest grantees of the funds that will be made available under this program.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. NELSON. I yield to the Senator from New York whatever time he desires.

Mr. JAVITS. Mr. President, no one should fail to take Senator Cook's amendment and Senator Cook's argument seriously. I do.

I wish him and the Senate to know that I submitted for the administration many of its proposals on this matter before the committee. It was very seriously contested and very seriously opposed. The measure before the Senate is a compromise worked out by the committee members starting from two different poles, our pole—that is, the minority's pole—being the administration's bill. He and the Senate—whatever decision we decide to make in this matter—are entitled to know why we compromised, and I should like to inform the Senate on that score.

First, as to the nine members, it is understood that not only does the President have the appointment of the four, but also, the Chief Justice of the United States has the fifth. I do not think any of us would oppose that. He, for example, is the Chairman of the Smithsonian Institution, as a matter of law.

As to the members to be appointed from panels submitted by the Clients' Advisory Council and the Project Attorneys' Advisory Council, it is understood that the President can reject as many of those lists as he wishes, and they are lists of 10.

Therefore, for all practical purposes you have to suit the President before you can get those members appointed. I think it is not an unfair compromise, that that point of view of the client, himself, in this kind of situation, and the project attorney, should be represented with great latitude on the part of the President to reject the nominations. The President can reject—I state that as a matter of legislative interpretation, as this is the compromise I worked out myself along with Senators TAFT and SCHWEIKER—as many of those panels as he chooses.

As to the officials of the various organizations, again, it was quite a struggle to include those. I wanted the designees of the particular officials included, and that was finally incorporated into the language. But I should like to point out to my colleagues that we have a very strict provision in respect of conflicts of interest,

and that occurs in subsection (f) on page 95, which provides:

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.

In the event there is a direct conflict of interest, they will disqualify themselves.

One further point in that regard: Should any of these officials be opposed to legal services—they are men of distinction and honor in respect of these organizations—and be unwilling to serve or even to appoint a designee, the board simply would have to function with as many members as it has; and it has an adequate number of members to represent a quorum in order to enable it to do business. It is not unusual that particular places may have remained unfilled.

In conclusion, I believe that the scheme for the establishment of the board is a sound one. But I say frankly to the Senate that it represented a compromise between very opposing views. The majority, as represented by Senator MONDALE, would have named—literally named—on an organizational basis practically all the directors, and our attitude was to have the President appoint them, subject in many cases, to Senate confirmation.

I respectfully submit that we struck a fair middle ground.

Mr. President, we have thus specified Board composition in terms of the three major groups—the organized bar, the clients, and the project attorneys not only to provide a safeguard against political influence, but to increase the effectiveness of the program.

One of the truly heartening aspects of the history of the legal services program has been the support that it has enjoyed—through its many battles—by the organized bar. This in itself is an affirmative of our system of justice, and it should continue.

It is essential, therefore, that the Corporation be given not only the prestige—but the input of the heads of the major bar organizations.

And so it is true also of the clients and project attorney elements. For a program that does not have their confidence cannot succeed and a program which does not have their input in terms of direction cannot retain its relevancy to those that are to be served, as stated by George W. Moore, appearing on behalf of the National Clients Council before the subcommittee on October 9, 1970:

We clients did not start our believing blindly that the law was our friend, that the courts would do justice, and that lawyers were fighters for equal justice for the poor. In fact, we started by fearing the law as the enemy; fearing lawyers and the courts as part of a system which repossessed our furniture, evicted us, garnished our salaries, and sent our children to reform schools. This program has won the trust—a precarious trust, but a growing trust, among minority groups. What makes this even more amazing is that the legal profession is over 98% white. And we hardly need tell you that racism in this country has bred extreme distrust and hostility. Yet, the clients have come to trust this program because the lawyers in it fight for us; the program staff fights

to protect its integrity; and the organized bar fights to insure that the highest standards of professional conduct are maintained. We know, at least so far, that the attorney in this program owes his full loyalty to his client and only to his client—not to some politician. And the client community has a solid basis for believing that regionalization will change all this. If the poor lose faith in this program, in the possibility of equal justice through law, then all of us know the alternatives that remain.

Mr. President, again, in respect to representation in commission proceedings, this is a compromise which I had a good deal to do with fashioning. The majority point of view would have made all criminal proceedings subject to legal services. I realize that that has been one of the great controversies raised in the legal services program, and the compromise is based very largely upon my experience as an attorney general, just as Senator Cook is very qualified in that regard as well. Based upon that experience, I felt that as legal aid societies and public defenders do not adequately cover the situation throughout the country and in other circumstances of merit some opening should be afforded—with so representative a board as we had provided for—to allow such exigencies as affected the poor and criminal proceedings to be looked after.

Let us remember that, so far as the poor are concerned, this defense in criminal proceedings is probably as critically a kind of representation as they need. Practicing lawyers know that the legal aid society-public defender technique is simply inadequate in various places throughout the country, whatever may be the good will involved to cover the real need of the poor. The poor feel that most keenly that because they cannot be represented by high-priced lawyers; it is they who get the penalties, it is they who are made to take the guilty pleas, it is they who are kept in jail for long periods of time, because they cannot get bail, and that in this respect they are really the oppressed of the community.

So I felt that it was only fair, in view of the fact that we could not arrive at a situation in which no criminal legal representation provided would be, that this kind of provision should be made.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I yield myself 1 minute on the bill.

I wish to point out that the report states very clearly that the primary responsibility of the Legal Services Corporation is to represent eligible clients in civil matters, so that criminal proceedings are an exception.

As to the control over this corporation, let us remember that we will have to appropriate additional money beyond the reservation and do it every year. If we do not like it, we can either repeal the law or not give them any money or very little money. As a matter of fact, I stood on this floor and fought the battle for the U.S. Information Agency and the Voice of America some years ago. The then majority leader, a former President of the United States, Lyndon Johnson, cut them to ribbons, from \$140 million to \$80 million, because he wanted to show that the Senate thoroughly disapproved of

what the Director of that agency was doing.

So we know how to effectuate control if we want to.

For all these reasons, with the greatest respect for what the Senator is trying to do. I feel that we have arrived at a fairly balanced compromise, that it will work, that it is an equitable one, and that the amendment thereto should be rejected.

Mr. COOK. Mr. President, I ask for 3 minutes on the bill.

Mr. JAVITS. I yield 3 minutes on the bill.

Mr. COOK. Mr. President, I merely mean to conclude by saying that in S. 2007 we have a monstrosity that starts off with five presidents of five private associations throughout the United States who automatically become members of the 15-member board. We have an 11-member clients' advisory council, we have an 11-member project attorneys' advisory council, we have a 15-member board, and we have a five-member executive committee.

I might say again that the President of the United States really has authority to appoint only four. I will agree with the Senator from New York that they have got to be consistent with what the President may like but, if not, they will go back to the private attorneys' council and ask for another list, and another list, and another list. It is conceivable that this corporation could never be set up, because it is necessary that outside organizations submit lists to the President and he must be satisfied with three from one list and two from another list. If not, he can continue to send them back and it could stymie the entire system of legal services throughout the United States. We then find out that of the nine he must appoint five, of whom he must take from submitted lists, only the nine are subject to the advice and consent of the Senate and six are subject to direct appointment by reason of their position, regardless of whether they are ideologically inclined toward legal services for the poor as defined in this bill or not. It makes absolutely no difference.

Second, and I repeat, it is made clear in the language of S. 2007, and in the language of the report, that substantial sums involved in this could be used to defend criminal prosecutions throughout the United States. Defense of criminal activities was never intended to be part of the national legal services. When one reads the language of the report and when one remembers the situation as it occurred in Washington, D.C. last May, this bill could be used for the defense of those activities. The language of S. 2007 does not say "extraordinary circumstances" as the senior Senator from Minnesota explains, but, on page 103 of the bill, it merely says, "guidelines established by the corporation." Attorneys of the Legal Services Corporation might be called upon by judicial officials to relieve the burdens caused by mass arrest situations, so that means that funds expended for legal services could be utilized for criminal matters, which was never the intention of the basis of this legislation in the first place.

The PRESIDING OFFICER (Mr.

STEVENSON). All time on the amendment has now expired.

ORDER FOR VOTE ON PENDING AMENDMENT

Mr. BYRD of West Virginia. Mr. President, will the Senator from Wisconsin (Mr. NELSON) yield me 1 minute on the bill?

Mr. NELSON. I yield the Senator from West Virginia 1 minute.

Mr. BYRD of West Virginia. May I inquire of the distinguished Senator from Kentucky (Mr. COOK), the sponsor of the amendment, whether he would be willing to have the vote on his amendment occur following a brief quorum call immediately upon the return of Senators to the Chamber after the joint session and the joint meeting today.

Mr. COOK. That will be perfectly agreeable to me.

Mr. BYRD of West Virginia. I thank the distinguished Senator from Kentucky.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the joint session and the joint meeting today of the two Houses, there be a brief quorum call and that upon rescinding of the quorum call, or the conclusion of the quorum call, whichever may be the case, the rollcall vote on the pending amendment offered by the distinguished Senator from Kentucky (Mr. COOK) then occur.

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

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

AUTHORIZATION FOR THE HONORABLE CARL ALBERT, SPEAKER OF THE HOUSE OF REPRESENTATIVES, TO ACCEPT AND WEAR THE ANCIENT ORDER OF SIKATUNA

Mr. BYRD of West Virginia. Mr. President, having discussed this matter with the very distinguished assistant Republican leader, I ask unanimous consent that the Chair now lay before the Senate, without the time being charged to either side on the pending bill, a message from the House of Representatives on House Joint Resolution 850.

The PRESIDING OFFICER (Mr. BENTSEN). The Chair lays before the Senate House Joint Resolution 850, which the clerk will state by title.

The assistant legislative clerk read the resolution as follows:

House Joint Resolution 850. Joint resolution authorizing the Honorable CARL ALBERT, Speaker of the House of Representatives, to

accept and wear the Ancient Order of Sikatuna (Rank of Datu), an award conferred by the President of the Philippines.

The PRESIDING OFFICER. Without objection, the resolution will be considered as having been read twice.

Mr. BYRD of West Virginia. Mr. President, this matter has been discussed with the very distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT), and it is with his acquiescence that I now ask unanimous consent, after having also consulted with the distinguished assistant Republican leader, that the Senate proceed to the immediate consideration of the joint resolution which honors the great Speaker of the House of Representatives and which authorizes him to accept and wear the Ancient Order of Sikatuna, an award conferred by the President of the Philippines.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution (H.J. Res. 850) was considered, read a third time, and passed.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Now, Mr. President, I hope that the cloakroom will alert all Senators to the fact that the Senate will assemble as a body and will depart from the Chamber at 12:13 p.m. today to meet with the other body in a joint session to hear the address by the President of the United States.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum without the time being charged against either side.

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. BYRD of West Virginia. Mr. President, I ask unanimous consent that the distinguished Senator from Louisiana (Mr. LONG) may proceed out of order for 1 minute, without the time being charged against either side.

The VICE PRESIDENT. Without objection, it is so ordered.

WELFARE REFORM?

Mr. LONG. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the Shreveport Journal on September 1, 1971, entitled "Welfare Reform?"

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

WELFARE REFORM?

We believe that Sen. Russell B. Long of Louisiana is quite correct in his predictions as to where the so-called Welfare Reform bill sponsored by the Nixon Administration would lead the nation.

The bill proposes that every family be assured of an income of \$2,400 a year. This, Senator Long says, would increase the number of people on welfare from the present 13 million to 26 million. But this is not the end, it is only the beginning, the Louisiana lawmaker believes.

"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," Senator Long said in a major address to the Senate on Aug. 6.

If the figure of \$3,900 were adopted the welfare rolls would swell to 35 million persons and that would constitute a political force with tremendous power. Senator Long predicts that in such a case welfare recipients would be asking one question at election time: "How did this senator or that congressman vote when our welfare increase was before the Congress?"

The senator's speech contains some other very enlightening information, particularly in the field where the government and the states give aid to families with dependent children. In 1960 there was something over three million recipients of Aid For Dependent Children. By 1970 the figure was nearing 10 million, an increase of 215 per cent.

During this same period the number of aged, blind and disabled persons receiving welfare assistance has increased only eight per cent.

The loading of the welfare rolls was accomplished in part by what Senator Long describes as "welfare activists, including the government-paid corps of attorneys for the Office of Economic Opportunity." They succeeded in getting the U.S. Supreme Court to knock out state residency requirements and to abolish the man-in-the-house rule whereby a woman was not eligible for welfare assistance if an able-bodied man were residing in the same house with her.

Senator Long says that under the Nixon proposal a couple who had children but who were not married would actually receive a bonus. He takes the case of a Louisiana man who is not married to the mother of his three children and who makes \$5,000 a year. The unwed mother would be eligible for \$2,400 in welfare payments. She would receive Medicaid benefits of \$250 a year. Thus, the total of the father's salary, welfare and Medicaid is \$7,650. But if the couple got married they would lose the welfare and Medicaid totaling \$2,650. This, Senator Long says, amounts to a bonus for not marrying.

"What kind of example does this set for the children?" Senator Long asks. "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. 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.'"

Senator Long goes on to say that "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."

Senator Long says that he has worked for 24 years to help construct the program for the aged and disabled and he believes those programs are working reasonably well. 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.

The senator believes that many mothers receiving welfare payments really want to work and would do so if they could make provision for caring for their children. He proposes expansion of child-care facilities.

"I am perfectly willing," he continues, "to subsidize low-income working persons, but we must have an approach that does better than provide a welfare benefit for doing nothing . . . We would do better to supplement an individual's income on an hours-worked basis. For example, suppose a father is earning \$1.20 an 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 every week in which he worked 40 hours. He would receive \$8 if he worked only 20 hours and he would receive no benefit at all if he worked zero hours."

As the senator pointed out in concluding his address to the Senate, it is easy to make welfare more attractive than work "but no nation, not even this one, has enough fat to sustain such an erroneous course indefinitely."

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

The Senate continued with the consideration of the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side on the bill.

The VICE PRESIDENT. Without objection, it is so ordered, and 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 VICE PRESIDENT. Without objection, it is so ordered.

RECESS

The VICE PRESIDENT. Pursuant to the previous order, the Senate stands in recess.

At 12 o'clock and 13 minutes p.m. the Senate took a recess until the close of the joint session and the joint meeting.

(Thereupon, the Senate, preceded by the Sergeant at Arms, Mr. Robert G. Dunphy; the legislative clerk of the Senate, Mr. James L. Johnson; and the Vice President of the United States, proceeded to the Hall of the House of Representatives.)

(The proceedings of the joint session and the joint meeting in the Hall of the House of Representatives appear in the proceedings of the House of Representatives.)

At 1:35 p.m., on the expiration of the recess, the Senate, having returned to its Chamber, reassembled, and was called to order by the Presiding Officer (Mr. CHILES in the Chair).

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

The Senate continued with the consideration of the 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. All time

having expired on the amendment offered by the Senator from Kentucky and the yeas and nays having been ordered, the clerk will call the roll.

Mr. BYRD of West Virginia. Mr. President, under the agreement, there was to be a quorum call, as the Chair had announced, and following the quorum call there was to be a vote on the amendment.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD of West Virginia. Mr. President, with the consent of the Senate, I suggest to the cloakrooms that they announce to Senators on both sides of the aisle that at the close of the quorum call the rollcall will ensue on the amendment of the Senator from Kentucky, in accordance with the order entered. I thank the Chair.

Mr. COOK. 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 (Mr. CHILES). Without objection, it is so ordered.

In accordance with the previous order, all time having expired, the question is on agreeing to the amendment of the Senator from Kentucky (Mr. COOK). 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 (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Indiana (Mr. HARTKE). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. RANDOLPH (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Mississippi (Mr. EASTLAND). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. MAGNUSON), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Montana (Mr. MANSFIELD), and the Senator from Utah (Mr. MOSS) are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from North Dakota

(Mr. BURDICK), and the Senator from Washington (Mr. MAGNUSON), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BAKER), the Senator from New Jersey (Mr. CASE), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Wyoming (Mr. HANSEN), the Senator from Idaho (Mr. JORDAN), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from Nebraska (Mr. HRUSKA) and the Senator from Iowa (Mr. MILLER) are absent to attend the funeral of Hon. Bourke B. Hickenlooper.

The Senator from Kentucky (Mr. COOPER), the Senator from South Dakota (Mr. MUNDT) and the Senator from Vermont (Mr. PROUTY) are absent because of illness.

If present and voting, the Senator from Nebraska (Mr. HRUSKA), the Senator from Maine (Mrs. SMITH), and the Senator from Tennessee (Mr. BAKER) would each vote "yea."

On this vote, the Senator from Iowa (Mr. MILLER) is paired with the Senator from New Jersey (Mr. CASE). If present and voting, the Senator from Iowa would vote "yea" and the Senator from New Jersey would vote "nay."

The result was announced—yeas 28, nays 34, as follows:

[No. 219 Leg.]

YEAS—28

Allen	Dole	Pastore
Beall	Ellender	Roth
Bentsen	Fannin	Stennis
Boggs	Gambrell	Stevens
Brock	Goldwater	Talmadge
Buckley	Griffin	Thurmond
Byrd, Va.	Gurney	Tower
Cannon	Long	Weicker
Chiles	McClellan	
Cook	Packwood	

NAYS—34

Brooke	Javits	Percy
Church	Jordan, N.C.	Proxmire
Cranston	Kennedy	Ribicoff
Eagleton	Mathias	Schweiker
Ervin	McGee	Spong
Fulbright	McGovern	Stevenson
Gravel	McIntyre	Symington
Hart	Metcalf	Taft
Hatfield	Mondale	Tunney
Hughes	Montoya	Williams
Inouye	Nelson	
Jackson	Pearson	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Byrd of West Virginia, for.
Randolph, against.

NOT VOTING—36

Aiken	Curtis	Mansfield
Allott	Dominick	Miller
Anderson	Eastland	Moss
Baker	Fong	Mundt
Bayh	Hansen	Muskie
Bellmon	Harris	Pell
Bennett	Hartke	Prouty
Bible	Hollings	Saxbe
Burdick	Hruska	Scott
Case	Humphrey	Smith
Cooper	Jordan, Idaho	Sparkman
Cotton	Magnuson	Young

So Mr. Cook's amendment was rejected.

Mr. JAVITS. Mr. President, I yield 1 minute on the bill to the Senator from Ohio (Mr. TAFT).

Mr. TAFT. Mr. President, I take this time to ask unanimous consent to have printed in the RECORD a letter from Secretary of Health, Education, and Welfare Richardson to me dated September 8, 1971, including certain comments on the bill and including proposed reforms for amendments to the bill on behalf of the administration, some of which have already been covered in amendments which I have introduced and which have been acted on, and others which have not.

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

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., Sept. 8, 1971.

Hon. ROBERT TAFT, JR.,
U.S. Senate
Washington, D.C.

DEAR SENATOR TAFT: Pursuant to our conversations, I am enclosing a series of amendments, and justifications regarding the amendments, to S. 2007, the Economic Opportunity Amendments of 1971, which is currently before the Senate. These amendments would, if adopted, bring S. 2007 into closer conformance with the Administration's specifications for child care legislation which, as you know, I submitted to the Labor and Public Welfare Committee in my letter to Senator Walter F. Mondale of June 15, 1971.

Please note that in one important respect the proposed amendments do not follow our specifications. We still believe that the 500,000 population criterion for prime sponsorship provides greater assurance of achieving program quality. However, it is difficult to determine a precise population criterion which would assure fulfillment of the other requirements in the bill for prime sponsorship. Therefore, we would be amendable at this time to adoption of the 100,000 population criterion as a minimum for this purpose.

The Administration strongly urges that these amendments be adopted so that a single, system of child care can be implemented for the benefit of the Nation's children.

Sincerely,

ELLIOT RICHARDSON,
Secretary.

MOTION TO RECOMMEND CHILD CARE TITLE FOR SEPARATE CONSIDERATION

The child care provisions of S. 2007 are of such importance and character that they should comprise a separate piece of legislation. The comprehensive child development provisions of S. 2007 would establish a service program for which children of all economic groups would be eligible to participate, some on a sliding-scale fee basis, and would create a delivery system which could be utilized for a variety of child development programs. A broad array of services are authorized and many new models of development programs may be created.

Because these programs will have such far-reaching effects on the structure of family life and pre-school education systems, they are worthy of separate attention. Further, S. 2007 contains special provisions, such as the National Child Advocacy program, on which hearings have never been held. This, too, warrants further debate.

Equally important, the new child care program which would be authorized by the provisions of S. 2007 should not necessarily be tied to the Head Start authority. Head Start has been operated as an experimental program under the Economic Opportunity Act, and it was specifically directed at economi-

cally disadvantaged preschool children. Head Start has provided one basic model for the delivery of child development services aimed at a specific segment of the total population.

Since the programs established by S. 2007 would be different from Head Start in character and in the population ultimately to be served, it would be inappropriate to tie the new child development system to existing authorities.

Legislation containing the breadth of programs and innovations of S. 2007 should stand as a separate bill and be the subject of separate hearings and debate.

S. 2007

AMENDMENTS

[This amendment would redefine the authority of the child development council and project policy committee and change the number of parents on child development councils, but would not affect the definition of prime sponsor.]

On page 22, strike out everything on lines 12 through 20. Paragraphs (5) and (6), on line 21 of page 22 and line 6 of page 23, respectively, are redesignated as paragraphs (3) and (4), respectively.

On page 28, strike out everything on line 20 and insert in lieu thereof "(1) one quarter of the members of such".

On page 30, strike out everything beginning on line 12 and down through "the prime sponsor," on line 14 and insert in lieu thereof the following:

"(4) such council shall have an opportunity to review and comment on basic goals, policies, actions, and procedures of the prime sponsor.

On page 30, strike out everything beginning on line 18 and down through line 22, and insert in lieu thereof the following:

"(5) such council may, upon its own initiative or upon request of a project applicant or any other interested party, conduct public hearings upon applications for financial assistance submitted by project applicants under this part.

On page 34, strike out on line 17 "under the supervision" and insert in lieu thereof "with the concurrence".

On page 38, strike out everything beginning on line 5 and down through "the project applicant," on line 7 and insert in lieu thereof the following:

"(5) project policy committees shall have an opportunity to review and comment on basic goals, policies, actions, and procedures for the project applicant,

Sections 513, 514, 515(15) and 516(a) of S. 2007, refer to the composition and responsibilities of child development councils and project policy committees. Not less than 50 percent of the CDC membership must be parents of children served by child development programs authorized by the bill, with the remainder appointed by the chief executive of the prime sponsor, subject to approval by the parent members. The Council is given responsibility for developing the comprehensive child development plan and approving basic goals, policies, and actions of the prime sponsor. The prime sponsor must also obtain approval of the CDC with respect to personnel, budgeting, monitoring of projects, and other administrative matters. The agency delegated by the prime sponsor to implement the comprehensive child development plan within the prime sponsorship area is placed under supervision of the CDC. The Council is also authorized to conduct public hearings, upon its own initiative or upon request of a project applicant or any other party in interest, before acting upon applications for financial assistance submitted by child development project applicants.

Project policy committees are to be established and maintained by each child development project applicant. Not less than 50 percent of the membership of such committees must be parents of children served or to be served in the project, with the remainder representing the community and approved

by the parent members of the committee. The project policy committee is given responsibility for participating in the preparation of project applications and for approving basic goals, policies, actions and procedures for the project applicant.

The amendment would instead require that 25 percent of the membership of a Child Development Council be parents representative of the population to be served and that all members of the CDC be appointed by the chief executive of the prime sponsor. The Council would be responsible for planning and developing a comprehensive child development plan, assuring the coordination of programs assisted under this bill with other child development programs within the prime sponsorship area, assisting in the development of project applications, and reviewing such applications. The Council would review and comment on the basic goals, policies, actions, and procedures of the prime sponsor and could hold hearings on project applications, although it is not required to do so.

The composition of project policy committees would remain as provided in S. 2007, but the responsibilities of such committees would include participation in the preparation of project applications and review and comment upon the basic goals, policies, actions and procedures of the project applicant rather than approval of such actions.

Limiting parent representation to 25 percent of the membership of the CDC would ensure that a broad array of public and private agencies and of child development experts may be represented. It is crucial that all the agencies having responsibility over resources needed by child development programs be a part of the CDC if coordination and integration of services is to occur. Under S. 2007 it is possible that the elected parent members would disapprove the appointment of key State or municipal agency members, thus rendering coordination and integration difficult and creating a Council in opposition to the general purpose government for the sponsorship area.

By modifying the responsibilities of the CDC, the amendment would provide the opportunity for the CDC to share in decision-making rather than to exercise veto power.

The services for children authorized in this bill could be delivered much more effectively if final responsibility for policy and program administration clearly resides with the prime sponsor. Effective coordination and integration of services is most likely to occur when the chief elected officials who are responsible for other necessary resources have authority over child development programs and are held accountable for them.

However, if the chief executive of general purpose government is to be held accountable for child development programs in the prime sponsorship area, he must be free to make key policy decisions and to supervise the actions of the agency designated by him to implement the prime sponsor plan. This would not be possible if the CDC had authority to supervise the agency and to block all actions which it did not approve.

The conduct of public hearings on project applications by the CDC would be optional rather than mandatory. Public hearings could serve as a valuable means of obtaining information, but to require that such hearings be held before any projects could be funded would potentially create delays in resource development at a time when rapid expansion of child care resources will be urgently needed.

The participation of parents and community members in the preparation of project applications and program activities is most desirable if programs are to be truly responsive to local needs. However, project policy committees should have authority to review and comment upon, rather than veto authority over, basic goals and policies of the project applicant. If approval of the committee on such issues were required prior to submission to the prime sponsor of a project

application, many delays in the creation of new resources may occur. Again, once a project had been funded, a project operator could not be accountable to the prime sponsor for program effectiveness if his decisions were subject to veto by the policy committee. The amendments instead seek to strike a balance between the need for clear accountability for programs serving children and the need for community participation in the conduct of such programs.

S. 2007

AMENDMENTS

[This amendment limits eligible prime sponsors to States, cities, and counties with populations of 100,000 or more, and Indian tribal organizations, and redefines the roles of the prime sponsor and its child development council.]

On page 21, strike out everything beginning on line 23 and down through line 22 on page 30, and insert in lieu thereof the following:

"Sec. 513. (a) The following governmental units shall be eligible for grants in support of child development programs in accordance with the provisions of this section:

"(1) any State;

"(2) any city with a population of 100,000 or more persons;

"(3) any county with a population of 100,000 or more persons; and

"(4) any Indian tribal organization of a size which the Secretary determines, in accordance with regulations, to be sufficient to assure effective administration of a program under this title.

For purposes of this subsection, the population of any city or county shall be determined on the basis of the most satisfactory current data available to the Secretary.

"(b) (1) Any governmental unit described in subsection (a) which desires to obtain financial assistance for a child development program authorized under this part shall, subject to subsection (d), submit to the Secretary an application for designation as the prime sponsor of a child development plan. Such application shall—

"(A) describe the area to be served by the child development program of such governmental unit (hereinafter referred to as the 'prime sponsorship area');

"(B) provide for the establishment of a child development council which shall be responsible for planning and developing a child development plan which meets the requirements of section 514, assuring the coordination of planning of child development programs assisted under this part with other child development programs operated within the prime sponsorship area, and assisting in the development of and reviewing project applications for such programs;

"(C) in accordance with regulations prescribed by the Secretary, provide adequate assurances that the costs of staff and other administrative expenses for the child development council will not exceed 5 per centum of the total cost of child development programs administered by the prime sponsor (except that the Secretary may permit such expenses to exceed such 5 per centum to give special consideration to initial costs in the first year of operation of such programs or to other special needs);

"(D) provide for the approval by the prime sponsor of a project application submitted under section 515;

"(E) assure, to the satisfaction of the Secretary, that such governmental unit can achieve coordination with State and local agencies to provide—

"(1) related family, social, and rehabilitative services;

"(2) educational services;

"(3) health (including family planning) and mental health services;

"(4) nutrition services; and

"(5) training of professional and para-professional personnel; and

"(F) provide for designation (with the concurrence of the child development council) of an agency to implement the provisions of the comprehensive child development plan under section 514.

"(2) the chief executive officer of a governmental unit submitting an application under paragraph (1) shall appoint the membership of the child development council which shall include representatives of public and private health, education, welfare, employment, and manpower and training agencies, and any other agencies serving children in the prime sponsorship area. One quarter (rounded to the next higher whole number, where necessary) of the council membership shall be parents of children enrolled in child development programs or parents of children who have participated in such programs within the five years immediately preceding their selection for membership on the council. The council shall select its chairman from among its members.

"(3) A State shall include within the area to be served under its child development plan, any city or county, described in subsections (a) (2) and (3), respectively, which lies within such State unless such city or county has submitted an application for designation as a prime sponsor to the Governor of such State in accordance with subsection (d).

"(c) An application for designation as a prime sponsor may be accompanied by a child development plan or by an application for financial assistance for staffing of the child development council or comprehensive and continuing planning for current and future child development needs within the prime sponsorship area.

"(d) An application by a city or county for designation as a prime sponsor, and any accompanying application described in subsection (c), shall first be submitted to the Governor of the State in which such city or county is located for review and comment. At the option of the Governor, his comments shall accompany such application upon its submission to the Secretary pursuant to subsection (b).

"(e) An application submitted pursuant to subsection (b) may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations prescribed by him, has provided—

"(1) written notice of his intention to disapprove such application, or withdraw such designation, for failure to comply or continue to comply with the requirements of this section (or any of the undertakings agreed to thereunder) including a statement of the reasons therefor;

"(2) a reasonable time in which to submit corrective amendment to such application or undertake other necessary corrective action; and

"(3) notice and opportunity for a hearing.

"(f) In the event that—

"(1) a State or Indian tribal organization described in subsection (a) has not submitted an application for designation as a prime sponsor under subsection (b), or a child development plan under section 514.

"(2) the Secretary has not approved an application or plan so submitted, or

"(3) the Secretary has withdrawn such designation or approval of such plan,

the Secretary shall assume the functions of the chief executive officer of such State or Indian tribal organization for the purpose of taking all steps necessary under this part to assure the availability of a child development program within such State or to the members of such Indian tribal organization, except that any city or county, described in subsections (a) (2) and (3), respectively, which lies within such State may, in accord-

ance with the provisions of this section, take all appropriate steps to become the prime sponsor of a child development program. The Secretary may, for this purpose, expend such portion of the applicable allotment under section 503 as he deems necessary.

"(g) In the event that the Secretary determines under section 585, with respect to a particular locality, to withhold a portion of payments which the prime sponsor would otherwise receive, he may approve an application submitted by any public or nonprofit private agency or organization for designation as prime sponsor for such locality which meets the requirements of subsection (b). If no such application is submitted, the Secretary shall assume the functions of the chief executive officer of the unit of government for the locality for purposes of taking all steps necessary under this title to assure the availability of a child development program within such locality.

"(h) (1) If any State, city, county, or Indian tribal organization is dissatisfied with the Secretary's final action under subsection (e) with respect to the disapproval of its application submitted under this section or the withdrawal of its designation as a prime sponsor, it may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which it 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 findings of fact by the Secretary 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 certify to the court the 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 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."

[Note: Since this section 513 replaces two sections (513 and 514) in the bill, section 515 and all succeeding sections in part A, and all references to those sections, must be appropriately redesignated.]

On page 40, strike out everything beginning on line 5 and down through line 8.

On page 64, strike out on line 21 " , or any combination," and on line 22 strike out "thereof".

On page 69, strike out everything beginning on line 25 and down through "corrected," on line 6 on page 70 and insert in lieu thereof the following:

"applicant of his findings and that further payments will not be made to such sponsor or applicant (or, in his discretion, that payments will be limited to parts of the plan or project not affected by such failure) until the Secretary is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected.

Sec. 513 of S. 2007, would permit any state, city, county, or other unit of general local government to become a prime sponsor if it could comply with specific requirements. Priority for prime sponsorship would be accorded to local rather than state governmental units, and under certain circumstances nonprofit private agencies and organizations could function as prime sponsors.

The amendment would limit prime sponsor

eligibility to States, cities and counties with populations of 100,000 or more, and Indian tribal organizations. Prime sponsors would thus be limited to those units most capable of ensuring program quality in the projects they fund. Non-governmental organizations would be eligible for prime sponsorship only when the Secretary determined that there had been non-compliance with plan requirements by governmental units. Prime sponsors would be required to demonstrate their capacity to coordinate and integrate services for children such as educational, health and mental health, nutrition and related family, social, and rehabilitative services. They would also be required to limit the administrative overhead of their Child Development Councils to 5 percent of the total child development funds they administer.

State governments now have the authority and control over major resources necessary to ensure that comprehensive child care services are provided by project grantees. Coordination or integration of these resources without state leadership would be most difficult.

General purpose government of cities and counties with populations of 100,000 or more also control and have access to a significant array of resources and could be expected to bring about the coordination and integration essential to the success of child care programs.

While S. 2007 alludes to capability for coordination and integration of resources as a criterion for prime sponsorship, it does not specify the minimum size of the governmental unit which could be considered as meeting this criterion. Thus the Department of Health, Education, and Welfare would be required to process a potentially large number of applications by local units for prime sponsorship and make case-by-case judgments about the capability of each applicant in this regard. It would be difficult and costly to process quickly or fairly so large a volume of applications without some minimum size cut-off. One consequence of this provision would be long delays in the creation of new child care resources.

With the restrictions on eligibility for prime sponsorship proposed in the amendment, the Federal government would have a manageable number of programs to supervise, and would thus be in a position to monitor program quality and provide needed technical assistance. Under S. 2007, DHEW would be placed under great pressure to approve applications for prime sponsorship by small units of local government and non-governmental organizations. The Department would then be responsible for monitoring the quality of the programs of thousands, and perhaps tens of thousands, of prime sponsors. The experience with Head Start, which administers programs of over 900 full year grantees, has demonstrated the difficulty of this task and the impossibility of the much larger task contemplated by the expanded new system.

S. 2007

AMENDMENT

[This amendment would strike out Federal Government child development programs.]

On page 51 strike out everything beginning on line 6 and down through line 9 on page 53.

[Note: Parts D, E, and F, which follow this amendment, as well as the section numbers in such parts, and all reference to those parts or sections, must be appropriately redesignated.]

Part C of Title V of the EOA, as it would be amended by S. 2007, would authorize the Secretary to make grants for the purpose of assisting in the establishment and operation of child development programs for the children of employees of the United States Government. Civilian employees of any agency or group of agencies employing eighty working parents of young children would be eligible to set up an agency committee,

broadly representative of working parents, submit a plan to the Secretary, and receive 80 percent of the cost of their child development program. The Secretary would distribute grants among the States on the basis of the number of children of civilian Federal employees in that State in relation to the total number of such children.

We recommend that this provision be stricken from the bill. There does not seem to be any reason for the Federal Government to select this particular group of employees to receive the benefits of subsidized child care. If agencies of the Federal Government wish to provide child care for their employer, they should use the same means that other employers use to provide this form of fringe benefit for employees rather than seeking a special subsidy for this purpose. Typically, employers consider the provision of child care facilities as an operating expense of doing business in situations where such incentives are needed to hire and maintain staff.

S. 2007

AMENDMENT

[This amendment would combine the authority for research and demonstration projects and for child advocacy projects.]

On page 53, strike out everything beginning on line 11 and through line 9 on page 63, and insert in lieu thereof the following:

"RESEARCH AND DEMONSTRATION PROJECTS"

"Sec. 551. (a) In order to develop effective programs for research in child development and focus national research efforts on such development, to gain a fuller understanding of the effects of organized programs upon such development, and to assure that the results of such research are reflected in programs affecting children, the Secretary is authorized to make grants to or contracts with public or nonprofit private agencies, organizations, and institutions, and contracts with private agencies, organizations, and institutions, and with individuals, for research or demonstration projects, including those designed to:

"(1) test alternative methods for delivering day care, child development, or other related services;

"(2) develop innovative approaches for assisting children to achieve their maximum development;

"(3) develop and test model child advocacy programs; and

"(4) develop and test programs for training adolescent youth in child development.

"(b) Payments for projects under this section may be made for not to exceed 80 percentum of the cost of such projects, except that, the Secretary may provide all or a part of the non-Federal share of such a project where he finds it essential to the successful implementation of such project. Such payments may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

"CHILD DEVELOPMENT RESEARCH COUNCIL"

"Sec. 552. A Child Development Research Council, consisting of representatives of units in the Department of Health, Education, and Welfare (designated by the Secretary) which are concerned with child development and of the Office of Economic Opportunity and the Department of Labor, shall meet annually or at such more frequent times as they may deem necessary, in order to assure coordination of child development activities under their respective jurisdictions and to carry out the provisions of section 551 to assure—

"(1) maximum utilization of available resources through the prevention of duplication of activities; and

"(2) agreement (to the extent feasible) on the use of Federal funds in support of research and demonstration projects in the field of child development.

Sections 551 and 552 of Part D in S. 2007 authorize the Secretary of HEW to carry out a program of research and demonstration projects in child development.

Part E of the bill authorizes the creation of up to 20 neighborhood offices for child advocacy in order to explore the feasibility of the establishment of a national advocacy system.

The amendment would eliminate Part E from the bill and include the development and testing of model child advocacy programs under the research and demonstration authority of Sec. 551(a). The child advocacy concept is now very much in the experimental stage, and it would be unwise to devote a major portion of our resources to the one specific model of advocacy proposed in S. 2007. Under our amendment a variety of models of child advocacy could be tested and thus optimal use could be made of the research and demonstration funds allocated to this effort.

Sec. 553 of Part D in S. 2007, provides for the coordination of research within DHEW by the OCD and establishes an interdepartmental Child Development Research Council under OCD chairmanship.

The amendment would delete from these provisions the assignment to OCD of these functions. Authority for assignment of coordinating responsibility within DHEW and assignment of chairmanship of an interdepartmental panel should reside with the Secretary of HEW, so that flexibility will remain during the development of this large new system of child care.

S. 2007

AMENDMENTS

[This amendment would provide for the authorization of appropriations]

On page 10, line 21, strike out "Title" and insert in lieu thereof "Effective with respect to appropriations for fiscal years ending after June 30, 1972, title".

On page 13, beginning on line 4, strike out everything down through line 15 and insert in lieu thereof the following:

"Sec. 502. For the purpose of carrying out this title there are authorized to be appropriated for the fiscal year ending June 30, 1973, and succeeding fiscal years, such sums as may be necessary."

On page 70 insert between lines 16 and 17 the following:

(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 title V of the Economic Opportunity Act of 1964, as amended by subsection (a) of this section, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1972.

On page 70, strike out "(b)" on line 17 and insert "(c)" in lieu thereof.

Sec. 502(a) of S. 2007 authorizes \$2,000,000,000 for the fiscal year ending June 30, 1973, for the purposes of carrying out the provisions of Title V, and \$100,000,000 is authorized in Sec. 502(b) for the fiscal year ending June 30, 1972, to prepare for implementation of this title.

We have recommended that these authorizations be stricken and that no dollar amounts be specified in the authorizations.

The Administration has proposed a massive addition to total Federal child care funds in H.R. 1. The total of Federal funds now budgeted for child care after enactment of H.R. 1 is \$1.2 billion, more than twice what was spent for this purpose in FY 1971. Even with the anticipated demand for creation of new day care resources in response of H.R. 1, it would be unrealistic to create the expectation that funding levels such as called for by S. 2007 could be effectively uti-

lized. Sufficient facilities and trained child care workers are not available to expand resources by this order of magnitude in such a short period.

Funding levels should be appropriate to our capability to expand the child care system. Authorization of such sums as may be necessary to carry out the provisions of the bill will insure that the quality of child care will not be impaired in an effort to expand too quickly.

S. 2007

AMENDMENTS

[This amendment would provide for charge for child development services, based upon a family's ability to pay.]

On page 38, strike out everything beginning on line 21 and down through line 9 on page 39 and insert in lieu thereof the following:

"(8) charges for child development services provided for any child under programs assisted under this title shall be made in accordance with a fee schedule prescribed by regulations by the Secretary (which shall be consistent with any fee schedules for similar purposes under the Social Security Act) for part or all of the cost thereof based upon the ability of a family to pay including the extent to which payments from a third party (including a public agency) are available.

[This amendment would define 'economically disadvantaged child' in accordance with criteria prescribed by the Secretary.]

On page 64, strike out everything beginning on line 1 and down through line 6, and insert in lieu thereof the following:

"(5) 'economically disadvantaged child' means a child of a family whose annual income is at a rate inadequate to permit the purchase of child development services for him, as determined by the Secretary (A) in accordance with criteria prescribed by him in regulations, which take into consideration, family size, urban-rural differences in the cost-of-living, and other relevant factors, and (B) consistent with the comparable annual income rates in other Federally-assisted child development programs;

In Sec. 581(5) of S. 2007 "economically disadvantaged children" are defined as those whose families have an annual income below the lower living standard budget as determined by the Bureau of Labor Statistics. This income level is \$6,690 for a family of four. Children of such families would be eligible for free services under Sec. 516(a) (8) of the bill.

The amendment would permit the Secretary to assure consistency among all Federal child care programs. It is essential that the definition of the disadvantaged, especially if it is to be the determinant of those eligible for full subsidy, be consistent with definitions used in other Federally-assisted child care programs. Otherwise, children from the same income level might be eligible for full subsidy in one program and only partial subsidy in another or for subsidies of differing amounts under different programs.

The amendment would permit the definition of "economically disadvantaged child" to be determined by the Secretary to conform with definitions applicable under H.R. 1 so that full services would be available only up to the point at which a family is no longer eligible for income maintenance. A sliding scale fee schedule could then be established under which full subsidy would be provided to those receiving family assistance who are unable to contribute to the cost of care and others having greater income would pay according to their ability to do so.

Sec. 516(a) (8) (A) would be amended so that charges for child care under the bill would be based on fee schedules promulgated by the Secretary and all such fee schedules would be consistent with fee schedules promulgated under relevant titles of the Social Security Act.

It would be highly inequitable to permit

families whose child care is supported by funds authorized under this bill to receive free services up to an income level of almost \$7,000 while families whose child care is purchased with funds authorized under H.R. 1 must contribute to the costs of care at a far lower level of income.

Of equal importance, if eligibility for free services is extended to slightly more affluent families, fewer of the poorest children can be served, unless funding levels are substantially increased.

There is little justification for having less disadvantaged children fill available child care spaces to the exclusion of many of the poorest children. Moreover, the Federal government should not offer a false promise of free services to a broad universe of recipients when it will be able to fund services for only a small portion of that universe. Such a policy creates problems for potential recipients and for States and localities already overburdened by their attempts to meet increasing demands for social services.

PRIVILEGE OF THE FLOOR

Mr. JAVITS. Mr. President, I ask unanimous consent that Mr. John Scales of my staff be granted privilege of the floor, except at the time of the rollcall vote.

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

CHILD DEVELOPMENT PROGRAM

Mr. RANDOLPH. Mr. President, I call up my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

S. 2007

On page 55, between lines 3 and 4, insert the following:

"(c) In carrying out this section, the Secretary shall give priority to providing financial assistance for child development programs carried out by multicounty local development districts established for purposes of the Appalachian Regional Development Act of 1965, as amended, or title V of the Public Works and Economic Development Act of 1965, as amended."

Mr. RANDOLPH. Mr. President, the Senate, in passing the Appalachian Regional Development Act Amendments of 1969, later enacted into law as Public Law 92-123, affirmed the declaration that the Appalachian region is "uniquely suited to serve as a 'national laboratory' for early childhood development demonstration programs." In keeping with that characterization, the Appalachian Regional Commission, through its multicounty local development districts, has initiated a number of successful child development programs.

To expand these programs, to improve on them and develop innovations in helping children to grow physically, socially, and intellectually, is an important goal of the Commission. It was the intent of Congress, expressed in the passage of Public Law 91-123, as I have described, to fully support this goal.

In order to assure that these Appalachian region child development programs meet their full potential, I have introduced an amendment to S. 2007 which has been read by the clerk.

The amendment would insure that research and development funds available to the Secretary under part D of title V of S. 2007 would be used to support the

Appalachian Regional Commission's "national laboratory" child development programs. Section 552(a)(2) dovetails with the purposes and intent of the Commission's programs. That paragraph states that research and development projects shall include "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. . . ."

The development of these worthwhile projects by the Appalachian Regional Commission must be continued. My amendment provides the assurance that such programs are not only retained and continued, but also that they be expanded to be more worthwhile.

Mr. President, I recall that the able Senator from Ohio (Mr. TAFT), now occupying the Chair, had printed in the RECORD a letter from the Appalachian Regional Commission which tended to support the recommittal of the child development portion of the pending bill in the event that agreement on the inclusion of the Commission's programs on child development were not reached.

I am gratified that the Commission has agreed to the language which I have offered in the pending amendment. It is my understanding—and I have had the privilege of the counsel of the able manager of the pending bill, the able Senator from Wisconsin (Mr. NELSON)—that the amendment now pending is agreeable and that he feels the substance of the subject matter is worthwhile.

Mr. NELSON. Mr. President, the distinguished Senator from West Virginia is correct. In the drafting of the bill, concerning this aspect of the measure involving comprehensive child development, there was some oversight in not recognizing that demonstration projects in the field of child development have for the past few years been funded under the Appalachian Regional Development Act with some joint funding from HEW funds.

I appreciate it that the Senator from West Virginia has called it to our attention. His amendment provides that in the research and demonstration part of this bill, priority shall be given to these projects. So far as I am concerned, I am willing to accept the amendment.

Mr. RANDOLPH. Mr. President, I thank the able Senator from Wisconsin. I yield back the remainder of my time.

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

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from West Virginia.

The amendment was agreed to.

Mr. RIBICOFF. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows: The Senator from Connecticut (Mr. RIBICOFF) offers the following amendment:

On page 49, line 1, after the period insert the following:

(b) Such standards shall be no less comprehensive than the Federal Interagency Day Care Requirements as approved by the De-

partment of Health, Education, and Welfare, the Office of Economic Opportunity, and the Department of Labor on September 23, 1968.

On page 49, line 2, delete "(b)" and insert "(c)".

Mr. RIBICOFF. Mr. President, my proposal would assure that child care standards promulgated pursuant to title V do not fall below certain basic standards; namely, the September 23, 1968, Federal Interagency Day Care Requirements as developed by the Office of Economic Opportunity and the Departments of Labor and Health, Education, and Welfare.

I believe that my amendment will assure that quality day care standards are written into law rather than left solely to the discretion of the executive branch as is the case with S. 2007. The experts on child care in the executive branch will play a major role in the development of standards but Congress will be required to exercise its legislative oversight.

Too often Congress has allowed itself to believe that the seeds of success or failure of new social programs are to be found in the semantics of legislation. But success or failure, as we are learning, depends on implementation of programs based on sound regulations.

By participating in more of the details of regulations; that is, by setting child care standards to some extent, responsibility for the success or failure of comprehensive day care will fall on Congress.

Another reason for a stronger legislative role in standards setting arises from recent experience with the executive branch involving day care standards. Earlier this summer the Office of Child Development circulated for comment on a limited basis the Revised Federal Interagency Day Care Requirements. With the admirable intent of improving the 1968 requirements the administration substantially weakened the day care quality standards necessary to become eligible for Federal child care funds.

For example, the Office of Child Development stated in the letter accompanying the draft revised requirements that "basic requirements regarding staff-child ratio have been liberalized." What this means is that under the draft standards there could be fewer staff members for larger numbers of children. A comparison of the standards of the 1968 requirements, which my amendment requires as the minimum for standards, and the draft concerning child-staff ratios, is illustrative.

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

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

(See exhibit 1.)

Mr. RIBICOFF. Mr. President, under the 1968 standards, for example, group day care home ratios would be set at five children to one adult when preschool children—age 3 to 6—are involved. No children under 3 could be placed in this type of care. Under the 1971 standards as proposed by HEW the ratio would be 6 to 1 and no prohibition would be placed on the inclusion of children under 3.

In day care centers the 1968 require-

ments for children aged 3 to 6 involved a ratio of 7 to 1. The 1971 requirements would set the ratio at 8 to 1.

One final example involves day care centers of school-age children. The 1968 standards ratio was set at 10 to 1 with a maximum group size of 25. The 1971 standards set the ratio at 15 to 1 with no maximum group size.

Other criticisms of the revised requirements draft of 1971 have been raised.

Parent involvement is reduced to token participation in cases where programs are offered by nonprofit operating agencies and effectively eliminated where programs are under profitmaking auspices.

Baby-sitting has been given the status of a federally subsidized service under the new title of "in-home day care" but few standards or procedures for quality control and monitoring have been established.

No attempt is made to carry over the practical portions of the widely acknowledged Headstart Manual of Policies, nor is any reference made to that manual or to other recommended standards developed by national standard-setting organizations.

Under the announced intent of simplifying the existing requirements, the new draft doubles the length of the 1968 document and generalizes to such an extent that the requirements are incapable of enforcement on an objective basis.

My amendment does not provide all the answers to the need for detailed regulations covering every aspect of day care but it does set a floor, below which the Department of Health, Education, and Welfare cannot go in developing comprehensive day care regulations.

Only by assuring that a floor exists under which day care providers cannot go will it be possible to guarantee that day care does not attract the irresponsible providers of care. Without such standards the medicare program saw the entrance of unscrupulous profiteers in the nursing home business.

Finally, my amendment in essence writes into the bill the language of the report:

It is the expectation of the committee that these standards will be no weaker than the current standards promulgated by the Federal Interagency Day Care Council.

I urge adoption of this amendment which will fully promote the worthwhile objectives of this comprehensive child development program.

EXHIBIT 1

1968 REQUIREMENTS

The administering agency, after determining the kind of facility to be used, must ensure that the following limits on size of groups and child-to-adult ratios are observed. All new facilities must meet the requirements prior to Federal funding. Existing programs may be granted up to 3 years to meet this requirement, if evidence of progress and good intent is shown.

1. Family day care home:

a. Infancy through 6 years. No more than two children under 2 and no more than five in total, including the family day care mother's own children under 14 years old.

b. Three through 14 years. No more than six children, including the family day care mother's children under 14 years old.

2. Group day care home:

a. Three through 14 years. Groups may range up to 12 children but the child-staff ratio never exceeds 6 to 1. No child under 3 should be in this type of care. When preschool children are cared for, the child-staff ratio should not exceed 5 to 1.

3. Day care center:

a. Three to 4 years. No more than 15 in a group with an adult and sufficient assistants, supplemented by volunteers, so that the total ratio of children to adults is normally not greater than 5 to 1.

b. Four to 6 years. No more than 20 in a group with an adult and sufficient assistants, supplemented by volunteers, so that the total ratio of children to adults is normally not greater than 7 to 1.

c. Six through 14 years. No more than 25 in a group with an adult and sufficient assistants, supplemented by volunteers, so that the total ratio of children to adults is normally not greater than 10 to 1.

Federal Interagency Requirements have not been set for center care of children under 3 years of age. If programs offer center care for children younger than 3, State licensing regulations and requirements must be met. Center care for children under 3 cannot be offered if the State authority has not established acceptable standards for such care.

HEW 1971 REVISED REQUIREMENTS

In regard to those staff members directly responsible for supervising children, an operating agency must maintain the staffing ratio indicated, which is appropriate to the type of day care arrangement provided by the agency.

In-home day care.—One adult over age twenty-one is required. No more than one family of children may receive care:

1 adult for a total enrollment of one family of children.

Family day care homes.—One adult over age twenty-one is required. No more than six children under the age of fourteen, including the children of the caretaker, under age six, may receive care at any one time, except that no more than two children under the age of two may receive care at any one time. Children over age fourteen who receive care must be siblings of the younger children in care:

1 adult for a total enrollment of 6 children.

Group day care homes.—One adult over age twenty-one is required, assisted by an additional adult over the age of eighteen when more than six children receive care at any one time. No more than twelve children may receive care at any one time:

1 adult for a total enrollment of 6 children.

Day care centers.—When a child under the age of three receive care in a group, one adult over the age of twenty-one is required for every twelve children, assisted by one adult over the age of eighteen when more than four children under the age of three receive care and a second adult over the age of eighteen when more than eight children under the age of three receive care in the group:

1 adult for a total enrollment of 4 children;

1 adult and 1 aide for a total enrollment of 5 to 8 children; and

1 adult and 2 aides for a total enrollment of 9 to 12 children.

When a child over the age of three, but under the age of six, receives care in a group, one adult over the age of twenty-one is required for every fifteen children, assisted by one adult over the age of eighteen when more than eight children receive care in the group:

1 adult for a total enrollment of 8 children;

and
1 adult and 1 aide for a total enrollment of 9 to 15 children.

When children over the age of six receives care in a group, one adult over the age of twenty-one is required for every thirty children, assisted by one adult over the age of eighteen when more than fifteen children

receive care and a second person over the age of fifteen when more than twenty-five children receive care in the group:

1 adult for a total enrollment of 15 children;

1 adult and 1 aide for a total enrollment of 16 to 25 children; and

1 adult and 2 aides for a total enrollment of 25 to 30 children.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I have discussed the amendment with the distinguished Senator from Connecticut and I believe that the members of the committee are familiar with it. I think it is a perfectly appropriate and acceptable amendment. I am willing to accept the amendment. I yield back the remainder of my time.

Mr. RIBICOFF. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

Mr. SCHWEIKER. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows: The Senator from Pennsylvania (Mr. SCHWEIKER) offers the following amendment:

On page 10, line 8, strike "20" and insert in lieu thereof "25".

Mr. SCHWEIKER. Mr. President, very simply, my amendment changes the percentage of funds that the Director of Office of Economic Opportunity can transfer from one program to another from 20 percent to 25 percent, thus giving the administration of this program more flexibility.

I have discussed the amendment with the chairman of the committee, and I believe that he is agreeable to accepting the amendment.

The PRESIDING OFFICER. Who yields time?

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

Mr. SCHWEIKER. I yield.

Mr. JAVITS. Mr. President, I think the Senator's amendment is a very fine amendment in the way in which it meets a critical problem. I hope very much that the manager of the bill is willing to accept the amendment. I would certainly, as the ranking member of our committee, compliment the Senator from Pennsylvania (Mr. SCHWEIKER), who has been managing the pending bill so ably as the ranking minority member of the subcommittee, for having brought the matter up and made the point so effectively.

Mr. NELSON. Mr. President, the bill as drafted and as it came from the committee provided for the 20-percent flexibility or transferability of the funds in the various categories except local initiative and local services of 20 percent for the first year and 25 percent the second year.

There is not any particular rationale to support the 20 percent for the first year and 25 percent for the second year. I am perfectly agreeable to setting it at 25 percent for the 2 years.

I am willing to accept the amendment.

I yield back the remainder of my time.

Mr. SCHWEIKER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

Mr. SCHWEIKER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

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

The amendments read as follows:

On page 118, line 12, insert "or such other qualified non-profit organizations with access to appropriate recreational facilities as the Director shall determine in accordance with regulations which he shall prescribe" before the period.

On page 118, line 14, insert "or other qualified organizations" after "education".

On page 119, line 8, insert "or other qualified organizations" after "education".

On page 119, line 10, insert "or organizations" before "to".

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

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

Mr. SCHWEIKER. Mr. President, the pending amendment is cosponsored by the Senator from California (Mr. CRANSTON), who is also author of the youth recreation and sports section. The amendment does not in any way alter the basic purpose of the youth recreation and sports program provision. Rather, it is intended to broaden it to include those organizations which have access to appropriate recreational facilities and which are otherwise qualified to participate in a youth sports program in such a way as 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.

As the provision is presently written in the reported bill, subsection (c)—of the new section 227—would authorize grants or contracts only with qualified organizations of colleges and universities. Under the amendment, grants or contracts could also be entered into with "such other qualified nonprofit organizations with access to appropriate recreational facilities" as the head of the program shall prescribe in accordance with regulations and such a qualified organization with a grant or contract could enter into subcontracts with "other qualified organizations."

Adoption of this amendment would make it possible for such organizations as the Amateur Athletic Union—AAU—and its affiliated organizations such as athletic clubs, YMCA's, YMHA's, YWCA's, and YWHA's, Boy Scouts, and certain industrial athletic organizations,

to participate in the program either as direct grantees or contractees, or through subcontracts.

However, it is clear that such organizations would have to meet all the program requirements, and that every effort should be made to minimize administrative costs, as the NCAA has done. It is not our intention to see Federal funds under this program substituted for otherwise available local expenditures for recreation programs for disadvantaged youth.

There is no intention through the amendment to dilute or diminish the excellent program which the National Collegiate Athletic Association—NCAA—has carried out during the last three summers under the OEO research and demonstration authority. If additional funds beyond the \$3 million which the NCAA has received in the past for this program are available, serious consideration should certainly be given to expanding the NCAA program. Under the amendment, after an appropriate allocation had been made to the NCAA, other qualified nonprofit organizations with access to appropriate recreational facilities would then be eligible for funding to carry out programs fulfilling the purposes of the provision.

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

Mr. SCHWEIKER. I yield.

Mr. JAVITS. This does seem to me to be an excellent amendment but I would like to suggest a modification to the Senator. I would like to suggest he add the words "active in the field" after the word "organizations" each time it appears. My reason is that we do not want to deal with organizations which are just names or foundations or not active in the field covered herein.

Mr. SCHWEIKER. That is a good suggestion and it is certainly agreeable to me, and I hope it is agreeable to the chairman of the committee.

I might say this amendment is also written, as I discussed with the Senator from California, to include groups such as the U.S. Olympic Committee, which is already active in the field.

Mr. JAVITS. Of course.

Mr. SCHWEIKER. I accept the modification.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 118, line 12, insert "or such other qualified non-profit organizations active in the field with access to appropriate recreational facilities as the Director shall determine in accordance with regulations which he shall prescribe" before the period.

On page 118, line 14, insert "or other qualified organizations active in the field" after "education".

On page 119, line 8, insert "or other qualified organizations active in the field" after "education".

On page 119, line 10, insert "or organizations active in the field" before "to".

Mr. NELSON. Mr. President, I agree with the amendment as proposed by the Senator from Pennsylvania and I have no objection. I am willing to accept it.

I yield back the remainder of my time.

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

The PRESIDING OFFICER. All time

has been yielded back. The question is on agreeing to the amendment of the Senator from Pennsylvania (Mr. SCHWEIKER), as modified.

The amendment, as modified, was agreed to.

Mr. METCALF. Mr. President, will the manager of the bill yield to me for 2 minutes?

Mr. NELSON. Mr. President, I yield 2 minutes of my time to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. METCALF. Mr. President, on August 6, I submitted amendment No. 412 to H.R. 1, the social security bill, to provide that we should utilize services of elderly individuals in the operation of child-care facilities and other facilities. I am delighted to find in the economic opportunity bill in section 516(a)(10) that there is such provision and that it is stronger than the language in my amendment. The program 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."

This provision would do everything I sought to do; in fact, it does a little more than I sought to do in my amendment.

I congratulate the committee for including the language in the bill. I will not propose my amendment when H.R. 1 comes before the Senate.

Mr. NELSON. I thank the Senator for his remarks. The Senator from Montana has been interested for a long time in legislation that would afford opportunities for utilization of the talents of our elderly citizens. As the Senator knows, in the foster grandparents program elderly citizens have been working very valuably and usefully in institutions for the mentally retarded around the country, and under the Mainstream program of the OEO Act the elderly citizens have been used in constructive conservation work around the country, and particularly under the Green Thumb program, of which the Farmers Union is a sponsor. It is the one program in OEO where we have yet to receive the first complaint, and where elderly citizens have participated, and that has been acknowledged in States in the North, South, East, and West. We should be expanding opportunities, as we do here, for our elder citizens.

Mr. JAVITS. Mr. President, will the Senator yield so that I may ask for the yeas and nays on final passage?

Mr. METCALF. I yield.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. JAVITS. Mr. President, I again repeat my request.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Who yields time?

Mr. NELSON. Mr. President, I yield 1 additional minute to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. METCALF. Mr. President, the chairman has outlined several areas in which our elder citizens have participated in existing Office of Economic Opportunity programs. The bill before us offers further opportunity to utilize this vast manpower pool of talent, ability, energy, and goodwill, of people who, more than anything else, want to work, participate, and join in building their community or in other community efforts.

I congratulate the Senator for bringing them into the bill in this area. As he has said, we have included in the Green Thumb program elderly people who want to go out and plant trees and improve our environment or participate in programs for the mentally retarded and others. It is a vast human resource that we have not utilized to fullest capacity. This bill is a step in the right direction.

Mr. NELSON. I thank the Senator.

AMENDMENTS NOS. 413, 414, AND 415

Mr. BUCKLEY. Mr. President, I call up my amendments, Nos. 413, 414, and 415.

The PRESIDING OFFICER. The amendments will be stated.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendments will be printed in the RECORD.

The amendments, ordered to be printed in the RECORD, are as follows:

AMENDMENT No. 413

On page 11, line 9, after the word "children," insert the following: "whose parents or legal guardians shall request them".

AMENDMENT No. 414

On page 71, between lines 14 and 15, insert the following:

"Sec. 588. Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, or physical development of their children. Nor shall any action of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which is otherwise provided by law."

AMENDMENT No. 415

On page 71, between lines 14 and 15, insert the following:

"Sec. 587. Nothing in this Act shall be construed or applied in such a way as to authorize the use of any child in any research or experimentation without the prior, informed, written consent of the parents or legal guardians of such child."

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. BUCKLEY. I do ask unanimous consent that they be considered en bloc.

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

Mr. BUCKLEY. Mr. President, I send to the desk modifications to the language in amendment No. 414 and amendment No. 415 to reflect some changes to which my colleagues from Wisconsin, Montana,

and the senior Senator from New York have agreed. I think we may suspend with the reading of the modification.

The PRESIDING OFFICER. The amendments are so modified.

Amendment No. 414, as modified, is as follows:

On page 71, between lines 14 and 15, insert the following:

"Sec. 588. Nothing in this title shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, or physical development of their children. Nor shall any section of this title be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which is otherwise provided by law."

Amendment No. 415, as modified, is as follows:

The Secretary is directed to establish appropriate procedures to ensure that no child shall be the subject of any research or experimentation under this title other than routine testing and normal program evaluation unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to expect such child therefrom.

Mr. BUCKLEY. Mr. President, the purpose of these amendments is to make sure adequate safeguards are inserted in the statutory language to eliminate any possible extension in the interpretation of the child development section to make sure the sections will not be interpreted to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians in the upbringing of their children. I think this tightens the provisions to this end.

I express appreciation to my colleagues for their cooperation in reaching agreement on these proposed amendments. I ask that the amendments be voted on en bloc.

Mr. JAVITS. Are we dealing with two or three amendments?

Mr. BUCKLEY. Three amendments. One of them did not need modification. That was amendment No. 413.

Mr. JAVITS. I see no objection to these amendments. We have worked them out with our colleagues, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, does the Senator from New York have some slight addition to make to amendment 415?

Mr. BUCKLEY. I sent that language to the desk. I believe the senior Senator from New York has it.

Mr. NELSON. Mr. President, I have looked at these three amendments which are being acted upon en bloc and I have discussed them with the staff and the senior Senator from New York, who is the senior minority leader on our committee. We find that they are acceptable. I think that they are declaratory of what the intent of the bill is, but they do in fact spell out sharply what I believe the intent of the bill is, and I find the amendments, as far as I am concerned, perfectly acceptable.

Mr. JAVITS. Mr. President, if the Senator will yield to me, as the Senator says,

it is quite difficult on the floor to work out the precise language of what we might want. The only implication I wish to rebut—and I beg my colleague from New York to listen to me—is the clause which he is affecting in amendment No. 413, on page 11, line 9, which reads as follows:

and should be available as a matter of right to all children whose parents or legal guardians shall request them regardless of economic, social, and family backgrounds.

I wish it understood that that is a negative provision in such reference to economic, social, and family backgrounds, and that it will not embarrass us in the fact that we cannot possibly reach all children regardless of economic, social, and family backgrounds whose parents or legal guardians may request services. We simply will not have enough money to do such a job.

In addition, there are priorities among classes of children, among various parts of the child development program, as, for example, the economically disadvantaged.

But we view the fundamental thrust of the Senator's amendments to be that we are not abrogating rights of privacy, rights of control by parents over their children or of legal guardians over their wards, and that we are not in any way affecting moral responsibilities which are parallel. We think what the Senator has suggested will accomplish what we have in mind, but we would not wish any implication to come in here that if we cannot meet the standards for everybody, then we cannot meet them for anybody. I am sure the Senator does not have that in mind.

Mr. BUCKLEY. I thank the Senator for that clarification. That is exactly my intention. I appreciate his putting those remarks in the RECORD.

Mr. NELSON. Mr. President, I yield back my time.

Mr. BUCKLEY. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing on the amendments, as modified, en bloc.

The amendments, as modified, were agreed to en bloc.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. NELSON. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I intend to vote against S. 2007, the Economic Opportunity Amendments of 1971.

I had hoped to support an extension bill authorizing funds for the Office of Economic Opportunity this year. However, a number of subjects within S. 2007 force me to take a stand against the bill. Before I discuss some of the unfortu-

nate and poorly devised subject areas within this bill, I would like to make some general observations on the directions and goals of the programs carried out under the Economic Opportunity Act.

Mr. President, I am pleased by the actions thus far taken by President Nixon in reforming the Office of Economic Opportunity. No doubt the original proponents of OEO had laudable objectives in mind when this Government agency came into existence in the 1960's. However, it has been clear to many that the Office of Economic Opportunity has lacked the ability to coordinate a massive Federal effort against the causes of poverty. Much of this problem was caused simply by the fact that a new agency was unable to effectuate a clear response to the desires of the poor because of the typical bureaucratic syndrome which follows the birth of every new Government agency.

President Nixon has recognized the need for reforming OEO so that it may coordinate the Federal Government's effort in the fight against poverty. Through cooperation with the Congress and various domestic departments engaged in similar efforts, many of the programs originally formulated under the Economic Opportunity Act have been transferred to other Federal agencies which have in the past exercised administrative control over such programs. At the same time, since these programs have been delegated by the Director of the Office of Economic Opportunity to various agencies, the Office of Economic Opportunity maintains a specific overall interest in the programs.

Such a formula which, for instance, has transferred administrative control of the manpower programs under the Economic Opportunity Act to the Department of Labor, relegated the Office of Economic Opportunity to a role in which maximum results can be realized. This is a role of oversight and coordination. It is not, as some have pronounced, a role of dormancy and benign neglect. It does not signal to the poor of America that the Federal Government no longer cares about their welfare.

There are those in this Congress who actually believe that the establishment of yet another superagency to deal with various sorts of domestic problems will bring about instant success in meeting the needs of our citizenry. Our current national predicament testifies to the fact that the Federal bureaucracy in Washington has for the most part failed in delivering on the promises which had previously been enunciated.

Between 1952 and 1969, governmental expenditures increased by \$169 billion. This figure means that between 1952 and 1969—prior to the \$8 billion cut in military appropriations between 1969 and 1971—outlays for defense increased 74 percent, for domestic services 420 percent: for education 489 percent, for income maintenance 694 percent, for health and hospitals 286 percent, for all other types of domestic services 299 percent. Therefore, despite the fact that three-fourths of this huge amount was allocated for domestic services and only one-fifth for national defense, it is obvious that the American taxpayer has

not reaped benefits equivalent to these outlays for domestic social services.

It has been the job of the current administration to redirect the methods used to disburse governmental social services. The President has put forth a package of domestic programs aimed at redirecting the flow of governmental power to local governments which can best administer and initiate programs that will benefit all Americans.

In anticipation of the program outlined in this year's state of the Union address, President Nixon diagnosed the failures of previous and current programs while addressing the 1969 National Governors Conference. The President said:

We confronted the fact that in the past five years the Federal Government alone has spent more than a quarter of a trillion dollars on social programs—over \$250 billion. Yet far from solving our problems, these expenditures had reaped a harvest of dissatisfaction, frustration and bitter division.

Never in human history has so much been spent by so many for such a negative result. The cost of the lesson has been high, but we have learned that it is not only what we spend that matters; but how we spend it.

Mr. President, the pending OEO bill clearly defeats the purposes of this administration's attempt at reform. It negates all of the effort that has gone into the process of evolving the Office of Economic Opportunity into an agency which can coordinate and organize through research and development the Government's fight against poverty. For many reasons the passage of this bill will signal the continuation and expansion of the problems and frustrations that have plagued OEO since its inception.

Certain provisions of the pending bill earmark funds and prohibit the Director of OEO from delegating programs and projects to other agencies of the Federal Government without the prior consent of the Congress. These will clearly force the Office of Economic Opportunity into a position in which it will compete with other governmental agencies rather than coordinate assistance. This represents a certain continuation of a policy of big government emanating from Washington that is now clearly opposed by the majority of Americans. It represents ideas that at one time might have been popular but have since been considered bankrupt insofar as their positive contribution is concerned.

Delegating certain programs to other agencies and allowing the Office of Economic Opportunity to have a research and development role has allowed for a number of clear successes. In my own State, I believe the statement can be made that the Headstart program and the manpower components of the Operation Mainstream program have realized a great deal of success. One of the Mainstream programs, the Green Thumb program which is designed to assist our elderly citizens in finding part-time employment in rural areas, is so popular that there are over 80 counties in the State that have expressed an interest in having the program instituted in their area. While enacted within the Economic Opportunity Act, the Mainstream program is administered by the Department of Labor, the agency most fitted for manpower-related programs.

This bill intends to eliminate the research and development functions of the Office of Economic Opportunity and give that agency direct program responsibility. For just this reason, I can no longer see any justification for the continuation of the Office of Economic Opportunity. There is no rationale for expanding the role of a governmental agency that will work in direct competition with other branches of the Federal bureaucracy. If the American people are to ever believe in the positive contribution of many of these Federal domestic social service programs, there must be a reduction in the bureaucracy for the sake of bureaucracy, and an increase in governmental coordination which results in program success.

Furthermore, S. 2007 contains a number of provisions that should be dealt with separately and should not be tied to the Economic Opportunity Act. For instance, the Comprehensive Child Care Development Act was added as title V of the pending bill. Because of its direct relationship with the issue of welfare reform, I do not believe that this subject should be considered as part of the OEO extension bill. It seems entirely unreasonable that the Senate should consider this new subject before we decide whether or not changes will be made in our welfare system.

Mr. President, in closing I would like to make a few comments on the national legal services program. To begin with, alternate legislation on this most important matter has already been introduced, and therefore, the subject should be taken up separately. Furthermore, I have some strong reservations about the mechanics of the various proposals which have been discussed during the deliberations on this bill.

I have supported in the past the concept of a legal services program designed to help the poor to deal with the complex problems that face them in modern times. Specifically, landlord and tenant cases are of particular significance to those in our Nation who cannot readily avail themselves of proper legal counsel. Likewise, there are other areas of the law where ready access to counsel can be of prime importance to those who cannot otherwise afford it.

Nevertheless, I am very concerned about the current proposals that would place the legal services program in an independent status, free from nearly all executive control. There have been a wide variety of abuses of the legal aid program even where it has been under the control of the executive branch. This is particularly so in Dallas and El Paso in my State. I fear that if an independent bureaucracy is created, no matter who appoints the members of the Board of Directors, that the current problems of this program will only be compounded. I, therefore, oppose both concepts that have been put forth. In fact, if the legal aid program is to continue at all, I believe that its operating spectrum must be more narrowly defined to preclude the abuses that have been prevalent in the past. I do not believe that the creation of still another layer of Federal bureaucracy will help the cause of the poor who are desirous of legal counsel.

Again, I must state my strong opposition to the pending bill as it was reported out of the committee. Moreover, should the bill pass the Congress in the present form, I believe the President will have just cause for vetoing it and sending it back to the Congress for further consideration with the hope that the unfortunate aspects of the bill will be corrected.

ORDER FOR INSERTION OF STATEMENT BY SENATOR FULBRIGHT

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the distinguished Senator from Arkansas (Mr. FULBRIGHT) may be permitted to insert a statement concerning the OEO bill following adjournment today.

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

Mr. FULBRIGHT. Mr. President, I want to offer my strong support for S. 2007, to extend the Economic Opportunity Act for fiscal years 1972 and 1973. As one who worked enthusiastically for this legislation at its inception in 1964, I am particularly encouraged that the Committee on Labor and Public Welfare was unanimous in reporting the bill to the Senate, and I commend the committee for its outstanding work.

S. 2007 is designed to extend for 2 years the programs authorized in the 1964 Act. These include programs such as health and medical assistance, family planning, job placement, alcohol and drug counseling and rehabilitation, and Headstart. In addition, it revises programs in four special areas—comprehensive child care, legal services for the poor, employment and training for young men and women, and community economic development. The various programs authorized in the original legislation, and on which the Senate will very shortly vote to continue, have for the most part enjoyed notable success. These programs were imaginatively conceived and have been effective in alleviating the problems of both rural and urban poverty.

I stated during our debate in 1964:

It is not the purpose or function of this legislation to give material goods to those who have little. It is not a program of charity which will only temporarily release the symptoms of poverty. Its only gift to its beneficiaries is opportunity—opportunity in the form of useful work, vocational training, basic education, literacy training and creation to underwrite their own enterprises. Without initiative and effort by their participants the programs authorized by this bill will have no success.

Mr. President, I can think of no better way to express the success of these programs in Arkansas than to share with the Senate the correspondence I have received from my constituents who deal with these programs on a daily basis and at the local level. I believe it is significant that the several hundred communications I have gotten from Arkansas have unanimously supported the continuation of these OEO programs. While I will not burden the record with all of these letters, I do ask unanimous consent, Mr. President, to include at this point in the RECORD a sampling of typical letters I have received from throughout our State.

There being no objection, the letters

were ordered to be printed in the RECORD, as follows:

KINGSTON, ARK., June 11, 1971.

Senator J. W. FULBRIGHT,
U.S. Senate Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: This letter is a plea for your vote in the affirmative on the issue of re-funding the O.E.O. project, one that has meant a great deal to the people of this rural area in Arkansas.

In this remote hill section we have benefited in numerous ways from the programs financed by this plan. There have been numerous classes, among them those on nutrition, sewing, art, furniture upholstery, human relations, these in addition to the various recreational and social functions which have been made available to young and old alike.

The withdrawal of O.E.O. would be a very great loss to this community.

Sincerely,

Mrs. NORMAN L. PAULSON.

JONESBORO, ARK.

Senator J. W. FULBRIGHT,
Senate Office Building, Washington, D.C.:

Senator Fulbright, the Arkansas League of Women Voters urges you to vote for S2007 Extension of the Economic Opportunity Act without any weakening amendments.

Mrs. RANDAL WHEELER,
President, Arkansas League of Women Voters

OZARK, ARK., September 3, 1971.

Hon. J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: Some of our mutual friends here in Ozark, Franklin County, Arkansas are vitally interested in the passing of Senate Bill No. 2007.

I would sincerely appreciate anything that you can do in behalf of this bill.

With kind personal regards,

Sincerely,

JETA TAYLOR.

OZARK, ARK., August 31, 1971.

Hon. J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I am the secretary of Jeta Taylor, Attorney of Ozark, Arkansas, whom you know well. Mr. Taylor and I greatly admire you for the many good things that you have done and are doing for the State of Arkansas as our Senator.

I am very interested in the Child Development Programs of our state. My heart goes out to the children that are under privileged not only financially but also lacking the love and companionship of a good family home life.

I have a daughter in the Ozark Child Development Center which is operated through ARVAC, Inc. of Dardanelle, Arkansas. This program covers an eight county area and receives Federal Funds.

I have worked with the program for the last four years and I have had the privilege to see the benefit that this program has been to many children.

Unless our Federal Funds are increased or other measures are taken we will have to decrease the number of centers that are now operating as well as the number of children we can serve. The additional funds are needed for necessities of these children.

This program is not a babysitting service. This program gives these children a base on which to build their lives so they will be able to accept their responsibility as the future leaders of our nation.

Please do everything possible in keeping this program going in the rural areas and also give all the support you can to Senate Bill No. 2007.

Your consideration in this matter is deeply appreciated.

Sincerely,

(Mrs.) EVA PATTON.

SILLOAM SPRINGS, ARK., June 11, 1971.
Senator BILL FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: This letter is written in hopes of encouraging continuance of the O.E.O. program, particularly through the local community centers.

In Siloam Springs, the center has been an agency through which one can receive both immediate and long-range help. The value of personal contact between the director and the recipient should not be underestimated. Personal contact helps bridge the often-seeming insurmountable gap between the government, society at large, and the individual.

It has meant enough temporary economic relief to foster growth of a natural desire to be productive, and is a growing need for man to see himself as a worthwhile human being, rather than a mere statistic.

Thank you for the opportunity to speak to you.

Sincerely,

BOB HENRY,
Mayor, Siloam Springs, Ark.

MADISON COUNTY
PUBLIC HEALTH CENTER,
Huntsville, Ark., June 8, 1971.

Hon. J. W. FULBRIGHT,
Senate Office,
Washington, D.C.

Hon. J. W. FULBRIGHT: It is my understanding that the OEO program is being cancelled out by a decision made in Washington. If such an act is permitted, I feel it will be one of the most dreadful losses to the people of our country.

Here in Arkansas, especially in my own county, I have seen great help given to the needy and progress has been reported everywhere as a result.

The gardening program alone, especially here in rural areas, has been a tremendous help. People who could raise a garden but had no means to have it plowed up, have accomplished a great deal by having fresh vegetables and also have prepared themselves for this winter by freezing and canning goods.

This a help to the government because if there is no malnutrition, there will be better health and less patients on medicare programs. This is a fact presented by only one of OEO's programs although there are many more beneficial programs which are too numerous to mention.

Believe me that if OEO is cancelled, it will hurt many, many people. I for one feel that would be the best way to turn the people against our present administration. Among all the programs offered by our government to help the elderly and needy, OEO has done the most.

Any effort on your part to keep this program going will be an endeavor greatly appreciated and will be remembered always.

Please accept my note of confidence when I say that I feel you are the person most qualified to help the people in this matter.

Sincerely,

Mrs. LUCILE LEWIS,
Public Health Nurse.

DARDANELLE, ARK., August 16, 1971.
Hon. J. W. FULBRIGHT,
Senator from Arkansas,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: The proposed 100,000 population communities to operate Head Start and Child Development programs is undemocratic. It is the smaller communities that have the greatest needs due to the lack of cultural enrichment programs and facilities.

Unless the 62.5 million is earmarked for Emergency Food and Medical Services program I believe it will be impossible to meet the needs of the disadvantaged at the present level.

Your influence and support to defeat the amendments to S. 2007 will be greatly appreciated.

We do appreciate your interest and efforts in helping to strengthen our anti-poverty programs.

Sincerely,

ELTON TONEY,
Director for Operations, ARVAC, Inc.

THE FIRST NATIONAL BANK,
GREEN FOREST, ARK.,
June 22, 1971.

Senator WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: The C.A.P. Day Care program means so much to Green Forest. It is being conducted in a splendid way. I sincerely hope this program will be continued in our community.

Yours truly,

NANCY RATZLAFF,
BERRYVILLE, ARK.,
June 16, 1971.

Senator J. W. FULBRIGHT,
Washington, D.C.

DEAR SENATOR: I have heard the O.E.O. program was being discontinued.

As operator of a small country store and dealing daily with the people of the district I feel the service of the community center and day care center would be greatly missed.

Many of my friends and associates of all ages have benefited from O.E.O. service.

Young working girls with young children can go to their jobs much more relaxed knowing their children are in good hands. Older people who don't have transportation to pay bills and trips to the doctors office appreciate the courtesy and help from the community center workers.

People of all ages enjoy the community center social activities as well as instructions in different crafts.

I can't think of a replacement for this agency that would be any better and I am afraid it would be much worse.

Yours truly,

MATTIE ROBERTS.

BENTONVILLE, ARK., June 11, 1971.

DEAR SIR: I am writing in regard to the O.E.O. I am the Chief of Police in Bentonville, Arkansas, and my office is located across the hall from the Community Center, (a branch of O.E.O.). We work closely, and I think I am qualified to say that the O.E.O. does a lot of good. Almost every day, I come in contact with people that are hungry or need help in various other ways, and when I send them to the Community Center, they always try to help them if possible. They help these people buy food, find jobs, and even help them find places to live. They work with these people and encourage them to stay at their jobs and give them a little boost every now and then, so that they can stay off welfare. If it wasn't for the O.E.O. I think that more and more people would rely on welfare than ever before. I feel that these people need O.E.O. as much as they need the Police Department, the Fire Station, or our hospitals. It is a necessary part of the community. Won't you please support O.E.O.?

Sincerely,

CRAIG HOLT,
Chief of Police.

SILLOAM SPRINGS, ARK., June 10, 1971.
Senator BILL FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I am writing in regard to the O.E.O. program. In Siloam Springs the O.E.O. agency has a working

partnership with every segment of the total community. It involves not just local government, but schools, churches, businesses, industry, civic groups and individual citizens. It is a growing need in our area.

You do know the condition of our people. A very large percentage of the local people are of limited education but are proud and industrious, so the O.E.O. is the one link they have for someone to take the time to explain and help. I feel this way should be expanded.

I am asking your support of legislation in hopes of encouraging continuance of the O.E.O. program, which I think can strengthen the country through strengthening her people.

Thank you for the opportunity to speak to you.

Sincerely,

Mr. C. W. CHRYSLER,
Executive Director, Housing Authority,
of the City of Siloam Springs, Ark.

Mr. FULBRIGHT. Mr. President, numerous amendments have been proposed on the floor, most of which would have had the effect, in my opinion, of weakening this legislation as reported by the committee. I am pleased that the Senate, in its judgment, has seen fit to reject every amendment offered during this debate, for I believe it reflects the recognition of the enormous benefit that economic opportunity activities have brought to the rural and urban communities of this country.

Mr. NELSON. Mr. President, I yield back the balance of my time on the bill.

Mr. JAVITS. Mr. President, I yield back the balance of the minority's time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

If there be no further amendment to be offered, the question is on the third reading of the bill.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Indiana (Mr. HARTKE). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. MAGNUSON), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from

Alabama (Mr. SPARKMAN), are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Montana (Mr. MANSFIELD) and the Senator from Utah (Mr. Moss), are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), and the Senator from Washington (Mr. MAGNUSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from New Jersey (Mr. CASE), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from Delaware (Mr. BOGGS), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Wyoming (Mr. HANSEN), the Senator from Idaho (Mr. JORDAN), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from Nebraska (Mr. HRUSKA) and the Senator from Iowa (Mr. MILLER) are absent to attend the funeral of the Honorable Bourke B. Hickenlooper.

The Senator from Kentucky (Mr. COOPER), the Senator from South Dakota (Mr. MUNDT), and the Senator from Vermont (Mr. PROUTY) are absent because of illness.

The Senator from Alaska (Mr. STEVENS) is detained on official business.

If present and voting, the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from New Jersey (Mr. CASE), the Senator from Kentucky (Mr. COOPER), the Senator from Hawaii (Mr. FONG), the Senator from Iowa (Mr. MILLER), the Senator from Alaska (Mr. STEVENS), and the Senator from Maine (Mrs. SMITH) would each vote "yea."

The result was announced—yeas 49, nays 12, as follows:

[No. 220 Leg.] YEAS—49

Beall	Hughes	Pearson
Bentsen	Inouye	Percy
Brooke	Jackson	Proxmire
Cannon	Javits	Randolph
Chiles	Jordan, N.C.	Ribicoff
Church	Kennedy	Roth
Cook	Mathias	Schweiker
Cranston	McClellan	Spong
Dole	McGee	Stevenson
Eagleton	McGovern	Symington
Ellender	McIntyre	Taft
Fulbright	Metcalf	Talmadge
Gambrell	Moncalle	Tunney
Gravel	Montoya	Welcker
Griffin	Nelson	Williams
Hart	Packwood	
Hatfield	Pastore	

NAYS—12

Allen	Ervin	Long
Brock	Fannin	Stennis
Buckley	Goldwater	Thurmond
Byrd, Va.	Gurney	Tower

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Byrd of West Virginia, against.

NOT VOTING—38

Aiken	Curtis	Miller
Allott	Dominick	Moss
Anderson	Eastland	Mundt
Baker	Fong	Muskie
Bayh	Hansen	Pell
Bellmon	Harris	Prouty
Bennett	Hartke	Saxbe
Bible	Hollings	Scott
Boggs	Hruska	Smith
Burdick	Humphrey	Sparkman
Case	Jordan, Idaho	Stevens
Cooper	Magnuson	Young
Cotton	Mansfield	

So the bill (S. 2007) was passed, as follows:

S. 2007

An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic 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 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) \$8,000,000 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 25 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 whose parents or legal guardians shall request them 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 the total number of economically disadvantaged 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 reservations 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 such 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 amounts 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 children 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), and (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 chil-

dren 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. 512. 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 acquisition 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, maintaining, 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 kindergarten 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 nonprofit agency or organization, meeting the requirements 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 sponsorship 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, supervising, 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.

"(1) (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 of 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 (1), 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 (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 employ-

ment 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 (c) of this section, promulgate a common set for 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) Such standards shall be no less comprehensive than the Federal Interagency Day Care Requirements as approved by the Department of Health, Education and Welfare, the Office of Economic Opportunity, and the Department of Labor on September 23, 1968.

"(c) 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 recommendation 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 results 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 (including other Government agencies), organizations, and institutions, and to enter into contracts with private agencies, organizations, institutions, and individuals.

"(c) In carrying out this section, the Secretary shall give priority to providing financial assistance for child development programs carried out by multicounty local development districts established for purposes of the Appalachian Regional Development Act of 1965, as amended, or title V of the Public Works and Economic Development Act of 1965, as amended.

"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 ensure 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 Virginia 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 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, Orien-

tal, 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 reimbursements, 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.

"SEC. 587. The Secretary is directed to establish appropriate procedures to insure that no child shall be the subject of any research or experimentation under this title other than routine testing and normal program evaluation unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to except such child therefrom.

"SEC. 588. Nothing in this title shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, or physical development of their children. Nor shall any section of this title be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which is otherwise provided by law."

(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 the following new title:

"TITLE VII—COMMUNITY ECONOMIC "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 business 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,' 'combined 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 community 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 in

vestments 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 effecting 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 families 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 eligible 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 date 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 feasibility 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' (hereinafter 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 Attorneys 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 (c) 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 Lawyers 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 directors first taking office appointed by the President shall ex-

pire, 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 section (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(e)(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, including 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 con-

cerning 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 Corporations 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 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 ensure 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 by-laws, 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 charges 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 conditions 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.

"(e) (1) Each grantee or contractee, other than a recipient of 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 insure 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) Collective 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 PROGRAM 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 profit-making 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, or such other qualified nonprofit organizations active in the field with access to appropriate recreational facilities as the Director shall determine in accordance with regulations which he shall prescribe. Each such grant or contract and subcontract with participating institutions of higher education or other qualified organizations active in the field 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 per 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 or other qualified organizations active in the field located conveniently to such areas of poverty and the students and personnel of such institutions or organizations active in the field 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 255(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.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. GRIFFIN. Mr. President (Mr. ROTH), I take the floor at this time to inquire of the distinguished acting majority leader if he would advise us concerning the program for the rest of the day and the rest of the week.

Mr. BYRD of West Virginia. Mr. President, before responding to the inquiry, may I take this occasion to express my commendations to the very distinguished Senator from Wisconsin (Mr. NELSON) on his exemplary handling of the measure which has just been passed by the Senate. I would never have thought that this measure could have been passed in less than a day and a half, which has been the case. Heretofore, it has required several days. I think it is a tribute to his generalship, to his thoroughness, to his knowledge of the contents of the bill, to his expertise, to his genuine good nature, and to the splendid cooperation he has given to the leadership and to all Senators in the effort to expedite the handling of the matter.

May I also compliment the distinguished Senator from Ohio (Mr. TAFT) who offered several amendments. May I thank him, on behalf of the majority leader, for his splendid cooperation in agreeing to time on each of those amendments.

While compliments are being appropriately expressed, may I salute the distinguished Senator from New York (Mr. JAVITS) on the efforts he has put forth to expedite the bill. May I compliment all Senators who had amendments, and certainly the leadership on the minority side, for its splendid cooperation in the matter. Regardless of one's viewpoint regarding S. 2007, I pay just tribute to the manager of the bill and all those Senators who had a part in the floor work yesterday and today. Theirs was a job well done.

Mr. NELSON. Mr. President, I thank the distinguished Senator from West Virginia for his kind remarks. It was possible to mark up this bill, which has substantial, creative changes in it, to get it to the floor of the Senate and acted on in a day and a half, because of the bipartisan manner in which the Subcommittee on Poverty operates and the bipartisan way in which the full Committee on Labor and Public Welfare itself works.

The distinguished Senator from New York (Mr. JAVITS), as the ranking member of the full committee, along with the rest of the Republican members on the committee, have been most cooperative in working out all differences of opinion. The objective of the committee at all times has been for the parties with opposing viewpoints to reach a constructive compromise, and that was done.

I have never served on a committee on which members of the other party were more cooperative and constructive in their efforts than in the Committee on Labor and Public Welfare. I emphasize that it would not have been possible to work out the legislation without the cooperation of the minority members.

I also wish to say that the minority

staff and the majority staff have been most helpful and creative in drafting and redrafting sections of the bill, in preparing the hearings, and assisting the committee in developing a sound and well drafted bill, as well as a good committee report.

Mr. President, I wish also to commend and to thank those staff members who have worked with us in the development of this bill, particularly William R. Bechtel, Richard E. Johnson, William Spring, Sidney Johnson, Bertram Carp, Steven Engelberg and Jonathan R. Steinberg for the majority, and John Scales, and Richard D. Siegel for the minority.

Mr. President, I also wish to express my gratitude to the distinguished Senator from West Virginia for his kind remarks.

Mr. JAVITS. Mr. President, any statement about the handling of this bill must include the name of the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) who was here yesterday in my absence and did, from all accounts, a brilliant job on the amendments and their timing, and the votes thereon. As the ranking member on the subcommittee, I am proud of the work he did.

Let me also mention the name of John K. Scales, the minority counsel on this particular subcommittee, who labored nights and days and weekends to do his part in what the distinguished Senator from Wisconsin (Mr. NELSON) has appropriately described as a monumental job by the staff, whose names he has spread on the record, including Mr. Johnson, Mr. Spring, and Mr. Bechtel of the subcommittee staff, and Mr. Johnson, Mr. Carp, and Mr. Engelberg who have assisted Senator MONDALE. I am very grateful to my colleagues for the fine work they did.

Mr. NELSON. Mr. President, I join the distinguished Senator from New York (Mr. JAVITS) in saying that the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) did a magnificent job in assisting in the explanation and the handling of the bill on the floor of the Senate yesterday when Mr. JAVITS was necessarily absent.

Mr. CRANSTON. Mr. President, I join in the tributes paid to the Senator from Wisconsin (Mr. NELSON), floor manager of the bill and the chairman of the subcommittee on Employment Manpower, and Poverty, for his tremendously marvelous handling of the bill through the subcommittee, the full committee, and now the entire Senate, so ably and effectively assisted by the Senator from Minnesota (Mr. MONDALE), and the Senator from New York (Mr. JAVITS). The Senator from Pennsylvania (Mr. SCHWEIKER) who was for the first time acting on the Senate floor in the role of ranking minority member of the Employment Manpower and Poverty Subcommittee on a major poverty measure, also had a great deal to do with the effective and expeditious handling of the bill, as did the Senator from Ohio (Mr. TAFT). Although the Senator from Ohio and I differed on certain amendments, his cooperation speeded the measure through the Senate, and he has been a vigorous champion of the committee provisions on

legal services which he was so instrumental in developing.

I wish to pay tribute to another who also had a great deal to do with the expeditious handling of the bill. That Senator is the acting majority leader, the Senator from West Virginia (Mr. BYRD), who was enormously helpful in moving the bill so rapidly through the Senate. Finally, we must recognize the contributions made to the handling of the bill by the chairman of the Labor and Public Welfare Committee, the Senator from New Jersey (Mr. WILLIAMS).

I also call attention to and commend the outstanding staff work of the majority staff of the Subcommittee on Employment, Manpower, and Poverty, William Bechtel, Richard Johnson, and William Spring, and the members of the minority staff, John Scales and Marty Klein, along with the staff members assisting the Senator from Pennsylvania (Mr. SCHWEIKER), Dick Siegel, and the Senator from Minnesota (Mr. MONDALE), Sid Johnson, Bert Carp, and Steve Engelberg, not to mention Jon Steinberg of my subcommittee staff who, I think, all worked night and day for many hours on the important substance of this measure program.

Mr. BYRD of West Virginia. Now, Mr. President, with apologies to the distinguished junior Senator from Michigan—

Mr. GRIFFIN. Mr. President, let me say to the distinguished acting majority leader that if I were not so anxious to get back to the dining room to rejoin the three astronauts, with whom I am having lunch, I would speak for 5 minutes or more about the work of those who have managed the bill on both sides of the aisle as well as others who have participated in the debate.

However, let me say that I join in the tributes already extended by the acting majority leader.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished assistant minority leader, and now, with apologies to him, I respond to his inquiry.

The Senate will adjourn before too much longer—

Mr. CRANSTON. Mr. President, would the Senate from West Virginia yield so that I may comment on the comments which have just been made regarding the just-passed bill?

Mr. BYRD of West Virginia. Let me continue first, if the Senators please, and then I will ask that the able Senator's remarks appear in the RECORD at the appropriate place with those just made.

Mr. STENNIS. Mr. President, may we have quiet in the Chamber so that the acting majority leader may be heard?

The PRESIDING OFFICER (Mr. ROTH). The Senate will please be in order.

Mr. BYRD of West Virginia. I thank the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. President, the Senate will convene tomorrow at 10 a.m. Immediately following the recognition of the two leaders, or their designees, under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the stated order:

Senators JACKSON, DOLE, PERCY, and COOK.

Following the recognition of these Senators under the order which I shall get later, there will be a period for the transaction of routine morning business, not to exceed 15 minutes, with statements therein limited to 3 minutes; following which the Senate will resume consideration of the so-called military procurement bill, H.R. 8687, which I expect to ask the Chair to lay before the Senate and make the pending business before I yield the floor today.

I have discussed this matter at considerable length with the very distinguished Senator from Mississippi (Mr. STENNIS), who is the chairman of the Committee on Armed Services and who will be the manager of the bill on the floor. In view of those consultations with the Senator from Mississippi, I am inclined to announce that there will be no more rollcall votes today, and that tomorrow will be consumed with respect to opening statements on that legislation. Therefore, Senators need not expect any rollcall votes on tomorrow.

The Senate will adjourn tomorrow, at the close of business, until 10 a.m., on Monday morning next.

In accordance with the wishes of the distinguished majority leader, and in accordance with the arrangements which he made some days ago, the Senate, on Monday next, will proceed to the consideration of the conference report on the extension of the draft. The unfinished business, of course, will continue to be the military procurement bill.

It is anticipated that rollcall votes may occur at any time on any day next week.

The distinguished majority leader indicated also, some time ago, that the Senate might anticipate sessions on Saturdays after this weekend.

Mr. STENNIS. If the Senator will yield so that I may respond briefly to the Senator's remarks about the setting of the military procurement bill, I commend the Senator and the Senate for disposing of the other bill. We are ready to present the military procurement bill. I think it will save time for the Senate, though, later—I am sure it will, if the committee is given the opportunity on the first day to present the overall picture of what is in the bill and the pertinent parts of the report, and such other remarks as the subcommittee chairman, as well as the chairman of the full committee may see fit to make on the overall subjects—and down to the detail level, too.

So, Mr. President, we will be ready tomorrow, when we get to the bill, and if anyone in opposition to it wishes to speak, that will be all right and they will have an equal opportunity to state their views.

Mr. FULBRIGHT. Mr. President, I join my colleagues in commending the leadership, as well as the manager of the bill which has just been passed, on the efficient and excellent way it was handled.

With regard to the military procurement bill coming up, on behalf of the distinguished Senator from Missouri (Mr. SYMINGTON) and myself, he is intensely interested in some aspects of it, as I am, and we wanted to make the request of the leadership that with re-

gard to any anticipated unanimous consent request on votes on the bill or amendments, certainly those in which we would be interested, that we have positive notice of it.

I know it is difficult for the leadership because we are sometimes in committee meetings or not on the floor. However, this is an extremely important bill. By this I do not mean in any way to criticize the leadership for the unanimous consent procedure. I think on most bills it is entirely in order and entirely proper and the most efficient way in which to handle it. However, there are certain bills that involve vast sums of money in which we want to be very sure that we are not precluded from offering amendments.

I hope that is the understanding of the leadership.

Mr. BYRD of West Virginia. Mr. President, it will be the understanding of the leadership. The leadership will certainly keep the wishes of the distinguished junior Senator from Arkansas in mind. The Senator from Arkansas has also included in the request the name of the distinguished senior Senator from Missouri (Mr. SYMINGTON).

Mr. FULBRIGHT. The Senator is correct. I have discussed it with him, and he makes the same request.

Mr. BYRD of West Virginia. The Senator can be assured that any unanimous consent requests concerning amendments of interest to him or to the senior Senator from Missouri will certainly be discussed with them before such requests are presented to the Senate.

Mr. FULBRIGHT. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, I might say, in that connection, that the distinguished Senator from Wisconsin (Mr. NELSON) has four amendments to the military procurement bill. He has already indicated his agreement to enter into a unanimous-consent agreement with respect to each of his four amendments, with 1 hour to be allotted to each. The Senator from Mississippi (Mr. STENNIS) has indicated his consent with respect thereto.

UNANIMOUS-CONSENT REQUEST

If the Senator from Arkansas would not think it inappropriate at this time, I would now ask unanimous consent that there be a time agreement with respect to those four amendments only, so that at such time as the Senate reaches those four amendments they would be under a time limitation.

Mr. FULBRIGHT. I am not aware of the substance of the four amendments to which the Senator refers. If they do not involve the subject in which I am interested, I would have no objection. However, I am not aware of the substance of the amendments.

Mr. BYRD of West Virginia. Very well. I will not seek a unanimous-consent agreement at this time, inasmuch as I cannot inform the able Senator as to their exact nature.

Mr. FULBRIGHT. If they cover the same subject in which the Senator from Missouri is interested, we would have objection. We do this with the intention of having flexibility on certain amendments that deal with certain subjects.

Mr. BYRD of West Virginia. The Senator's wishes will be respected.

ORDER FOR ADJOURNMENT TO 10 A.M. MONDAY, SEPTEMBER 13, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 10 o'clock on Monday morning next.

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

MILITARY PROCUREMENT APPROPRIATION AUTHORIZATIONS, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent at this time, for the purpose of making it the pending business—and with the understanding that has already been expressed—that the Senate proceed to the consideration of Calendar No. 355, H.R. 8687.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

Calendar No. 355, H.R. 8687, a bill to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

The Senate proceeded to consider the bill which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1972 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, \$94,200,000; for the Navy and the Marine Corps, \$3,256,200,000 of which not to exceed \$801,600,000 shall be available for a F-14 aircraft program of not less than 48 aircraft; for the Air Force, \$2,989,000,000.

MISSILES

For missiles: for the Army, \$1,066,100,000; for the Navy, \$704,100,000; for the Marine Corps, \$1,300,000; for the Air Force, \$1,774,900,000.

NAVAL VESSELS

For naval vessels: for the Navy, \$3,010,600,000, of which \$14,600,000 is authorized only for advance procurement for the nuclear powered guided missile frigate DLGN-41.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, \$112,500,000; for the Marine Corps, \$63,900,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, \$193,500,000.

OTHER WEAPONS

For other weapons: for the Army, \$33,000,000; for the Navy, \$1,300,000; for the Marine Corps, \$1,000,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. (a) Funds are hereby authorized to be appropriated during the fiscal year 1972 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, \$1,818,256,000;
For the Navy (including the Marine Corps), \$2,376,869,000;
For the Air Force, \$2,910,744,000; and
For the Defense Agencies, \$451,443,000.

(b) Section 40 of Public Law 1028, approved August 10, 1956 (70A Stat. 636; 31 U.S.C. 649c) is amended to read as follows:

"Sec. 40. Unless otherwise provided in the appropriations Act concerned, moneys appropriated to the Department of Defense (1) for the procurement of technical military equipment and supplies and the construction of public works, including moneys appropriated to the Department of the Navy for the procurement and construction of guided missiles, remain available until spent, and (2) for research and development remain available for obligation for a period of two successive fiscal years."

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1972 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, \$50,000,000.

TITLE III—RESERVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1971, and ending June 30, 1972, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

- (1) The Army National Guard of the United States, 400,000.
- (2) The Army Reserve, 260,000.
- (3) The Naval Reserve, 129,000.
- (4) The Marine Corps Reserve, 45,849.
- (5) The Air National Guard of the United States, 88,191.
- (6) The Air Force Reserve, 49,634.
- (7) The Coast Guard Reserve, 15,000.

SEC. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 303. (a) Section 270(a) of title 10, United States Code, is amended by adding at the end thereof a new sentence as follows:

"However, no member who has served on active duty for one year or longer shall be required to perform a period of active duty for training if the first day of such period falls during the last one hundred and twenty days of his required membership in the Ready Reserve."

(b) Section 502(a) (2) of title 32, United States Code, is amended by adding at the end thereof a new sentence as follows:

"However, no member of such unit who has served on active duty for one year or longer shall be required to participate in such train-

ing if the first day of such training period falls during the last one hundred and twenty days of his required membership in the National Guard."

TITLE IV—ANTI-BALLISTIC MISSILE CONSTRUCTION AUTHORIZATION; LIMITATIONS ON DEPLOYMENT

SEC. 401. (a) Military construction for the Safeguard anti-ballistic missile system is authorized for the Department of the Army as follows:

(1) Technical and supporting facilities and acquisition of real estate inside the United States, \$98,500,000.

(2) Military family housing, four hundred and thirty units, \$11,070,000:
Malmstrom Safeguard site, Montana, two hundred and fifteen units,
Grand Forks Safeguard site, North Dakota, two hundred and fifteen units.

(b) There are authorized to be appropriated for the purpose of this section not to exceed \$109,570,000, of which not more than \$5,200,000 shall be available for community impact assistance as authorized by section 610 of Public Law 91-511.

(c) Authorization contained in this section (except subsection (b)) shall be subject to the authorizations and limitations of the Military Construction Authorization Act, 1972, in the same manner as if such authorizations had been included in that Act.

SEC. 402. Notwithstanding the repeal provision of section 605(b) of the act of October 26, 1970, Public Law 91-511 (84 Stat. 1204, 1223), authorizations contained in section 401 of the act of October 7, 1970, Public Law 91-41 (84 Stat. 905, 909) for the following items which shall remain in effect until fifteen months from the date of this Act and which shall be increased from \$8,800,000 to \$9,200,000.

(a) two hundred family housing units at Malmstrom Safeguard Site, Montana.

(b) two hundred family housing units at Grand Forks Safeguard Site, North Dakota.

SEC. 403. (a) None of the funds authorized by this or any other Act may be obligated or expended for the purpose of initiating deployment of an anti-ballistic-missile system at any site; except that funds may continue to be obligated or expended for the purpose of advanced preparation (site selection, land acquisition, site survey, and the procurement of long leadtime items) for anti-ballistic-missile system sites at Francis E. Warren Air Force Base, Cheyenne, Wyoming, and Whiteman Air Force Base, Knobnoster, Missouri. Nothing in this section shall be construed as a limitation on the obligation or expenditure of funds in connection with the deployment of an anti-ballistic missile system at Grand Forks Air Force Base, Grand Forks, North Dakota, or Malmstrom Air Force Base, Great Falls, Montana.

(b) Section 402 of Public Law 91-441 (84 Stat. 905, 909) is hereby repealed.

TITLE V—GENERAL PROVISIONS

SEC. 501. Subsection (a) (1) of section 401 of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"(a) (1) Not to exceed \$2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos and Thailand; and for related costs, during the fiscal year 1972 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of

such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided*, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of United States Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war."

SEC. 502. No part of the funds appropriated pursuant to this Act may be used at any institution of higher learning if the Secretary of Defense or his designee determines that at the time of the expenditure of funds to such institution recruiting personnel of any of the Armed Forces of the United States are being barred by the policy of such institution from the premises of the institution except that this section shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous grant to such institution which is likely to make a significant contribution to the defense effort. The Secretaries of the military departments shall furnish to the Secretary of Defense or his designee within 60 days after the date of enactment of this Act and each January 31st and June 30th thereafter the names of any institution of higher learning which the Secretaries determine on such dates are barring such recruiting personnel from the campus of the institution.

SEC. 503. Section 5(a) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(a)) is amended by adding at the end thereof the following new sentence: "On or after the effective date of this sentence, the President may not prohibit or regulate the importation into the United States pursuant to this section of any material determined to be strategic and critical pursuant to section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), which is the product of any foreign country or area not listed as a Communist-dominated country or area in general headnote 3(d) of the Tariff Schedules of the United States (19 U.S.C. 1202), for so long as the importation into the United States of material of that kind which is the product of such Communist-dominated countries or areas is not prohibited by any provision of law."

SEC. 504. (a) The amount of \$321,500,000 authorized to be appropriated by this Act for the development and procurement of the C-5A aircraft may be expended only for the reasonable and allocable direct and indirect costs incurred by the prime contractor under a contract entered into with the United States to carry out the C-5A aircraft program. No part of such amount may be used for—

- (1) direct costs of any other contract or activity or the prime contractor;
 - (2) profit on any materials, supplies, or services which are sold or transferred between any division, subsidiary, or affiliate of the prime contractor under the common control of the prime contractor and such division, subsidiary, or affiliate;
 - (3) bid and proposal costs, independent research and development costs, and the cost of other similar unsponsored technical effort; or
 - (4) depreciation and amortization costs on property, plant, or equipment.
- Any of the costs referred to in the preceding sentence which would otherwise be allocable

to any work funded by such \$321,500,000 may not be allocated to other portions of the C-5A aircraft contract or to any other contract with the United States, but payments to C-5A aircraft subcontractors shall not be subject to the restriction referred to in such sentence.

(b) Any payments from such \$321,500,000 shall be made to the prime contractor through a special bank account from which such contractor may withdraw funds only after a request containing a detailed justification of the amount requested has been submitted to and approved by the contracting officer for the United States. All payments made from such special bank account shall be audited by the Defense Contract Audit Agency of the Department of Defense and, on a quarterly basis, by the General Accounting Office. The Comptroller General shall submit to the Congress not more than thirty days after the close of each quarter a report on the audit for such quarter performed by the General Accounting Office pursuant to this subsection.

(c) The restrictions and controls provided for in this section with respect to the \$321,500,000 referred to in subsections (a) and (b) of this section shall be in addition to such other restrictions and controls as may be prescribed by the Secretary of Defense or the Secretary of the Air Force.

REFERRAL OF S. 2464

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from South Dakota (Mr. McGOVERN) I ask unanimous consent that S. 2464—a bill he introduced 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—be referred to the Committee on Post Office and Civil Service where other similar bills, I am told, have been referred.

The Senator from South Dakota (Mr. McGOVERN) asks for this assignment to make it possible for hearings to be held on the bill by the same committee which is holding hearings on other legislation pertaining to voter registration.

Mr. GRIFFIN. Mr. President, reserving the right to object, when the request concerning the other bills to which reference has been made, was made earlier, the junior Senator from Michigan asked unanimous consent that following consideration by the Post Office and Civil Service Committee, those bills be referred to any other committee or such other committee as they might have been or would have been referred to if the unanimous consent request had not been made.

I would make a similar request with respect to this matter. It would be my first impression that such a bill should go to the Judiciary Committee. I do not know whether the Parliamentarian would say it should go there or not. However, if it should go to the Judiciary Committee, I would ask that the acting majority leader so modify the request.

Mr. BYRD of West Virginia. That would be so that the measure would be referred to the committee normally having jurisdiction after having been referred to the Post Office and Civil Service Committee.

Mr. GRIFFIN. After it had been referred to the Committee on Post Office

and Civil Service in accordance with the request made by the acting majority leader.

Mr. BYRD of West Virginia. Mr. President, I am in no position to object to the request made by the distinguished Senator from Michigan, inasmuch as he is in a position to object to the request I have made. I do not think that the Senator from South Dakota (Mr. McGOVERN) would be constrained to oppose the suggestion made by the Senator from Michigan. So, I modify my request accordingly.

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

Mr. GRIFFIN. Mr. President, the Chair understands that the request has been modified.

Mr. BYRD of West Virginia. The request as modified is as follows: I ask unanimous consent that S. 2464, a bill introduced by the Senator from South Dakota (Mr. McGOVERN), be referred to the Committee on Post Office and Civil Service, to which other similar bills have been referred, and that if, in the judgment of the Parliamentarian, the contents of the bill are such that in the ordinary course of things, another standing committee—for example, the Judiciary Committee—would have jurisdiction, that bill, S. 2464, along with all other similar bills, be then referred—after having been reported by the Committee on Post Office and Civil Service—to the appropriate committee having regular jurisdiction over such legislation.

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

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the order previously entered with respect to the referral of S. 2464 be negated.

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

Mr. BYRD of West Virginia. Mr. President, may the RECORD show that my request, with respect to the negation of the order previously entered concerning S. 2464, was made with the approval and understanding of the distinguished Senator from South Dakota (Mr. McGOVERN).

ORDER FOR RECOGNITION OF SENATORS JACKSON, DOLE, PERCY, AND COOK TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following the recognition of the two leaders or their designees under the standing order, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: Senators JACKSON, DOLE, PERCY, and COOK.

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

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that fol-

lowing the completion of the orders previously entered for the recognition of Senators there be a period for the transaction of routine morning business tomorrow for not to exceed 15 minutes, with statements therein limited to 3 minutes.

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

ORDER TO RESUME CONSIDERATION OF H.R. 8687 TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business tomorrow the Senate resume consideration of Calendar No. 355, H.R. 8687, an act to authorize appropriations for military procurement.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATOR PROXMIRE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the remarks by the able Senator from Kentucky (Mr. COOK), the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m.

Immediately following the recognition of the two leaders or their designees under the standing order, the following Senators will be recognized each for not to exceed 15 minutes, and in the order stated: Senators JACKSON, DOLE, PERCY, COOK, and PROXMIRE.

At the conclusion of the orders for the recognition of Senators there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

At the conclusion of routine morning business, the Senate will resume its consideration of the then unfinished business, H.R. 8687, an act to authorize appropriations for military procurement.

Opening statements will be made by the manager (Mr. STENNIS) and other members of the committee.

No rollcall votes will occur tomorrow on that legislation. This will give committees of the Senate an opportunity to hold uninterrupted sessions with respect to legislation which may soon be reported to the Senate for floor action, and the joint leadership hopes that Senate committees will take advantage of that opportunity.

When the Senate completes its busi-

ness on tomorrow, it will stand in adjournment until 10 o'clock on Monday morning next.

On Monday next, in accordance with the wishes of the distinguished majority leader, the Senate will proceed to the consideration of the conference report on the extension of the draft. The unfinished business at that time will continue to be the military procurement authorization bill.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 3 o'clock and 39 minutes p.m.) the Senate adjourned until tomorrow, Friday, September 10, 1971, at 10 a.m.

EXTENSIONS OF REMARKS

RESOLUTIONS OF THE MASSACHUSETTS LEGISLATURE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. HARRINGTON. Mr. Speaker, on August 11 the Massachusetts Senate, and on August 23 the Massachusetts House of Representatives, adopted resolutions calling for the immediate cessation of all economic and military aid to the Government of Pakistan for the duration of its civil war. It is essential that public officials speak out against the atrocities being committed in Bengal with American arms, and I praise the Massachusetts Legislature for the wisdom and compassion of its action.

With this in mind, I include the texts of the resolutions:

RESOLUTIONS URGING THE PRESIDENT OF THE UNITED STATES, THE CONGRESS AND THE CITIZENS OF THE COMMONWEALTH TO TAKE ANY ACTION APPROPRIATE TO EFFECT THE SUSPENSION OF ECONOMIC AND MILITARY AID AND SALES TO PAKISTAN, WITH THE EXCEPTION OF RELIEF SUPPLIES, FOR THE DURATION OF ITS CIVIL WAR

Whereas, The people of the commonwealth are gravely concerned about the tragedy in East Pakistan and the military action of the Pakistan army which has killed an unknown number of civilians and driven more than seven million refugees to India; and

Whereas, The United States government is continuing to ship ammunition and military equipment to Pakistan for use by its army against its own civilian population and is requesting the Congress of the United States to appropriate one hundred thirty one million dollars for aid to Pakistan; and

Whereas, In providing military and economic aid to the Pakistan government when all other major aid-giving nations, except China, have temporarily suspended aid, the United States is, in effect, supporting the repressive action of the Pakistan army and its persistent brutality against a majority of that country's population; and

Whereas, American interest and the real interests of Pakistan cannot be served by continuing to assist a regime which savagely suppresses its own people, flaunts the democratic processes demonstrated in the elections of December, 1970, causes a flood of refugees to a neighboring state and threatens the peace and security of the entire Indo-Pakistan subcontinent; now, therefore, be it

Resolved, That the Massachusetts Senate urges the citizens of the commonwealth and all firms, unions and other organizations operating therein to oppose any further military aid or sales to Pakistan and to oppose further economic aid, other than food and other relief assistance distributed and monitored under international auspices, until military action ends in East Pakistan, civilian

rule is restored and a majority of the refugees are able to return to their homes; and be it further

Resolved, That the Massachusetts Senate respectfully urges the President and Congress of the United States to take any action which may be necessary to immediately suspend military and economic sale to Pakistan for the reasons hereinbefore stated; and be it further

Resolved, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

RESOLUTIONS URGING THE PRESIDENT OF THE UNITED STATES, THE CONGRESS AND THE CITIZENS OF THE COMMONWEALTH TO TAKE ANY ACTION APPROPRIATE TO EFFECT THE SUSPENSION OF ECONOMIC AND MILITARY AID AND SALES TO PAKISTAN, WITH THE EXCEPTION OF RELIEF SUPPLIES, FOR THE DURATION OF ITS CIVIL WAR

Whereas, The Commonwealth of Massachusetts is concerned about the tragedy in East Pakistan and the military action of the Pakistani army which has killed an unknown number of civilians and driven more than seven million refugees to India; and

Whereas, The United States government is continuing to ship ammunition and military equipment to Pakistan for use by the army against its own civilian population and is requesting Congress to appropriate one hundred thirty one million dollars for aid to Pakistan; and

Whereas, In providing military and economic aid to the Pakistan government when all other major aid-giving nations, except China, have temporarily suspended aid, the United States is, in effect, supporting the repressive action of the Pakistani army and its persistent brutality against a majority of that country's population; and

Whereas, American interest and the real interests of Pakistan cannot be served by continuing to assist a regime which savagely suppresses its own people, flaunts the democratic processes demonstrated in the elections of December, 1970, causes a flood of refugees to a neighboring state and threatens the peace and security of the entire Indo-Pakistan subcontinent; therefore be it

Resolved, That the Massachusetts House of Representatives urges the citizens of the Commonwealth and all firms, unions and other organizations operating here to oppose any further military aid or sales to Pakistan and to oppose further economic aid, other than food and other relief assistance distributed and monitored under international auspices, until military action ends in East Pakistan, civilian rule is restored and a majority of the refugees are able to return to their homes; and be it further

Resolved, That the Massachusetts House of Representatives memorializes the President and Congress of the United States to suspend military and economic sales on the basis as stated above; and be it further

Resolved, That copies of this resolution be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

HIGH SCHOOL ESSAY CONTEST WINNERS

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. WRIGHT. Mr. Speaker, I often worry that the deluge of newspaper and magazine articles concerning campus violence, drug addiction, and juvenile delinquency may distort our impression of young people.

In order to present an accurate perspective of the true values held by the majority of our young citizens, I am inserting below five essays written by outstanding high school students from my district. These students were the winners of the high school essay contest which I sponsor each year.

The first prize, an expense-paid trip to Washington for the student and parent or other adult chaperone, went to Linda Tyler, 7916 Laura Street, a student at Richland Senior High School, for her essay on "What Can Be Done To Curtail Drug Abuse?"

Four runners-up, each of whom received a \$25 U.S. Savings Bond, were Jerry Stanley, 3541 Wooten Drive of Southwest High School; Susan Breen, 4400 Mary's Creek Drive of Western Hills High School; Steve Tatum, 3605 Ledgeview Court of Fort Worth Country Day School; and Cornelia Sheppard, 5620 Shiloh Drive of Como High School.

The contest was open to all Tarrant County high school juniors and seniors. In addition to the individual awards, which included congressional pen and pencil sets for those gaining honorable mention, the school libraries of the five winners received clothbound copies of the 1971 Congressional Directory.

Judges were Dr. E. C. Barksdale, chairman of the history department at the University of Texas in Arlington; Mary Crutcher, executive city editor of the Fort Worth Press; and Eden Van Zandt, youth editor of the Fort Worth Star-Telegram.

Each essay was numbered and the judges did not know the identity of school or writer.

Jerry Stanley wrote of "How Can